



Administration Building
East Hearing Room
5334 S. Prince St.
Littleton, CO 80120
303-795-4630
303-738-7915 TTY
303-738-7998 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

Public Meeting

March 8, 2016

9:30 A.M.

The Board of County Commissioners holds its weekly Public Hearing at 9:30 a.m. on Tuesdays. Public Hearings are open to the public and items for discussion are included on this agenda. Items listed on the consent agenda are adopted with one vote. Items listed under regular business are considered separately. Agendas are available through the Commissioners' Office or through the County's web site at www.arapahoegov.com. Questions about this agenda, please contact the Commissioners' Office at 303-795-4630 or by e-mail at commissioners@arapahoegov.com.

CALL TO ORDER

Arapahoe County Board of County Commissioners

INTRODUCTION

Ron Carl, County Attorney
Joleen Sanchez, Asst. Clerk to the Board

ROLL CALL

PLEDGE OF ALLEGIANCE

MODIFICATION TO THE AGENDA

ADOPTION OF THE AGENDA

APPROVAL OF THE MINUTES

1. BOCC Public Meeting Minutes - February 9, 2016

Documents: [BOCC PUBLIC MEETING MINUTES 02.09.2016.PDF](#)

CITIZEN COMMENT PERIOD

Citizens are invited to speak to the Commissioners on non-agenda items. There is a 3-minute time limit per person, unless otherwise noted by the Chair.

CONSENT AGENDA

1. 2.22.2016 Warrant ACH Expenditure Report

Authorization to sign the Warrant Disbursement Register

Ron Carl, County Attorney

Documents: [2.22.2016 WARRANT ACH EXPENDITURE REPORT.PDF](#)

2. Abatement Correction

Adoption of a resolution to correct Resolution No. 160154 which contains an error in the amount of the refund on parcel number 1975-28-2-16-001 for tax year 2015

Julia McQueen, Business Analyst, Assessor's Office
Corbin Sakdol, Assessor
Ron Carl, County Attorney

Documents: [BOARD SUMMARY REPORT REV FOR MARCH 8 2016.DOC](#),
[CONSENT AGENDA MARCH 8 2016.XLS](#), [2016 RESOLUTION BOARD APPROVAL TEMPLATE.DOC](#)

3. Board of Assessment Appeals

Adoption of a resolution approving stipulations which resulted from agreements reached between the taxpayer and the County regarding a reduction in the amount of property tax owed, pursuant to the terms contained therein

Ron Carl, County Attorney
Karen Thompsen, Paralegal, County Attorney's Office

Documents: [3 MARCH 8, 2016.DOC](#), [SAMPLE BAA RESOLUTION.DOC](#)

4. C15-003; Quincy Avenue Widening Project (Copperleaf Blvd to E-470), Approval and Acceptance of Reimbursement Agreement

Adoption of a resolution for case C15-003; Quincy Avenue Widening Project (Copperleaf Blvd to E-470), Approval and Acceptance of Reimbursement Agreement from Quincy West Commercial Investors, LLC for the Quincy Avenue Widening Project- Copperleaf Blvd to E-470 for a future reimbursement of funds estimated to be \$1,096,117.00

Jon Williams, Engineer III, Transportation Division, Public Works & Development
Bryan Love, CIP Program Manager, Transportation Division, Public Works & Development
Bryan Weimer, Transportation Manager, Transportation Division, Public Works & Development
David M. Schmit, Director, Public Works & Development
Bob Hill, Senior Assistant County Attorney

Documents: [C15-003 QUINCY AVE WIDENING QUINCY WEST REIMBURSE AGREEMENT AWARD 2-26-16.PDF](#), [C15-003 QUINCY AVE WIDENING REIMBURSE AGREEMENT BOCC AWD RESO 2-27-16.PDF](#), [FINAL REIMBURSEMENT AGREEMENT.PDF](#)

GENERAL BUSINESS ITEMS

1. *PUBLIC HEARING - U15-001, Quincy Solar Garden Use by Special Review

Consideration of Case U15-001, Quincy Solar Garden, from the applicant, Sunshare LLC, requesting that the Board of County Commissioners approve a Use by Special Review for a solar garden that will be located approximately 2.3 miles east of the intersection of Watkins Road and Quincy Avenue

Sherman Feher, Senior Planner, Public Works & Development

*Jason Reynolds, Current Planning Manager, Public Works & Development
Jan Yeckes, Planning Division Manager, Public Works & Development
David M. Schmit, Director, Public Works & Development
Todd Weaver, Budget Manager, Finance
Robert Hill, Senior Assistant County Attorney*

Documents: [U15-001 BOCC STAFF REPORT AND PACKET.PDF](#), [U15-001 USR PLAN SET_REV 2 010616.PDF](#)

COMMISSIONER COMMENTS

***Denotes a requirement by federal or state law that this item be opened to public testimony. All other items under the “General Business” agenda may be opened for public testimony at the discretion of the Board of County Commissioners.**

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.

**MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS
TUESDAY, FEBRUARY 9, 2016**

At a public meeting of the Board of County Commissioners for Arapahoe County, State of Colorado, held at 5334 South Prince Street, Littleton, Colorado 80120 there were:

Nancy Doty, Chair	Commissioner District 1	Present
Nancy Jackson, Chair Pro-Tem	Commissioner District 4	Present
Nancy A. Sharpe	Commissioner District 2	Present
Rod Bockenfeld	Commissioner District 3	Present
Bill Holen	Commissioner District 5	Present
Ron Carl	County Attorney	Present
Matt Crane	Clerk to the Board	Absent and Excused
Gail Stumpo	Asst. Clerk to the Board	Present

when the following proceedings, among others, were had and done, to-wit:

CALL TO ORDER

Commissioner Doty called the meeting to order.

INTRODUCTIONS

ROLL CALL

PLEDGE OF ALLEGIANCE

MODIFICATION(S) TO THE AGENDA

County Attorney Ron Carl said Item 9, Fire Lane Resolution for Copperleaf Filing 2 Lot 1, Block 2 should be changed to Copperleaf Filing 12. Item 18 was an add on to the Consent Agenda for the Agreement for Services with Sarah Godlewski for the 2016 Leadership Workshop for a waiver of bid because the amount is less than \$25,000 and for authorization to execute the Agreement for Services in the amount of \$10,000 plus costs.

ADOPTION OF THE AGENDA

The motion was made by Commissioner Holen and duly seconded by Commissioner Jackson to adopt the Agenda as amended.

The motion passed 5-0.

ADOPTION OF THE MINUTES

The motion was made by Commissioner Sharpe and duly seconded by Commissioner Holen to adopt the minutes of the January 12, 2016 and January 19, 2016 public meeting as presented.

The motion passed 5-0.

CEREMONIES

There were no ceremonies on this date.

CITIZEN COMMENT PERIOD

There were no citizen comments on this date.

CONSENT AGENDA

The motion was made by Commissioner Holen and duly seconded by Commissioner Jackson to approve the items on the Consent Agenda as amended.

The motion passed 5-0.

GENERAL BUSINESS ITEMS

There were no general business items on this date.

COMMISSIONER COMMENTS

Commissioner Doty congratulated the Broncos and wished everyone a wonderful day celebrating the championship. She said it has been a wonderful season for all the fans.

Commissioner Sharpe also congratulated the Broncos.

There being no other business before the Board, the public meeting was adjourned by Commissioner Doty at 9:35 a.m.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

MATT CRANE, CLERK TO THE BOARD
BY GAIL STUMPO, ASSISTANT CLERK TO THE BOARD

REPORT FOR 02/17/2016 TO 02/22/2016

FUNDS SUMMARY:

FUNDS SUMMARY:

10 General Fund	311,298.48
11 Social Services	245,672.27
14 Law Enforcement Authority Dist	761.49
15 Arapahoe / Douglas Works!	12,477.50
16 Road and Bridge	3,240.57
20 Sheriff's Commissary	3,925.32
21 Community Development	12,275.29
26 Grants	33,663.61
28 Open Space Sales Tax	6,600.58
29 Homeland Security - North Cent	485.99
33 Building Maintenance Fund	16,583.54
41 Capital Expenditure	732.50
42 Infrastructure	66,555.00
44 Arap. County Water and Wastewa	1,100.00
67 Arap. Cty Building Finance Cor	550.00
70 Central Services	12,960.90
74 Self-Insurance Dental	6,690.48
84 E-911 Authority	48,735.60
	=====
TOTAL	784,309.12

FUND REPORT - EXPENDITURE TYPE

FUND 10 EXPENDITURE REPORT

A2M4SEEN LLP	Services And Other	2,254.07
A2M4SEEN LLP	Supplies	2,669.45
ADVANCED FLOOR CONCEPTS LLC	MISC.	15.00
AQUA SERVE	Supplies	43.20
ARAPAHOE COUNTY SHERIFFS	Services And Other	160.17
ARAPAHOE COUNTY SHERIFFS OFFICE	Supplies	111.46
ARAPAHOE HOUSE	Services And Other	23,333.33
ARAPAHOE/DOUGLAS	Services And Other	2,030.00
ARCHIVE360 INC	Services And Other	52,800.00
ASHLEY MILLER	Services And Other	21.06
AT&T MOBILITY II LLC	Services And Other	157.08
AURORA MENTAL HEALTH CTR	Services And Other	19,500.00
AVI SYSTEMS INC	Services And Other	320.00
BARB NELSON	Services And Other	10.69
BATTERIES PLUS	Supplies	46.76
BATTERY SYSTEMS INC	Supplies	244.71
BC SERVICES INC	MISC.	15.00
BETH A KINSKY	Services And Other	40.00
BONDED BUSINESS SERVICES LTD	MISC.	15.00
BRENDA SIMONS	Services And Other	2.43
BRIAN BOSTWICK	Services And Other	255.26
BROADWAY ASSISTANCE CENTER	Services And Other	15,000.00
BRUCKNER TRUCK SALES INC	Supplies	1,189.97
CAROLINE HOGAN	Services And Other	23.11
CARQUEST AUTO PARTS	Supplies	101.68
CDW GOVERNMENT, INC.	Supplies	123.24
CENTENNIAL PRODUCTS	Supplies	1,467.66
CERTIFIED BALANCE SERVICE INC	Services And Other	400.00
CINDY WERT	Services And Other	12.94



Board Summary Report

Date: March 8, 2016
To: Board of County Commissioners
Through: Corbin Sakdol, Assessor
From: Julia McQueen, Business Analyst
Subject: Correction to Abatement Resolution No.160154
I need one (1) resolution number

Purpose and Recommendation

The purpose of this request is for the Board to adopt a resolution for the correction of Resolution No. 160154 which contains an error in the amount of the refund on parcel number 1975-28-2-16-001 for tax year 2015.

Background

The Board adopted Resolution No. 160154 on February 16, 2016 approving the Petition for Abatement on parcel number 1975-28-2-16-001 for tax year 2015. The refund was calculated using the incorrect new tax amount. The correct refund amount for tax year 2015 is \$224,358.74. The Board should adopt one (1) new resolution to properly set forth the correct refund amounts to the property owner.

Discussion

The following approved abatements are the recommendation of the Assessor.

Per attached listing

I NEED 1 RESOLUTION NUMBER

Alternatives

Fiscal Impact

A decrease in the taxes collected on approved petitions.

Concurrence

The Assessor and County Attorney support these recommendations.

Reviewed By

Ronald A. Carl, County Attorney
Corbin Sakdol, Assessor
Julia McQueen, Business Analyst

Consent Agenda 3/8/2016

Parcel/Schedule Number	Petitioner Name and Address	Year(s)	previous tax	new tax	refund
1975-28-2-16-001	LANDINGS AT BUCKLEY PROPERTY OWNER LLC 2134 S RICHFIELD WAY	2015	315,723.96	224,358.74	\$91,365.22

A clerical error has resulted in a value other than the value intended by the Assessor.

Totals			\$315,723.96	\$224,358.74	\$91,365.22
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when the following proceedings, among others, were had and done to-wit:

RESOLUTION NO. 160 It was moved by Commissioner _____ and duly seconded by Commissioner _____ 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, _____, 2016; and

WHEREAS, the Board at that time considered Petitions for Abatement or Refund of Taxes as submitted by various taxpayers 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 Petitioners 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 Petitions and the Arapahoe County Assessor recommendations.

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

1. That the Petition (per attached list), presented this date to the Board and relating to the schedule number set forth therein, shall be and are hereby granted, the recommendation of the Assessor is hereby adopted and abatements or refunds in the amounts approved by the Assessor are hereby approved by the Board.

Petitioner	Parcel Number	Year(s)	Refund
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The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.



Board Summary Report

Date: March 8, 2016
To: Board of County Commissioners
Through: Ronald A. Carl, County Attorney
From: Karen Thompsen, Paralegal
Subject: Approval of BAA Stipulation (1 Resolution Number)

Request and Recommendation

The purpose of this request is for the adoption of a resolution approving the Board of Assessment Appeals (BAA) stipulations listed below.

Background

These stipulations are a result of an agreement reached between the taxpayer and the County regarding a reduction in the amount of property tax owed, settling tax protests filed with the BAA.

Discussion

The following BAA docket number has been stipulated to for the tax year indicated below.

Tax Year	Docket #	Property Owner	Property Address	Reason	Original Value	Stipulated Value
2015/ 2016	66034	Julie L. Graebel	1200 East Oxford Lane	1.	\$2,173,000	\$1,877,200
2015/ 2016	66054	Mary Gilcreest	13618 East Bethany Place	2.	\$113,000	\$106,000
2015/ 2016	66074	Soupany and Soukanh Saignaphone	16078 East Lake Circle	3.	\$676,200	\$650,000
2015/ 2016	66090	Southglenn Property Holdings, LLC	6751 South York Street	4.	\$14,997,000	\$14,600,000
2015/ 2016	66093	Southglenn Property Holdings, LLC	6901 South Vine Street, Unit 7A	5.	\$25,243,000	\$24,300,000
2015/ 2016	66144	Gary S. Judd	3 Cantitoe Lane	3.	\$5,638,700	\$4,693,300
2015/ 2016	66145	M. Peyton and Suzanne D. Bucy	6 Tamarac lane	6.	\$1,900,000	\$1,750,000
2015/ 2016	66146	Jerry R. Berglund & Martha Berglund	2 Countryside Lane	6.	\$3,338,700	\$3,150,000

2015/ 2016	66343	Sunchase Associates LP II	1055 South Zeno Way	6.	\$18,507,400	\$14,016,000
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Reasons

1. Comparable market sales and adjustment in quality grade indicate overall adjustment to this value is correct.
2. Comparable market sales and bid to cure deferred maintenance indicate that this value is correct.
3. Comparable market sales and lowering of subject quality grade indicate that adjustment to this value is correct.
4. Income approach with lease up for excess vacancy indicates that an adjustment to this value is correct.
5. Income approach indicates adjustment to this value is correct.
6. Comparable market sales indicate that an adjustment to this value is correct.

Alternatives

Let protest proceed to the BAA for a decision. Said alternative would involve unnecessary time and expense for the County and the taxpayer.

Fiscal Impact

Reduction in the amount of property taxes collected for the above listed properties.

Concurrence

The negotiator for the County Board of Equalization, the County Assessor and the County Attorney all support this recommendation.

Reviewed By:

Ronald A. Carl, County Attorney
Karen Thompsen, Paralegal

RESOLUTION NO. 150XXX It was moved by Commissioner _____ and duly seconded by Commissioner _____ to authorize the Arapahoe County Attorney to settle the following Board of Assessment Appeals Cases (Docket Numbers), for the tax years listed below:

Docket #	Property Owner	Tax Year
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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 Petitioner 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 Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.



BOARD SUMMARY REPORT

DATE: February 25, 2016

TO: Arapahoe County Board of County Commissioners

THROUGH: David M. Schmit, PE, Director
Public Works and Development

THROUGH Bryan Weimer, PWLF, Division Manager
Public Works and Development Transportation Division

THROUGH: Brian R. Love, CIP Program Manager
Transportation Division

FROM: Jon Williams, Engineer III
Transportation Division

RE: C15-003; QUINCY AVENUE WIDENING PROJECT (COPPERLEAF BLVD TO E-470), APPROVAL AND ACCEPTANCE OF REIMBURSEMENT AGREEMENT FROM QUINCY WEST COMMERCIAL INVESTORS, LLC FOR THE QUINCY AVENUE WIDENING PROJECT- COPPERLEAF BLVD TO E-470

Purpose and Recommendation:

The purpose of this report is to request Board of County Commissioner approval and execution of a Reimbursement Agreement between Arapahoe County and Quincy West Commercial Investors, LLC for a future reimbursement of funds estimated to be \$1,096,117 for widening Quincy Avenue between Copperleaf Blvd. and E-470.

Background:

In the Spring of 2015 Arapahoe County met with the City of Aurora to discuss the installation of a traffic signal at the intersection of Quincy Avenue and Copperleaf Blvd. The City determined that they would not allow a signal to be installed until Quincy Avenue was constructed to its full width at the intersection. Based on a preliminary design, the tapers required to bring Quincy Avenue from full three lane width down to a single lane would require approximately 1,500 feet. Additionally in the Spring of 2015, the County received approval for federal funding assistance at the intersection of Quincy Avenue and Gun Club Road via the DRCOG TIP process, which

also established timeframes and schedule for the project implementation. The limits of the intersection improvements extend to the westernmost E-470 ramps to ensure that laneage accommodates eastbound and westbound traffic in its ultimate location north and south of the E470 bridge piers. Do to both of these facts and engineering requirements it was determined to be in the best interest of the County to complete the full width construction adding three lanes including curb gutter and sidewalk to the south side of Quincy Avenue prior to the Copperleaf Development fulfilling its' obligation to complete this frontage.

Links to Align Arapahoe

Quality of Life

To enhance the quality of life for citizens of Arapahoe County to address their basic needs by improving mobility and capacity on Quincy Avenue, as well as improving safety by providing a median to physical separate east and westbound traffic. This project also advances improvements in preparation of the intersection improvements at Quincy Avenue and Gun Club Road.

Fiscally Responsible

This agreement formalizes the County being repaid for improvements that are needed now, thereby ensuring the County is reimbursed for improvements they are not responsible for constructing but are needed now. Also, investments in County infrastructure improvements the County's economic environment by reducing direct costs of safety incidents, lowering costs of delay caused by congestion, and increases accessibility which has been shown to be critical in economic development.

Service First

This project will improve access to County services and facilities. In particular, this widening project plus the Quincy/Gun Club project will provide accessibility to the County Fairground facilities and will also improve the incident management capabilities for the fairground facilities. Also, the project provides customer excellence to the user of these facilities as they enhance the use, operation, and experience of the facility.

Discussion

In 2006, a Development Agreement (DA) was completed between the County and Copperleaf Subdivision obligating the Developer to construct the Quincy Avenue frontage at the time of Development of Copperleaf Planning Area M, which extends between Copperleaf Blvd and the westernmost E470 Ramps. There were also provisions in the DA that discusses the opportunities for the County to construct the improvements prior to development. Generally, the development has responsibility for 2-lanes, curb/gutter/sidewalk, accel/decel lanes, and left turn lanes along the frontage of the development. The remaining 3rd lane and raised median are the regional transportation fee improvements in which the fee covers 50% and the County covers the other 50%. This reimbursement agreement formalizes the reimbursement conditions, scope and limits of the improvements, estimated costs, right-of-way and easement dedications, etc.

The Public Works CIP staff recommends endorsement of the Agreement with Quincy West Commercial Investors, LLC and County participation in the project.

Alternatives

There are two (2) alternatives for the Board to consider, Staff recommends Alternative A:

- A. Accept and approve the Reimbursement Agreement. This alternate would allow for construction of the Quincy Avenue Widening Project to remain on schedule, which is scheduled to begin in May 2016.
- B. Take no action on the Reimbursement Agreement. This alternative would delay construction of the Quincy Avenue Widening Project from occurring at this time and would adversely affect the Quincy Avenue and Gun Club Intersection Project.

Fiscal Impact

The estimated reimbursement amount is \$1,096,117. The total project cost including design is estimated to be \$1,671,274.50. The reimbursement will be for the actual costs as constructed based on the provisions in the agreement. The amount will eventually be reimbursed to the County by the developer within 12 years, sale of the property, if annexation occurs, or development occurs whichever is first.

Concurrence

The Agreement has been reviewed and approved by the County Attorney s office.

Actions Requested:

1. Approval and accept the Reimbursement Agreement between the County and Quincy West Commercial Investors, LLC.
2. Authorize the Chair of the Arapahoe County Board of Commissioners to sign the Reimbursement Agreement.
3. Authorize the Clerk and Recorder to record the Reimbursement Agreement for improvements to Quincy Avenue between Copperleaf Blvd. and E-470.

Attachments:

Reimbursement Agreement
Resolution

cc: **Email**

David M. Schmit, Director, Public Works
Bryan D. Weimer, Division Manager – Transportation Division
Robert Hill, Assistant County Attorney
Brian R. Love, CIP Manager – Transportation Division
Rhonda Robinson, PW&D Budget Analyst
Jessica Savko, Finance Department
Loren Kohler, Finance Department
Kim Lynch, Administration
Reader
File (C15-003)
Agenda Notebook

Hard Copy

Bryan D. Weimer, Division Manager – Transportation
Jon Williams, CIP Engineer III
File (C15-003)
Reader

**TRANSPORTATION FEE
And
IMPROVEMENT COST REIMBURSEMENT AGREEMENT
FOR**

**Quincy Ave. and Copperleaf Blvd Intersection Improvements and the South Side of
Quincy Avenue between Copperleaf Blvd and E-470
Arapahoe County Project No. C15-003**

This Agreement is dated this _____ day of _____, 2016, and is between The Board of County Commissioners of Arapahoe County, Colorado, a statutory county and body corporate and politic, 5334 South Prince Street, Littleton, Colorado 80166 (the “COUNTY”), and, _____, (the “OWNER”) (the “PARTY” or “PARTIES”), and is based upon the following facts:

RECITALS

WHEREAS, COUNTY has adopted subdivision regulations, zoning regulations, storm sewer policies, building code regulations and related policies for governmental purposes, including the regulation of subdivision and development of land within unincorporated Arapahoe County and the provision of public infrastructure related to the development (collectively, the “Development Policies”): and

WHEREAS, Development Policies generally require the construction of public infrastructure improvements, or commitments to fund the construction, from developers, builders and Subdividers as a condition of granting permits and development approvals, resulting in the construction or financing of infrastructure concurrent with or after the development is constructed: and

WHEREAS, COUNTY has identified a region of unincorporated Arapahoe County, depicted on the map attached as Exhibit A, Regional Transportation Improvement Fee (RTIF) Location Map, and incorporated herein by this reference (the “Region”), that the COUNTY believes is presently deficient in regional infrastructure improvements, primarily regional transportation infrastructure, in relation to the existing need and the foreseeable increase in need that will occur before sufficient additional regional transportation infrastructure can be built; and

WHEREAS, Existing Quincy Avenue between Copperleaf Boulevard and the western ramps of E-470 is a two lane non-curb/gutter roadway located on the northern portion of the right-of-way. The ultimate cross-section of Quincy Avenue will be a 6-through lane roadway with raised median, ancillary left and right turn lanes, curb/gutter/sidewalk generally within 144 feet of right-of-way and depicted in Exhibit B and incorporated herein; and

WHEREAS, Existing Copperleaf Boulevard south of Quincy Avenue is an interim 3-lane roadway having two northbound lanes and one southbound lane. The ultimate cross-section of Copperleaf Boulevard will be four through lanes with two southbound lanes, two northbound lanes, curb/gutter/sidewalk, and raised median and depicted in Exhibit C and incorporated herein; and

WHEREAS, Existing Quincy Avenue right-of-way is currently located within both Arapahoe County and City of Aurora jurisdiction. Generally, the southern limit of the City of Aurora right-of-way is located 42' north of the existing southern right-of-way line and as Depicted on Exhibit E of this Agreement; and

WHEREAS, The intersection of Quincy Avenue and Copperleaf Boulevard has met Manual of Uniform Traffic Control Devices signal warrants for installation. This signal will be funded via a separate agreement between the City of Aurora and County and said signal is eligible for RTIF funding; and

WHEREAS, Pursuant to a prior agreement between the City of Aurora and COUNTY, the future traffic signal at the intersection of Quincy Avenue and Copperleaf Boulevard will be owned, operated, and maintained by the City of Aurora; and

WHEREAS, The City of Aurora is requiring the completion of each leg of the Quincy Avenue and Copperleaf Boulevard to their ultimate configuration before they allow the signal to be operational; and

WHEREAS, COUNTY has entered into a Development Agreement with the Owner of Copperleaf, dated December 7, 2004 and recorded in the Arapahoe County Records at Reception No. B5061112 ("the Development Agreement"), to fund the improvements and construction of Quincy Avenue fronting Planning Area M and Copperleaf Boulevard as provided in the Development Agreement. Copperleaf's responsibility is limited to the southern portion of Quincy Avenue along their frontage and depicted in Exhibit B; and

WHEREAS, Section 2.2(c) of the Development Agreement contemplates the Owner's reimbursement to the County where the County elects to construct the Owner's street improvement obligations in advance of that obligation being due under the Development Agreement; and

WHEREAS, OWNER owns property in Planning Area M which abuts on Quincy Avenue and Copperleaf Blvd. and as such is subject to the road improvement obligations for Quincy Avenue as specified in the Development Agreement; and

WHEREAS, Pursuant to §30-11-101(1)(d), C.R.S (2007), the County is empowered to make and enter agreements necessary to the exercise of its corporate or administrative powers; and

WHEREAS, OWNER plans to develop real property known as the Lot 1 Block 6 of Copperleaf Filing No. 2 Planning Area M-4 and described in the Development Agreement (the "PROPERTY") that is located at the south side of Quincy Avenue beginning at Copperleaf Blvd and extending approximately 1,500 feet east in unincorporated Arapahoe County and the Region, and has obtained PDP approval under Arapahoe County Case No. Z04-004, and is subject to the County's Development Policies and improvement obligations provided in the Development Agreement.

WHEREAS, The County and OWNER have entered into a Subdivision Improvement Agreement (the SIA), dated March 7th, 2006 Reception # B6106738 related to Lot 1 Block 6 of Copperleaf Filing No. 2. Case No. P05-013 for portions of the frontage of Quincy Avenue identified as Phase M-4. The SIA restricts the sale of property within Phase M-4 and the issuance of building permits prior to either paying for the improvements or completing the improvements specified in the SIA. Nothing in this Agreement is intended to affect, vary or waive the requirements of the SIA except as is provided in this Agreement; and

WHEREAS, The County's Development Policies and the Development Agreement require OWNER to construct frontage improvements along the frontage of their development and pay the required RTIF in place at the time of development; and, in general under said policies, the OWNER is responsible for constructing two through lanes, curb and gutter, sidewalk, required accel/decel lanes, left turn lanes servicing any development access point, stormwater and water quality facilities necessary to accommodate stormwater runoff from all tributary areas, necessary utility construction/modification/relocations, and ancillary improvements associated with frontage improvements required for the PROPERTY; and

WHEREAS, COUNTY and OWNER agree that it is beneficial to Quincy Avenue, Copperleaf Blvd., the Region, and the PROPERTY to have the development required improvements constructed concurrently with the other Quincy Avenue construction; and

WHEREAS, under the Development Agreement, OWNER is not required to complete improvements until the commencement of the initial development of the site and OWNER is not sure of the specific timing of development of the PROPERTY; as a result, OWNER's required improvements will not otherwise coincide with improvements on Quincy Avenue being performed by the COUNTY: and

WHEREAS, County is willing to undertake the Owner's required improvements as part of the above Quincy Avenue improvements as a way to advance the construction of the Owner's required improvements so that the construction will be coincident with Quincy Avenue and Copperleaf Blvd. improvements, provided that Owner reimburses

the County for the full amount of the funds paid by COUNTY for such, all as provided herein; and

WHEREAS, Owner is willing to pay the Regional Transportation Improvements Fees (RTIF) on any building permits issued for the PROPERTY; and

WHEREAS, COUNTY's incurring the costs to construct the frontage Owner's improvements in advance of OWNER's obligation to construct same pending development of the PROPERTY, subject to the reimbursement obligation provided herein, will benefit the public health, safety, and welfare by providing and facilitating the transportation improvements for Quincy Avenue and Copperleaf Blvd. in a timely and efficient manner and, as such, serves a public purpose and benefits of traveling public and the residents of Arapahoe County; and

NOW, THEREFORE, in consideration of the above recitals, and the mutual promises set forth below, and upon other good and valuable consideration which the Parties acknowledge is adequate and sufficient, the Parties agree as follows:

1. Agreement. OWNER's required improvements along the frontage of the PROPERTY on Quincy Avenue for approximately 2,100 linear feet between Copperleaf Blvd and the E-470 ramps include, but are not limited to curb/gutter, 26 feet of through lane pavement, accel/decel lanes, sidewalk, associated storm drainage and utility construction associated with the roadway construction, left and right turn lanes as necessary to serve the PROPERTY access, necessary utility relocations, modifications, or additions, and all other ancillary construction items necessary to construct these specific improvements. The improvements also include roadway improvements along the S. Copperleaf Boulevard frontage for approximately 100 linear feet of full width roadway and a 280 linear foot taper including, but not limited to; curb/gutter, south of Quincy Avenue, associated storm drainage and utility construction for the roadway construction, necessary utility relocations, modifications, or additions, and all other ancillary construction items necessary to construct these specific improvements. Both improvements along Quincy Avenue and S. Copperleaf Blvd. are collectively "the IMPROVEMENTS" and are depicted in Exhibit D, Project Location Map. Sidewalk along the frontage of the PROPERTY on Quincy Avenue will be constructed as part of this Agreement.

2. Cost Estimate. The cost estimate will be based on the unit prices received from contractors on Quincy Avenue and/or amended, the construction plans prepared for the IMPROVEMENTS along the PROPERTY, and the detailed quantity breakdown for the IMPROVEMENTS included in Exhibit F, Cost Exhibit, the cost responsibility for the IMPROVEMENTS by the OWNER is estimated to be \$962,083.00 for the purposes of this Agreement. In addition, the design cost for the entire project is \$206,207.50 which included the original design of \$185,430.00 plus Addendum Number 6 dated December 2, 2015 for \$20,777.50 of which 65% (\$134,034.88) is the responsibility of the OWNER. Therefore, the

total estimated OWNER responsibility towards the IMPROVEMENTS is \$1,096,117.87. Owner shall be responsible to reimburse County for the full amount of the actual cost of improvements described herein and as provided herein. County shall provide Owner with a Certificate of Final Cost once County has determined the actual amount of the final cost. The parties shall record the Certificate of Final Cost as an addendum to this Agreement with the Arapahoe County Clerk and Recorder.

3. Fee. COUNTY has imposed upon Development a Regional Transportation Improvement Fee, which shall be collected at the time of building permit application, based on the use of the proposed building and based upon the actual size of the building(s). The RTIF to be imposed **will be the fee in affect at the time of building permit issuance**. Exhibit G - RTIF Fee Schedule is attached hereto for reference of what the current RTIF is at the time of execution of this Agreement, but Exhibit G is not provided as and shall not be interpreted as a representation of what the fee will be at the time a building permit will be applied for and issued.

4. Collection of Transportation Improvements Fee. The COUNTY shall collect the Regional Transportation Improvements Fee from OWNER prior to the issuance of any building permit for the construction of the Development.

5. Use of Collected Fees. All Transportation Improvement Fees collected by the COUNTY, and all interest earned thereon, if any, shall be used by the COUNTY solely for the purpose of paying for, or contributing to the cost of, or reimbursing itself and others for past contributions toward construction and improvement of regional transportation infrastructure in the Region as required by C.R.S. §29-1-801, *et seq.*

6. Consent to Fee Assessment. OWNER hereby consents to the imposition of the Regional Transportation Improvements Fee in affect at the time of building permit application and hereby agrees to pay the Regional Transportation Improvements Fees for any of OWNER's development approval or building permit applications submitted for each applicable use for which the fee may be charged, such uses are described on Exhibit G.

7. Payment for Construction of the IMPROVEMENTS by COUNTY. The COUNTY shall pay the actual cost of the IMPROVEMENTS associated with the PROPERTY to advance the construction prior to development of the PROPERTY and normal required public improvements associated with development and OWNER shall reimburse COUNTY as provided herein. The COUNTY will obtain costs via the COUNTY's competitive bidding process from an outside contractor to perform the work of which the selection of the contractor will be based on the COUNTY's Purchasing Policies.

a. Reimbursement by OWNER to COUNTY of the Costs of the IMPROVEMENTS . Notwithstanding the above estimate in Section 2, the OWNER of the PROPERTY shall reimburse the COUNTY the actual cost expended to design and construct the IMPROVEMENTS along frontage of PROPERTY using the percentages for the

OWNER share of the IMPROVEMENT costs as described in this Agreement under Section 2. COUNTY shall provide the Certificate of Final Cost and an accounting in accordance with COUNTY procedures of the expenditures made by COUNTY in constructing the IMPROVEMENTS and identification of the OWNER's responsibility towards the IMPROVEMENTS. The OWNER shall reimburse the COUNTY the full amount of the costs expended for design and construction of the OWNER's responsibility at the earliest of: 1) at time of the first application for a building permit within the PROPERTY, 2) sale of the PROPERTY or any part thereof to another party, unless the purchaser and County enter into an assignment and consent agreement whereby the purchaser agrees to and accepts the obligations under this Agreement, 3) upon the annexation of the Property or any majority portion thereof by any municipality, or 4) a maximum of twelve (12) years of the date of execution of this Agreement.

8. Easements. The PROPERTY owner agrees, as part of this Agreement, to have provided all necessary permanent easements and temporary construction easements necessary to construct the IMPROVEMENTS to Arapahoe County at no cost via a separate instrument of dedication or agreement.

9. Miscellaneous Provisions.

a. Default and Remedies. In the event of a material default by a PARTY, the non-defaulting PARTY shall be entitled to all legal and equitable remedies, including the right to recover reasonable attorney fees and court costs.

b. Nothing in this Agreement is intended to affect, vary or waive the requirements of the Development Agreement except and only to the limited extent expressly provided herein for the County's performance of the construction of certain improvements, as contemplated in Section 2.2(c) of the Development Agreement, in advance of the time specified under the Development Agreement and subject to Owner's reimbursement obligations as provided herein. Nor is anything in this Agreement intended to affect, vary or waive the requirements of the SIA except as may be provided in this Agreement.

c. Governing Law/Forum/Interpretation. This Agreement shall be construed according to the laws of the State of Colorado, and venue shall be in Arapahoe County, Colorado.

d. Binding Effect/Survival. This Agreement shall inure to the benefit of, and shall be binding upon, the PARTIES', their successors, and their permitted assigns. In addition, this Agreement shall be recorded against the PROPERTY: in the office of the Arapahoe County Clerk and Recorder, and is intended to run with the land and shall be binding on any subsequent

purchasers of the PROPERTY known as “Lot 1 Block 6 of Copperleaf Filing No. 2”. Any transfer of the reimbursement obligation under this Agreement may only occur upon consent of the COUNTY and in accordance with the amendment provisions specified herein.

e. Severability. The parties intend this Agreement to be legally valid and enforceable in accordance with its terms to the fullest extent permitted by law. If any term or provision of this Agreement is finally determined to be invalid or unenforceable by a court of competent jurisdiction, the parties agree the defect shall not affect any other term of this Agreement, and agree that the term shall be stricken and the Agreement given the fullest effect without the invalid term. In the event a court orders that the COUNTY cease from collecting the Regional Transportation Improvements Fees, the COUNTY shall remain entitled to pursue other means of funding regional transportation infrastructure as a condition of granting building permits or for other development approvals for property with the Region and that OWNER shall be subject to such other funding mechanism or impact fee as may be in effect at the time of the issuance of building permits on the PROPERTY as would any other property owner developing property in the Region and at the time.

f. Exhibits. Unless otherwise stated in this Agreement, exhibits, appendices, or documents referenced in this Agreement shall be incorporated into this Agreement for all purposes. In the event of a conflict between any incorporated exhibit and this Agreement, the provisions of this Agreement shall govern and control.

g. Notices. Unless otherwise specifically required by a provision of this Agreement any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if hand delivered or sent by certified mail or registered mail, postage and fees prepaid, addressed to the PARTY to whom such notice is to be given at the address set forth below or at such other address as has been previously furnished in writing, to the other PARTIES. Such notice shall be deemed to have been given when deposited in the United States Mail properly addressed to the intended recipient.

h. Headings. Paragraph headings are used for reference purposes only and shall not limit or define the effect of any term of this Agreement.

i. Assignments. This Agreement is not assignable, except in writing and with the prior written consent of the other PARTY, which consent may not be unreasonably withheld; except that consent by COUNTY to assignment by OWNER may be conditioned on the provision of adequate and acceptable security or collateral to guarantee payment of the reimbursement obligation

provided in this Agreement. The restriction on assignment in this Paragraph, however, is not intended to apply to any agreement between COUNTY and a contractor for construction of the IMPROVEMENTS or any portion thereof, and shall not be construed to prohibit COUNTY from assigning the reimbursement payment obligation herein, in whole or in part, for purposes of debt collection.

j. Nothing in this Agreement is intended to be or shall be construed as a multi-fiscal year obligation for COUNTY or as creating any multi-fiscal year obligation within the meaning of Article X, Section 20 of the Colorado Constitution. Any payment obligation of COUNTY incurred under this Agreement or associated agreement shall be subject to annual appropriation by COUNTY in accordance with Colorado law.

k. This Agreement is intended to serve a public purpose and confer a public benefit by advancing construction of transportation improvements on Quincy Avenue. This Agreement is not intended to be construed as a loan or pledge of the credit or faith thereof Arapahoe County as prohibited under Article XI, Section 1 of the Colorado Constitution. However, to whatever extent it may be construed as implicating the provisions of said Article XI, Section 1, the provisions of this Agreement provide a public benefit to the traveling public and residents of Arapahoe County.

l. Nothing in this Agreement is intended to be or shall be construed as a waiver of any governmental immunity available to Arapahoe County under C.R.S. 24-10-101, *et seq.* or any other State or Federal statute or the common law.

m. Nothing in this Agreement is intended to create or shall be construed to create any third-party beneficiary rights.

(Remainder of page intentionally left blank)

IN WITNESS WHEREOF, the parties hereto set their hands in agreement the date first written above.

OWNER:

NAME OF OWNER

By: _____
NAME AND TITLE

STATE OF COLORADO)
) S.S.
COUNTY OF)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by _____ as _____ for _____

My Commission Expires: _____

Witness my hand and official seal.

Signature

Name of Notary

Address of notary

IN WITNESS WHEREOF, the parties hereto set their hands in agreement the date first written above.

OWNER:

NAME OF OWNER

By: _____
NAME AND TITLE

STATE OF COLORADO)
) S.S.
COUNTY OF)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by _____ as _____ for _____

My Commission Expires: _____

Witness my hand and official seal.

Signature

Name of Notary

Address of notary

IN WITNESS WHEREOF, the parties hereto set their hands in agreement the date first written above.

OWNER:

NAME OF OWNER

By: _____
NAME AND TITLE

STATE OF COLORADO)
) S.S.
COUNTY OF)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by _____ as _____ for _____

My Commission Expires: _____

Witness my hand and official seal.

Signature

Name of Notary

Address of notary

COUNTY:

BOARD OF COUNTY COMMISSIONERS
OF ARAPAHOE COUNTY, COLORADO

ATTEST:

BY: _____
Clerk to the Board

Chair

Exhibit A
RTIF Location Map

TRANSPORTATION FEE AREA BOUNDARY

2008

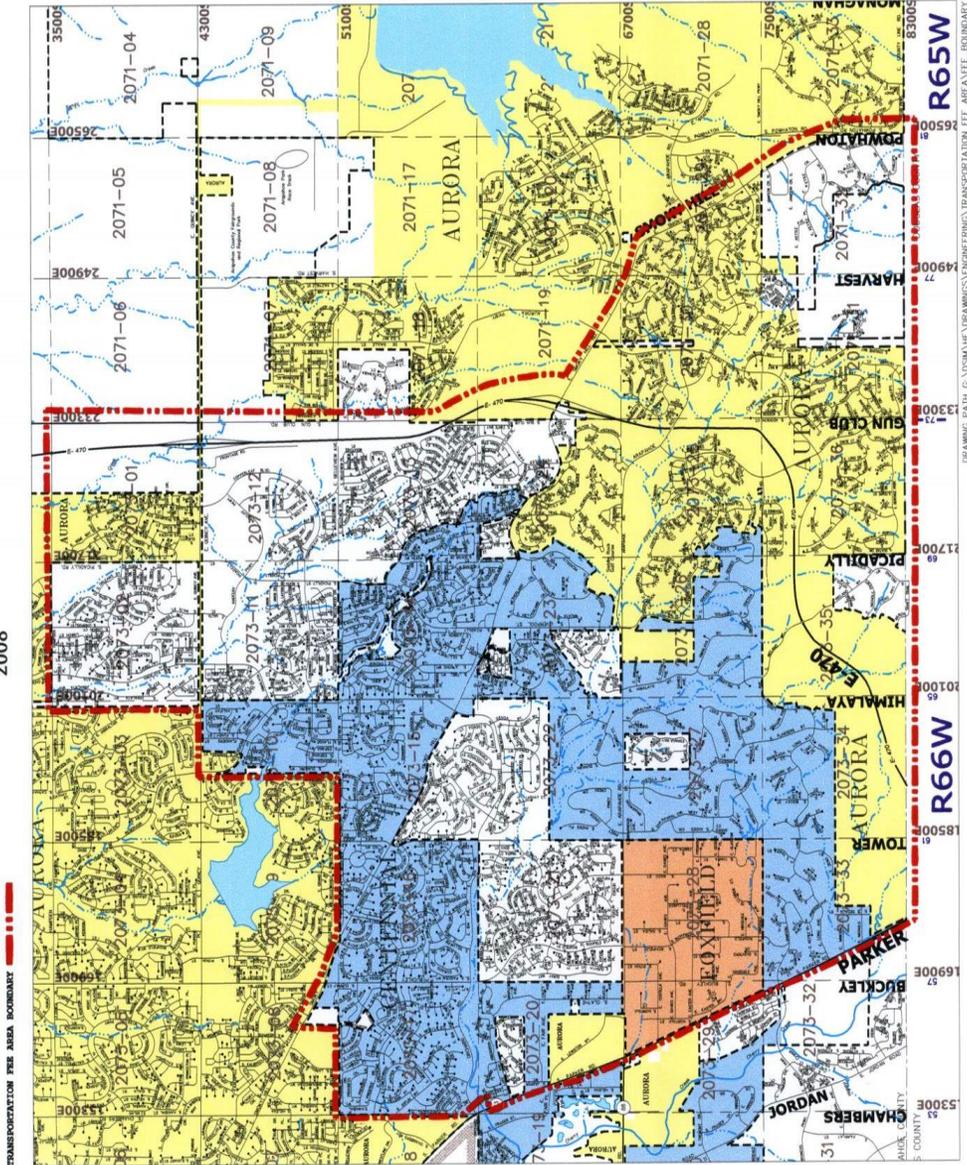


Exhibit B Quincy Avenue Cross-Section

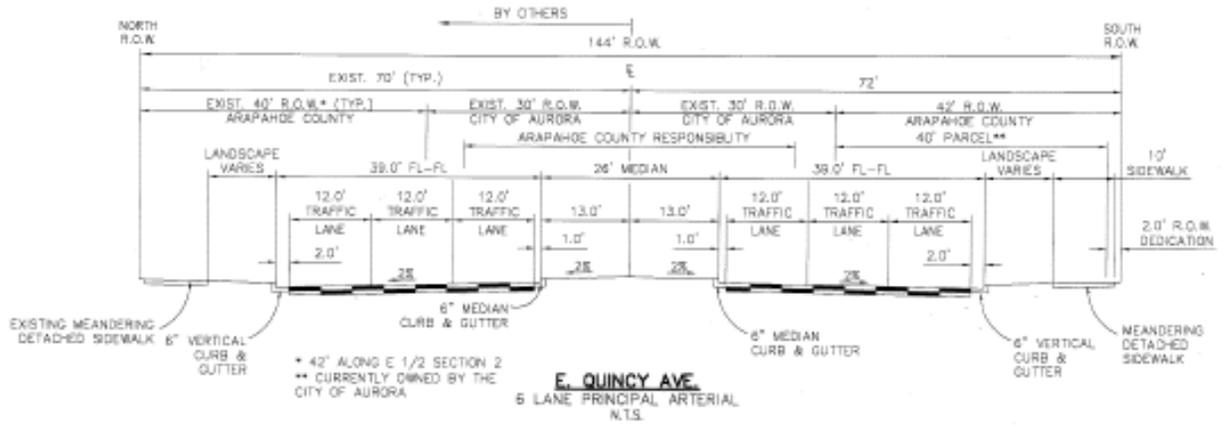


EXHIBIT C
COPPERLEAF BOULEVARD CROSS-SECTION

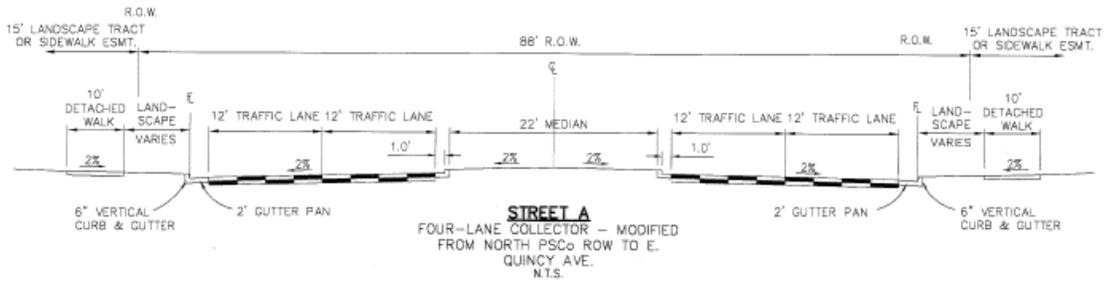


Exhibit D
Quincy Improvements in Copperleaf Agreement

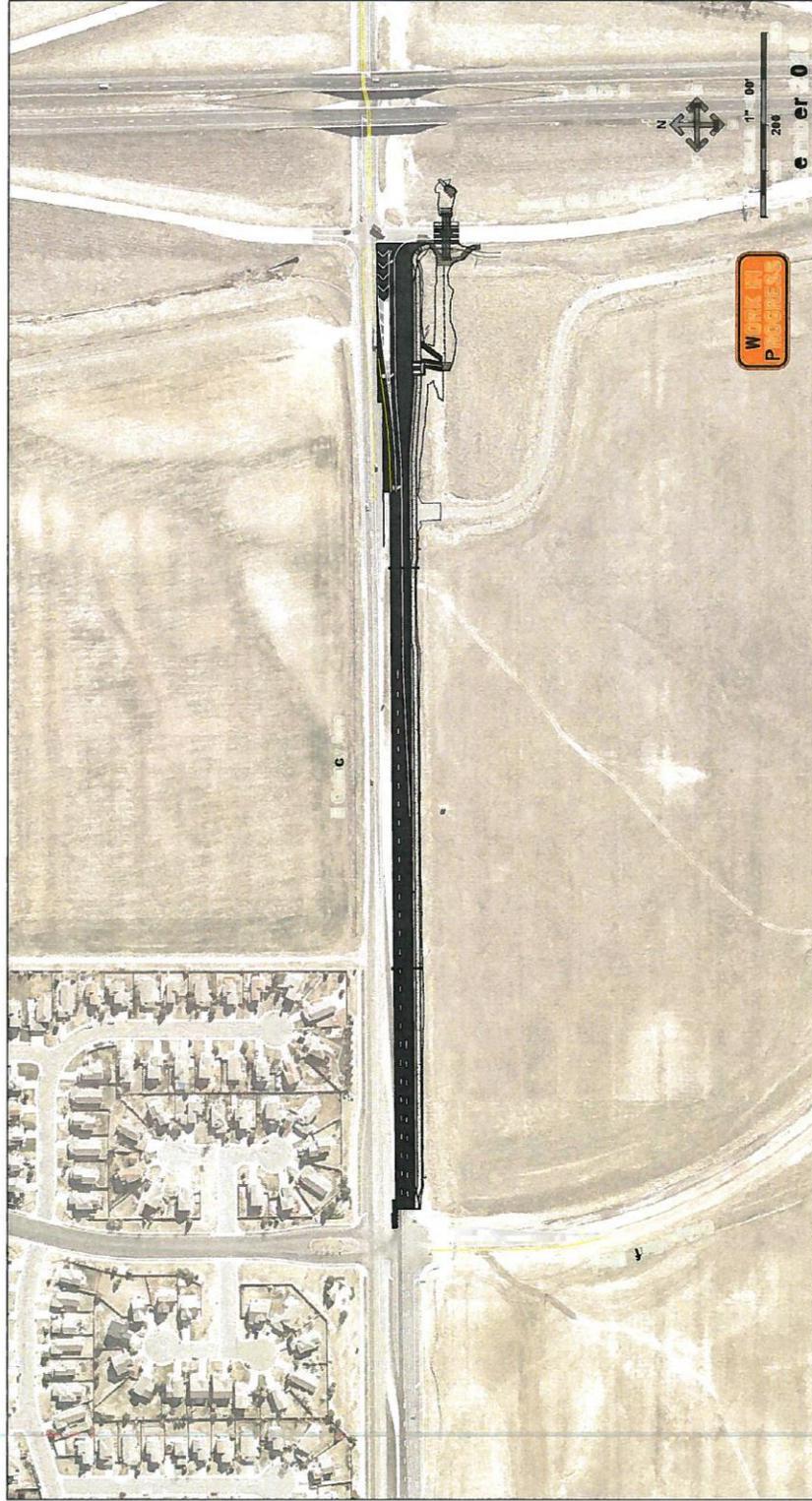


EXHIBIT F
CONSTRUCTION PHASE COST ESTIMATE



Job Title	Quincy Avenue (Copperleaf Boulevard to E-470)	Job No.	112219-03
Subject	Opinion of Probable Costs	By	SED
		Date	12/1/2015

Lump Sum items have been split based on a Developer / County percentage of 65% / 35% respectively. The percentage breakdown is based on the following. Developer responsibility (26' asphalt, 2.5' Curb and Gutter, 7.5' Landscape buffer, 10' sidewalk). Total Developer Responsibility 46' or 65%. County responsibility (10' asphalt, 1.5' curb and gutter, 13' median). Total County responsibility 24.5' or 35%.

Contract Item No.	Contract Item	Unit	Unit Cost	Quantity	Cost	OWNER %	OWNER COST	COUNTY %	COUNTY COST
106	CONTROL OF MATERIAL	LS	\$7,500	1	\$7,500	65%	\$4,875	35%	\$2,625
201	CLEARING AND GRUBBING	LS	\$10,000	1	\$10,000	65%	\$6,500	35%	\$3,500
202	REMOVAL OF PIPE	EACH	\$1,750	2	\$3,500	0%	\$0	100%	\$3,500
202	REMOVAL OF BARRICADE	EACH	\$180	1	\$180	100%	\$180	0%	\$0
202	REMOVAL OF CURB AND GUTTER	LF	\$4	96	\$384	0%	\$0	100%	\$384
202	REMOVAL OF CONCRETE PAVEMENT	SY	\$2	57	\$114	0%	\$0	100%	\$114
202	REMOVAL OF ASPHALT MAT (PLANNING)(FULL DEPTH)	SY	\$45	3313	\$149,085	0%	\$0	100%	\$149,085
202	REMOVAL OF PAVEMENT MARKING	SF	\$5	8778	\$43,890	10%	\$4,389	90%	\$39,501
202	REMOVAL OF GROUND SIGN	EACH	\$90	13	\$1,170	10%	\$117	90%	\$1,053
203	UNCLASSIFIED EXCAVATION (COMPLETE IN PLACE)	CY	\$2	10307	\$20,614	71%	\$14,636	29%	\$5,978
203	POTHOLING (INDENTIFIED)	LS	\$3,000	1	\$3,000	65%	\$1,950	35%	\$1,050
203	POTHOLING (UNIDENTIFIED)	HOURL	\$235	20	\$4,700	65%	\$3,055	35%	\$1,645
206	FILTER MATERIAL (CLASS A)	CY	\$80	23	\$1,840	65%	\$1,196	35%	\$644
206	FILTER MATERIAL (CLASS C)	CY	\$60	90	\$5,400	65%	\$3,510	35%	\$1,890
207	TOPSOIL	CY	\$10	994	\$9,940	65%	\$6,461	35%	\$3,479
207	TOPSOIL (SPECIAL)	CY	\$15	136	\$2,040	65%	\$1,326	35%	\$714
208	CONCRETE WASHOUT AREA	EACH	\$1,700	3	\$5,100	71%	\$3,621	29%	\$1,479
208	INLET PROTECTION	EACH	\$275	2	\$550	71%	\$391	29%	\$160
208	VEHICLE TRACKING CONTROL	EACH	\$2,200	4	\$8,800	65%	\$5,720	35%	\$3,080
208	STABILIZED STAGING AREA	SY	\$10	757	\$7,570	65%	\$4,921	35%	\$2,650
208	CURB SOCK	LF	\$10	72	\$720	71%	\$511	29%	\$209
208	REINFORCED ROCK BERM	LF	\$9	30	\$270	71%	\$192	29%	\$78
208	REINFORCED ROCK BERM FOR CULVERT PROTECTION	LF	\$9	300	\$2,700	71%	\$1,917	29%	\$783
208	SEDIMENT CONTROL LOG (12 INCH)	LF	\$5	3586	\$17,930	71%	\$12,730	29%	\$5,200
208	SEDIMENT TRAP	EACH	\$2,500	4	\$10,000	71%	\$7,100	29%	\$2,900
208	EROSION CONTROL SUPERVISOR	DAY	\$200	60	\$12,000	71%	\$8,520	29%	\$3,480
210	RESET SEDIMENT CONTROL LOG	LF	\$4.00	1262	\$5,048	71%	\$3,584	29%	\$1,464
210	RESET END SECTION	EACH	\$700	3	\$2,100	0%	\$0	100%	\$2,100
210	RESET FENCE	LF	\$4	184	\$736	100%	\$736	0%	\$0
210	RESET GROUND SIGN	EACH	\$190	8	\$1,520	10%	\$152	90%	\$1,368
210	RELAY RIPRAP	CY	\$40	4	\$160	0%	\$0	100%	\$160
210	ADJUST MANHOLE	EACH	\$740	6	\$4,440	88%	\$3,907	12%	\$533
210	ADJUST VALVE BOX	EACH	\$500	11	\$5,500	91%	\$5,005	9%	\$495
212	SEEDING (NATIVE)	ACRE	\$1,500	4.1	\$6,150	50%	\$3,075	50%	\$3,075
213	MULCHING (WEED FREE STRAW)	ACRE	\$1,000	4.1	\$4,100	50%	\$2,050	50%	\$2,050
214	LANDSCAPE MAINTENANCE	LS	\$10,000	1	\$10,000	71%	\$7,100	29%	\$2,900
216	EROSION CONTROL BLANKET (STRAW)	SY	\$2	979	\$1,958	100%	\$1,958	0%	\$0
304	AGGREGATE BASE COURSE (CLASS 6)	CY	\$24	99	\$2,376	100%	\$2,376	0%	\$0
308	PROCESSING CEMENT TREATED SUBGRADE	SY	\$4	12787	\$51,148	72%	\$36,827	28%	\$14,321
308	PORTLAND CEMENT STABILIZED AGENT	TON	\$200	270	\$54,000	72%	\$38,880	28%	\$15,120
403	HOT MIX ASPHALT (PATCHING)(ASPHALT)	TON	\$90	42	\$3,780	0%	\$0	100%	\$3,780
403	HOT MIX ASPHALT (GRADING S)(75)(PG 64-22)	TON	\$65	3784	\$245,960	72%	\$177,091	28%	\$68,869
403	HOT MIX ASPHALT (GRADING SX)(75)(PG 64-22)	TON	\$70	1578	\$110,460	72%	\$79,531	28%	\$30,929
411	EMULSIFIED ASPHALT (SLOW-SETTING)	GAL	\$2	2294	\$4,588	72%	\$3,303	28%	\$1,285
420	GEOTEXTILE (EROSION CONTROL)(CLASS 1)	SY	\$3	117	\$351	71%	\$249	29%	\$102
506	GROUTED RIPRAP (12 INCH)	CY	\$180	160	\$28,800	100%	\$28,800	0%	\$0
506	GROUTED RIPRAP (30 INCH)	CY	\$270	40	\$10,800	100%	\$10,800	0%	\$0
506	SOIL RIPRAP	CY	\$200	26	\$5,200	100%	\$5,200	0%	\$0
601	CONCRETE CLASS D (WALL)	CY	\$550	5	\$2,750	100%	\$2,750	0%	\$0
603	36 INCH REINFORCED CONCRETE PIPE (COMPLETE IN PLACE)	LF	\$130	258	\$33,540	100%	\$33,540	0%	\$0
603	60 INCH REINFORCED CONCRETE PIPE (COMPLETE IN PLACE)	LF	\$325	21	\$6,825	100%	\$6,825	0%	\$0
603	36 INCH REINFORCED CONCRETE END SECTION (COMPLETE IN PLACE)	EACH	\$2,000	3	\$6,000	100%	\$6,000	0%	\$0
603	60 INCH REINFORCED CONCRETE END SECTION (COMPLETE IN PLACE)	EACH	\$2,200	1	\$2,200	100%	\$2,200	0%	\$0
604	INLET TYPE R (SPECIAL)	EACH	\$6,500	2	\$13,000	100%	\$13,000	0%	\$0
607	CONSTRUCTION FENCE	LF	\$3	2029	\$6,087	100%	\$6,087	0%	\$0
608	CONCRETE SIDEWALK (6 INCH)	SY	\$30	2273	\$68,190	100%	\$68,190	0%	\$0
608	CONCRETE CURB RAMP	SY	\$100	17	\$1,700	100%	\$1,700	0%	\$0
609	CURB AND GUTTER TYPE 2 (SECTION I-B)	LF	\$13	1610	\$20,930	0%	\$0	100%	\$20,930
609	CURB AND GUTTER TYPE 2 (SECTION II-B)	LF	\$15	2168	\$32,520	100%	\$32,520	0%	\$0
610	MEDIAN COVER MATERIAL (PATTERNED CONCRETE)	SF	\$7	224	\$1,568	0%	\$0	100%	\$1,568
612	DELINEATOR (TYPE I)	EACH	\$20	10	\$200	0%	\$0	100%	\$200
612	DELINEATOR (TYPE II)	EACH	\$20	10	\$200	0%	\$0	100%	\$200
613	3 INCH ELECTRICAL CONDUIT (SCHEDULE 80 PVC)	LF	\$15	2053	\$30,795	100%	\$30,795	0%	\$0
613	4 INCH CONDUIT SCHEDULE 40 PVC	LF	\$15	246	\$3,690	100%	\$3,690	0%	\$0
613	PULL BOX (24"x36"x18")	EACH	\$750	4	\$3,000	100%	\$3,000	0%	\$0
613	PULL BOX (24"x36"x24")	EACH	\$1,000	4	\$4,000	100%	\$4,000	0%	\$0
614	SIGN PANEL (CLASS I)	SF	\$35	80.5	\$2,818	100%	\$2,818	0%	\$0
614	SIGN PANEL (CLASS II)	SF	\$40	25	\$1,000	0%	\$0	100%	\$1,000
614	STEEL SIGN POST (1.75 x 1.75 INCH TUBING)	LF	\$20	129	\$2,580	100%	\$2,580	0%	\$0
614	STEEL SIGN SUPPORT (2-1/2 INCH ROUND SCH 80)(POST & SLIPBASE)	EACH	\$400	1	\$400	0%	\$0	100%	\$400
620	SANITARY FACILITY	EACH	\$2,000	1	\$2,000	65%	\$1,300	35%	\$700
625	CONSTRUCTION SURVEYING	LS	\$25,000	1	\$25,000	65%	\$16,250	35%	\$8,750
626	MOBILIZATION	LS	\$100,000	1	\$100,000	65%	\$65,000	35%	\$35,000
627	EPOXY PAVMENT MARKING	GAL	\$110	59	\$6,490	66%	\$4,283	34%	\$2,207
627	PAVEMENT MARKING PAINT	GAL	\$56	58	\$3,248	66%	\$2,144	34%	\$1,104
627	PREFORMED THERMOPLASTIC PAVEMENT MARKING (WORD-SYMBOL)	SF	\$17	265	\$4,505	66%	\$2,973	34%	\$1,532
630	FLAGGING	HOURL	\$26	800	\$20,800	66%	\$13,728	34%	\$7,072
630	TRAFFIC CONTROL INSPECTION	DAY	\$180	14	\$2,520	66%	\$1,663	34%	\$857
630	TRAFFIC CONTROL MANAGEMENT	DAY	\$660	35	\$23,100	66%	\$15,246	34%	\$7,854
630	CONSTRUCTION TRAFFIC SIGN (PANEL SIZE A)	EACH	\$100	9	\$900	66%	\$594	34%	\$306
630	PORTABLE MESSAGE SIGN PANEL	EACH	\$4,000	2	\$8,000	66%	\$5,280	34%	\$2,720
630	ADVANCE WARNING FLASHING ARROW PANEL	EACH	\$900	1	\$900	66%	\$594	34%	\$306
630	DRUM CHANNELIZING DEVICE	EACH	\$30	201	\$6,030	66%	\$3,980	34%	\$2,050
630	CONCRETE BARRIER (TEMPORARY)	LF	\$30	1294	\$38,820	66%	\$25,621	34%	\$13,199
630	TRAFFIC CONE	EACH	\$10	350	\$3,500	66%	\$2,310	34%	\$1,190
630	IMPACT ATTENUATOR (TEMPORARY)	EACH	\$6,500	2	\$13,000	66%	\$8,580	34%	\$4,420
700	F/A MINOR CONTRACT REVISIONS	EA	\$100,000	1	\$100,000	66%	\$66,000	34%	\$34,000
500	LOWER CENTURYLINK 4 INCH HDPE LINE	LF	\$12	200	\$2,400	100%	\$2,400	0%	\$0
Construction Total					\$1,485,877.50	\$962,083	\$531,294		

Exhibit G
RTIF Rates

Effective January 1, 2008

Regional Transportation Improvement
Fee Increase

Authorization pursuant to Resolution No. 070454

The New Fee Schedule:

Single Family Homes/3 Car Garage	\$	2,345.56 per unit
Single Family Homes/2 Car Garage or less	\$	1,804.28 per unit
Multi-Family Units	\$	1,202.85 per unit
Retail Development	\$	1.44 per square foot
Office Development	\$	1.34 per square foot
Industrial Development	\$	0.73 per square foot



Board Summary Report

Date: February 8, 2016
To: Board of County Commissioners
Through: Jan Yeckes, Planning Division Manager
From: Sherman Feher, Senior Planner
Subject: Quincy Solar Garden Use by Special Review, (U15-001).

Request and Recommendation

The purpose of this action is to request BOCC approval for a Use by Special Review (USR) for a solar garden. The Planning Commission is recommending approval with conditions.

Background

This property was originally zoned A-1 in 1972.

Links to Align Arapahoe

This request, if approved, may improve the County's economic environment.

Discussion

The applicant would like to build a solar garden on this property. The applicant has a contract with XCEL Energy to provide renewable electricity via a solar garden. The site generally appears to be a good location for a solar garden, as evidenced by the referral comments and supported by the applicant's site analysis.

Alternatives

The Board of County Commissioners has 3 alternatives:

1. Approve the USR with conditions.
2. Continue or table to a date certain for more information.
3. Deny the USR.

Fiscal Impact

This request may increase economic activity in the area through the construction of a solar garden.

Concurrence

PWD's Planning Division and Engineering Services Division recommended approval with the conditions provided in the approval motion.

Reviewed by:

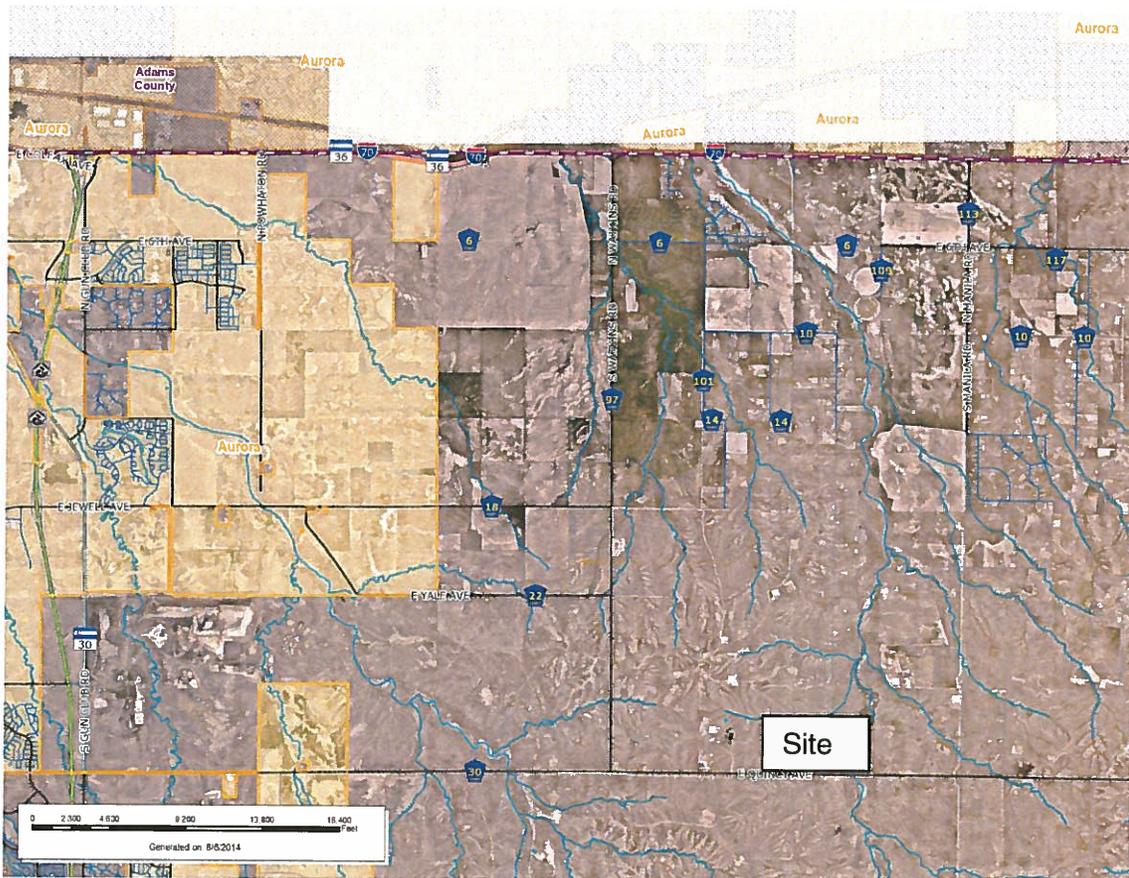
Sherman Feher
Spencer Smith
Jan Yeckes
Jason Reynolds
Dave Schmit
Todd Weaver
Bob Hill

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING
March 8, 2016
9:30 AM

SUBJECT: U15-001 - USE BY SPECIAL REVIEW : QUINCY SOLAR GARDEN
J. SHERMAN FEHER, SENIOR PLANNER

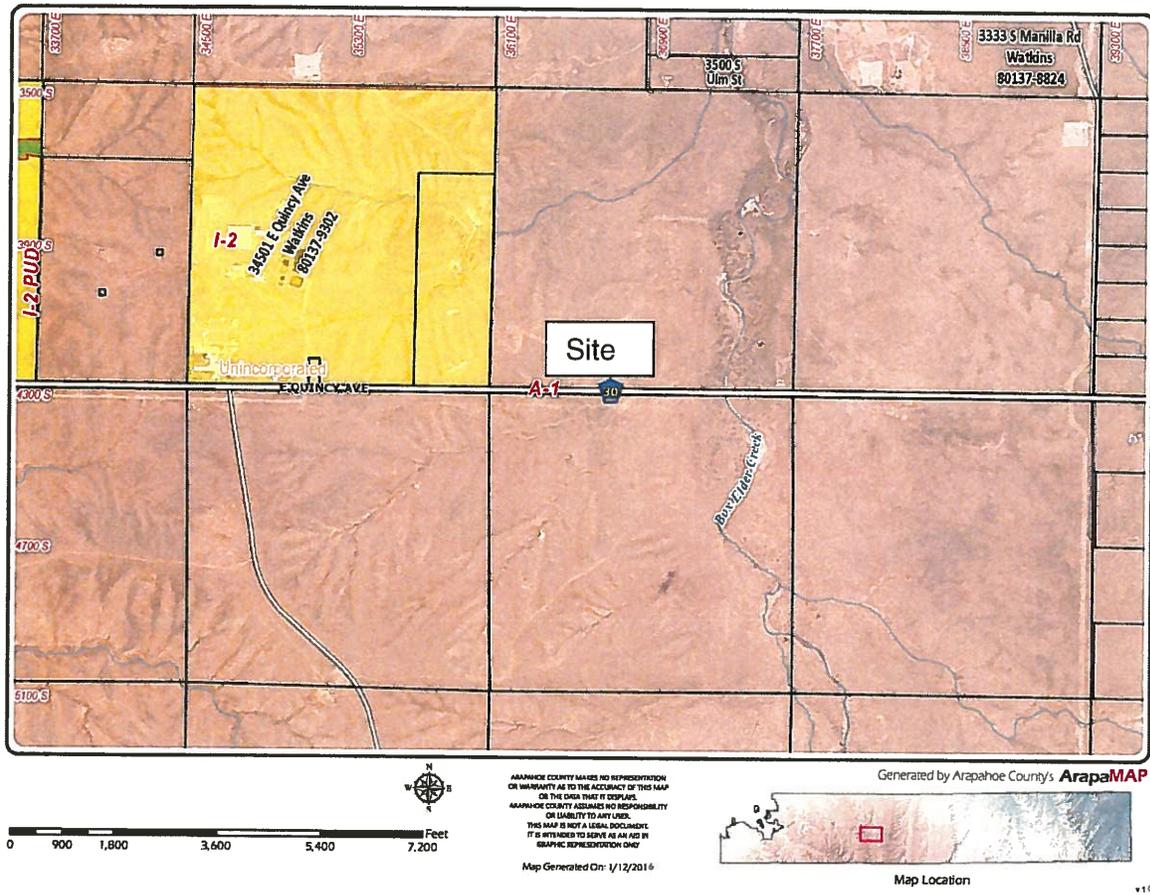
February 8, 2016

VICINITY: This proposal is in Commissioner's District #3. The site is located approximately 2.3 miles east of the intersection of Watkins Road and Quincy Avenue.



Vicinity Map

Zoning: The zoning in this area is generally A-1 zone (Agricultural) with an I-2 zone (Heavy Industrial) nearby.



Zoning Map

ADJACENT SUBDIVISIONS, ZONING, AND LAND USES:

- North - No subdivisions; A-1; Agriculture
- South - No subdivisions; A-1; Agriculture
- East - No subdivisions; A-1; Agriculture and Floodplain
- West - No subdivisions; I-2; Agriculture and Business/Industrial Park



Looking WNW
over Site



Looking Northeast
over Site

PROPOSAL:

The applicant, Sunshare LLC., with authorization from the property owner, Stephen Tebo, are requesting approval for a Use by Special Review (USR) for a solar garden power plant, known as the Quincy Solar Garden. Sunshare LLC seeks to construct an approximate 2 MW solar photovoltaic power plant consisting of approximately 6,000 to 7,000 modules on 20 acres.

RECOMMENDATIONS AND FINDINGS:

Planning Commission: The Planning Commission voted unanimously to recommend approval to the BOCC with the staff recommended conditions of approval plus an additional condition of approval that would have the applicant remove the solar equipment and restore the property to the original condition when the solar garden is decommissioned.

There were no public comments.

Staff: Staff recommends that the Use by Special Review application be APPROVED, subject to the findings and conditions of approval outlined herein.

I. BACKGROUND

The existing zoning is A-1(Agricultural). Arapahoe County has a 1041 Permit process for Major Facilities of a Public Utility. Because there are some electrical and other utility-like facilities which are owned by private companies, a Use by Special Review process was approved by the BOCC that required similar submittal requirements and approval criteria for these facilities.

II. DISCUSSION

Comprehensive Plan:

The proposed Use by Special Review application is in conformance with the Arapahoe County Comprehensive Plan, in that it provides for development of power energy facilities within the “Tier 3 (Rural)” Land Use Area.

Other related policies and strategies related to this case include Policy PFS 1.6: “Consider Power Energy Needs to Support Growth and Development of the Region” and Strategy NCR 4.2(a): “Support Energy Conservation Programs and Education. The County will support programs and education to reduce energy consumption, solar energy research and other clean energy programs,.....”

Use by Special Review:

Submittal Requirements:

The applicant has complied with all of the submittal requirements outlined in the USR provisions of the Land Development Code, Sections 13-903 and 13-904.

Referral Comments:

The following are referral comments, as well as the applicant's response to the comments (in italics).

County Engineer	-	Comments on GESG, grading, and access profile. <i>Applicant has addressed comments.</i>
Mapping	-	Comment regarding acreage size difference. <i>Applicant has corrected the discrepancy.</i>
Sheriff's Department	-	No comments
Zoning Administrator	-	Comments on landscaping. <i>Applicant plans on using berms for landscaping buffer, but does not intend to have landscaping plants, because plants would not provide adequate buffer from road because of topography.</i>
Assessor		No response
Army Corps of Engineers		Comments regarding 404 Permits and floodplains. <i>No wetlands were determined to be on site.</i>
Arapahoe County Weed Control		A noxious weed control plan is necessary for this project. <i>This will be a condition of approval.</i>
CDOT		No response
Colorado Parks and Wildlife		No response, although applicant has worked with CPW. Issue of most concern is burrowing owls.
REAP		REAP is supportive of this application.
Bennett Fire District		No response
Deer Trail Conservation District		No response
Tri-County Health		Comments on renewable energy, wastewater service, and solid waste. <i>The applicant will provide portable sanitation service. The applicant will also provide covered dumpsters during construction.</i>
Xcel		No response
Urban Drainage		No comments
East End Advisory Committee		Janet Cook: Great project; Arnold Hollingsworth: good project; and Carl Kroh: no comments; Mary Garin, M.J. Carter, and Ken Crismon did not respond.

Approval Criteria

The Use by Special Review (USR) approval criteria for a Major Electrical, Natural Gas, and Petroleum-Derivative Facilities of a Private Company shall comply with all of the regular approval criteria for a USR in the Land Development Code, Section 13-900, as well as the criteria set forth in the 1041 Regulations, Part V, Sections A and C, along with Appendix A. All of these criteria shall be used in determining whether such Use by Special Review should be approved.

1. Ordinance Review and Additional Background Information

Section 13.901 of the Land Development Code, Use by Special Review, of the zoning regulations states that the "Use By Special Review" process and procedure.... Provides (for) Board of County Commissioner review and approval of certain uses, which, although permitted within specific zoning districts, may contradict the purpose of these Regulations..... providing for the public peace, health, safety and welfare."

- a. Recognize the limitations of existing and planned infrastructure, by thoroughly examining the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.

Permanent water and sewer capability is not necessary for this project. Temporary wastewater facilities will be provided during construction. The applicant will need to obtain an access permit from the County Public Works and Development Department. This will be a condition of approval.

- b. Assure compatibility between the proposed development, surrounding land uses, and the natural environment.

The proposed solar farm is generally compatible with the surrounding agricultural uses. There are potential impacts to wildlife and wildlife habitat. These impacts on wildlife and wildlife habitat are likely to be minimal. A condition of approval will address this issue by requiring compliance with the Colorado Department of Parks and Wildlife regulations.

- c. Allow for the efficient and adequate provision of public services. Applicable public services include, but are not limited to, police, fire, school, park, and libraries.

Public services appear to be minimal; schools, parks, and libraries are not applicable to this application. Emergency medical services may be needed, mostly during the construction phase. The Sheriff's Department had no comments.

- d. Enhance convenience for the present and future residents of Arapahoe County by ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another.

This project enhances convenience for present and future residents by providing renewable electric energy to the XCEL grid.

- e. Ensure that public health and safety is adequately protected against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.

Most natural and man-made hazards appear to be unlikely; public health and safety appear to be adequately protected.

- f. Provide for accessibility within the proposed development, and between the development and existing adjacent uses. Adequate on-site interior traffic circulation, public transit, pedestrian avenues, parking and thoroughfare connections are all factors to be examined when determining the accessibility of a site.

Accessibility will be directly from Quincy Avenue. The applicant will need to obtain an access permit from the County Public Works and Development Department.

- g. Minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements.

Disruption to the existing physiographic features resulting from the proposed solar garden site will be minimized by limited surface grading and good design and construction practices. There are no lakes or streams on the proposed site.

- h. Ensure that the amenities provided adequately enhance the quality of life in the area, by creating a comfortable and aesthetically enjoyable environment through conventions such as, the preservation of mountain views, the creation of landscaped open areas, and the establishment of recreational activities.

The solar garden will have some visual impact, but it should not significantly disrupt mountain views.

- i. Enhance the usable open spaces in Arapahoe County, and provide sufficient unobstructed open space and recreational area to accommodate a project's residents and employees.

Open space is not applicable to this project.

2. Additional Approval Criteria

In addition to the regular approval criteria for a USR found in Section 13-901 of the Land Development Code, the criteria set forth in Part V, Sections A and C, along with Appendix A in the 1041 Regulations are used to determine if the Use by Special Review should be approved.

A permit may be approved if the proposed activity complies with the following general criteria and any additional applicable criteria in Section V. C. In determining whether the proposed activity complies with the criteria, the Planning Commission and Board of County Commissioners may take into consideration, the construction, operation and cumulative impacts of the proposed activity.

A. General Approval Criteria [See applicant's response to approval criteria in application report. Staff response to approval criteria in italics below]

1. Documentation that prior to site disturbance associated with the Proposed Project, the applicant can and will obtain all necessary property rights, permits and approvals. The Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained.

The applicant can and will obtain all necessary property rights, permits and approvals prior to construction. The applicant plans on leasing the property for the solar garden. The applicant has permission from the owner to process this application.

2. The Proposed Project considers the relevant provisions of the regional water quality plans.

There are apparently no regional water quality plans for this area.

3. The applicant has the necessary expertise and financial capability to develop and operate the Proposed Project consistent with all requirements and conditions.

The applicant has provided the Planning Division with some general information indicating that they have developed similar projects in Colorado.

4. The Proposed Project is technically and financially feasible.

The Proposed Project appears to be technically and financially feasible.

5. The Proposed Project is not subject to significant risk from natural hazards.

The Proposed Project does not appear to be subject to a significant risk from natural hazards.

6. The Proposed Project is in general conformity with the applicable comprehensive plans.

The Proposed Project is in general conformity with the Arapahoe County Comprehensive Plan which allows for Power Energy Facilities in "Tier 3 (Rural)" designated areas of the County.

7. The Proposed Project will not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.

This Proposed Project is anticipated to have minimal impacts on provision of services from Arapahoe County and other special districts.

8. The Proposed Project will not create an undue financial burden on existing or future residents of the County.

This Proposed Project will be privately financed and will have minimal demand for public services in Arapahoe County.

9. The Proposed Project will not significantly degrade any substantial sector of the local economy.

The Proposed Project will not significantly degrade the agricultural sector in this area with only 20 acres removed from agricultural use.

10. The Proposed Project will not unduly degrade the quality or quantity of recreational opportunities and experience.

The Proposed Project will not reduce or limit the quality or quantity of recreational opportunities and experience in the area.

11. The planning, design and operation of the Proposed Project will reflect principals of resource conservation, energy efficiency and recycling or reuse.

The Proposed Project is designed to minimize adverse impacts to resources.

12. The Proposed Project will not significantly degrade the environment. Appendix "A" includes the considerations that will be used to determine whether there will be significant degradation of the environment. For purposes of this section, the term environment shall include:

- a. Air quality.
- b. Visual quality.
- c. Surface water quality.
- d. Groundwater quality.
- e. Wetlands, flood plains, streambed meander limits, recharge areas, and riparian areas.
- f. Terrestrial and aquatic animal life.
- g. Terrestrial and aquatic plant life.
- h. Soils and geologic conditions.

The applicant has sited and designed the Project to minimize environmental impacts. There do not appear to be any Federal and State Threatened and Endangered Species or State Species of Concern on the subject site with the possible exception of the burrowing owl. If during construction any of these species is found then the applicant in collaboration with Colorado Parks and Wildlife will need to mitigate and minimize any potential impact to these species.

13. The Proposed Project will not cause a nuisance.

The Proposed Project will possibly cause minor nuisances during construction but will not cause undue nuisances after construction.

14. The Proposed Project will not significantly degrade areas of paleontological, historic, or archaeological importance.

The applicant has determined that the Proposed Project does not appear to be near any cultural and historic resources. The applicant will follow the state protocol to avoid or minimize the impact to any areas of paleontological, historic, or archaeological importance in the Project area.

15. The Proposed Project will not result in unreasonable risk of releases of hazardous materials. In making this determination as to such risk, the Board's consideration shall include:

- a. Plans for compliance with Federal and State handling, storage, disposal and transportation requirements.

The applicant will comply with Federal and State hazardous materials regulations.

- b. Use of waste minimization techniques.

The applicant will strive to use waste minimization techniques.

- c. Adequacy of spill prevention and response plans. The applicant intends to comply with all local, state, and federal laws and regulations related to hazardous materials, including spill prevention and response plans.

The applicant intends to comply with all regulations related to hazardous material.

16. The benefits accruing to the County and its citizens from the proposed activity outweigh the losses of any resources within the County, or the losses of opportunities to develop such resources.

The applicant feels that this Proposed Project enhances the productive use of resources within the County through the use of renewable energy.

17. The Proposed Project is the best alternative available based on consideration of need, existing technology, cost, impact and these regulations.

The Proposed Project appears to be a good alternative based on consideration of need, existing technology, cost, impact and these regulations.

18. The Proposed Project will not unduly degrade the quality or quantity of agricultural activities.

The Proposed Project is likely to degrade the quality or quantity of agricultural activities to a limited extent by removing 20 acres from available agricultural land, but the Proposed Project will not unduly degrade the quality and quantity of total agricultural activities in Arapahoe County.

19. Cultural Resources. The Proposed Project will not significantly interfere with the preservation of cultural resources, including historical structures and sites, agricultural resources, the rural lifestyle and the opportunity for solitude in the natural environment.

The applicant has determined that the Proposed Project appears to not be near any cultural and historic resources. If any cultural or historic resources are found during construction of this Proposed Project, the applicant will work with the State and County to avoid or minimize the impact to any areas of paleontological, historic, or archaeological importance in the Project area.

With the exception of some slight disruption of solitude in the natural environment during construction, the Proposed Project will not significantly disrupt the solitude of the natural environment.

20.Land Use. The Proposed Project will not cause significant degradation of land-use patterns in the area around the Proposed Project.

The Proposed Project will not likely cause significant degradation of land-use patterns in the area.

21.Compliance with Regulations and Fees. The applicant has complied with all applicable provisions of these regulations and has paid all applicable fees.

The applicant has sought to comply with all applicable Use by Special Review regulations and because of State regulations for solar power projects, the applicant does not have to pay the full Planning and Engineering fees.

B. Additional Criteria Applicable to Major Facilities of a Public Utility (Private Company)

In addition to the general criteria set forth in Section V, Part A of the 1041 Permit Regulations, above, the following additional criteria shall apply to major facilities of a public utility (private company):

1. Areas around major facilities of a public utility (private company) shall be administered so as to minimize disruption of the service provided by the public utility (private company).

Areas around the solar garden will be administered so as to minimize disruption of the service provided by the applicant.

2. Areas around major facilities of a public utility (private company) shall be administered so as to preserve desirable existing community and rural patterns.

Once the solar garden is constructed, the Proposed Project will be administered so as to preserve desirable existing community and rural patterns.

3. Where feasible, major facilities of a public utility (private company) shall be located so as to avoid direct conflict with adopted local comprehensive, State and regional master plans.

The Proposed Project appears to avoid direct conflict with adopted local comprehensive, State, and regional master plans.

4. Where feasible, major facilities of a public utility (private company) shall be located so as to minimize dedication of new right-of-way and construction

of additional infrastructure (e.g., gas pipelines, roads, and distribution lines.)

The Proposed Project is located so as to minimize dedication of new right-of-way and construction of additional infrastructure. The site is adjacent to existing distribution lines which allows for an efficient connection to the power grid.

III. STAFF FINDINGS: USE BY SPECIAL REVIEW

Staff has visited the site and reviewed the plans, supporting documentation and referral comments, as well as citizen input in response to this application. Based upon review of the Comprehensive Plan, development regulations, and analysis of referral comments, our findings include:

1. The proposed Use by Special Review application is in conformance with the Arapahoe County Comprehensive Plan, in that it provides for development of public facilities and services within the “Rural” Land Use Area.
2. The proposed Use by Special Review application appears to be consistent with the Use by Special Review Section of the Arapahoe County Land Development Code.
3. This application appears to meet all of the approval criteria for this Use by Special Review, provided all of the conditions of approval are met.
4. There are a few Engineering conditions that need to be done prior to the signing of the USR mylar and before any construction takes place.
5. If the Proposed Project is discovered to impact any cultural and historic resources, the applicant will need to avoid or minimize the impact to any areas of paleontological, historic, or archaeological importance.
6. If the Proposed Project is discovered to impact any Federal and State Threatened and Endangered Species or State Species of Concern within the area of the solar garden, the applicant will need to mitigate and minimize any potential impact to these species.

IV. RECOMMENDATION FOR USE BY SPECIAL REVIEW:

Considering the findings and other information provided herein, the Planning Commission and staff recommend approval of Case Number, U15-001, the Quincy Solar Garden, Use By Special Review, subject to the following conditions:

1. The applicant will modify the plans as requested by the Public Works & Development Department, prior to the signing of the mylars and before the commencement of any construction activities relating to this project.

2. The applicant agrees to address all Engineering Services Division comments and concerns, as identified within their reports, prior to signed mylars. The applicant will obtain an access permit prior to construction.
3. The applicant will strive to avoid any areas of paleontological, historic, or archaeological importance. If avoidance is not possible, further testing will be conducted, with landowner's permission, to determine the site's eligibility for historic status and a treatment plan will be developed that will be followed to protect eligible sites. The applicant will notify the County of any plans or activities to deal with historic, paleontological or archaeological sites that cannot be avoided by the construction of the solar garden.
4. The applicant will strive to avoid any Federal and/or State Threatened and Endangered Species, as well as State Species of Concern, that exist in areas where the solar garden will be constructed. If any Federal and/or State Threatened and Endangered Species or any State Species of Concern, is found to exist in areas where the solar garden will be constructed, then the applicant will collaborate with Colorado Parks and Wildlife and Arapahoe County to mitigate and minimize any potential impact to these species.
5. The applicant will provide the County with a noxious weed control plan for the site.
6. Once the solar community garden facility is no longer operational, the applicant must remove all equipment and restore the site to pre-development conditions within one year of ceasing operations or as otherwise agreed upon within a contract with the landowner if the land is owned by others.

This favorable recommendation is based, in part, upon the findings that:

- The proposal is in conformance with the Arapahoe County Comprehensive Plan.
- The proposal is in conformance with Arapahoe County Land Development Code, specifically the Use by Special Review Regulations.

Attachments

Application, USR Report with USR Exhibit
Referral Comments
Engineering Staff Report

V. DRAFT MOTION FOR USE BY SPECIAL REVIEW:

A. Approval Motion: In the case of U15-001 – Quincy Solar Garden, Use by Special Review, we have read the staff report and received testimony at the public hearing. We find ourselves in agreement with staff findings for the Use by Special Review application including all plans and attachments as set forth in the staff report dated February 8, 2016, and vote to approve, subject to the following conditions:

1. The applicant will modify the plans as requested by the Public Works & Development Department, prior to the signing of the mylars and before the commencement of any construction activities relating to this project.
2. The applicant agrees to address all Engineering Services Division comments and concerns, as identified within their reports, prior to signed mylars. The applicant will obtain an access permit prior to construction.
3. The applicant will strive to avoid any areas of paleontological, historic, or archaeological importance. If avoidance is not possible, further testing will be conducted, with landowner's permission, to determine the site's eligibility for historic status and a treatment plan will be developed that will be followed to protect eligible sites. The applicant will notify the County of any plans or activities to deal with historic, paleontological or archaeological sites that cannot be avoided by the construction of the solar garden.
4. The applicant will strive to avoid any Federal and/or State Threatened and Endangered Species or any State Species of Concern, that exist in areas where the solar garden will be constructed. If any Federal and/or State Threatened and Endangered Species, as well as State Species of Concern, is found to exist in areas where the solar garden will be constructed, then the applicant will collaborate with Colorado Parks and Wildlife and Arapahoe County to mitigate and minimize any potential impact to these species.
5. The applicant will provide the County with a noxious weed control plan for the site.
6. Once the solar community garden facility is no longer operational, the applicant must remove all equipment and restore the site to pre-development conditions within one year of ceasing operations or as otherwise agreed upon within a contract with the landowner if the land is owned by others.

Staff provides the following Draft Motions listed below as general guidance in preparing an alternative motion if the Board of County Commissioners reaches a different determination:

Recommend Denial

In the case of U15-001, Quincy Solar Garden Use by Special Review, we have read the staff report. We do not find ourselves in agreement with staff findings and deny this application based on the following findings:

1. *State new findings in support of denial as part of the motion.*

Continue to Date Certain:

In the case of U15-001, Quincy Solar Garden Use by Special Review, I move to continue the hearing to [*date certain*], 9:30 a.m., to obtain additional information and to further consider the information presented.

USE BY SPECIAL REVIEW

RESOLUTION NO. XXXX It was moved by Commissioner XXXXX, duly seconded by Commissioner XXXXX to adopt the following Resolution:

WHEREAS, application has been made by Sunshare LLC. for a Use by Special Review for a Community Solar Garden (Case No. U15-001) for certain property hereinafter described, to-wit:

LEGAL West of the 6th P.M. in Arapahoe County, and

WHEREAS, subsequently public notice has been properly given of such proposed Use by Special Review by publication on XXXX 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 Zoning Regulations; and

WHEREAS, pursuant to statute and the aforementioned notice provisions, 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 8th day of March 2016 at 9:30 o'clock AM, 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 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, U15-001, Community Solar Garden, for the aforementioned properties, 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 its 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:
 - 1. The applicant will modify the plans as requested by the Public Works & Development Department, prior to the signing of the mylars and before the commencement of any construction activities relating to this project.
 - 2. The applicant agrees to address all Engineering Services Division comments and concerns, as identified within their reports, prior to signed mylars. The applicant will obtain an access permit prior to construction.
 - 3. The applicant will strive to avoid any areas of paleontological, historic, or archaeological importance. If avoidance is not possible, further testing will be conducted, with landowner's permission, to determine the site's eligibility for historic status and a treatment plan will be developed that will be followed to protect eligible sites. The County will be made aware of any plans or activities to deal with historic, paleontological or archaeological sites that cannot be avoided by the construction of the solar garden.
 - 4. The applicant will strive to avoid any Federal and/or State Threatened and Endangered Species or any State Species of Concern, that exist in areas where the solar garden will be constructed. If any Federal and/or State Threatened and Endangered Species, as well as State Species of Concern, is found to exist in areas where the solar garden will be constructed, then the applicant will collaborate with Colorado Parks and Wildlife and Arapahoe County, to mitigate and minimize any potential impact to these species.
 - 5. The applicant will provide the County with a noxious weed control plan for the site.
 - 6. Once the solar community garden facility is no longer operational, the applicant must remove all equipment restore the site to pre-development conditions within

one year of ceasing operations or as otherwise agreed upon within a contract with the landowner if the land is owned by others.

- 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 Doty,; Commissioner Bockenfeld, ; Commissioner Holen, ; Commissioner Jackson, ; Commissioner Sharpe, .

The Chair declared the motion carried and so ordered.



**Public Works and Development
Planning Division**
6924 S. Lima St.
Centennial, CO 80112
Phone: 720-874-6650 Fax: 720-874-6611
www.arapahoegov.com

**Land Development Application for:
Administrative Amendments,
Technical Amendments,
Commercial Mobile Radio Service, and
Administrative Oil & Gas Use by Special Review**

Land development application materials received after 2pm shall be date stamped, as received, the following business day.

APPLICANT/REPRESENTATIVE: SunShare/Jon Sullivan	ADDRESS: 1441 18th Street, Suite 400 Denver, CO 80202 PHONE: 303-296-0919 FAX: EMAIL: jon@mysunshare.com	SIGNATURE: NAME: Jon Sullivan TITLE: Director of Project Development
OWNER(S) OF RECORD: Stephen D. Tebo	ADDRESS: PO Box T Boulder, CO 80306 PHONE: 303-447-8326 FAX: EMAIL: Jdixon@teboproperties.com	SIGNATURE: (See Statement of Authorization) NAME: Stephen D Tebo TITLE: Owner of Record
ENGINEERING FIRM: Enertia Consulting Group, LLC	ADDRESS: 1529 Market Street, Suite 200 Denver, CO 80202 PHONE: 720-473-3131 FAX: EMAIL: sean.ohearn@enertiacg.com	CONTACT PERSON: Sean O'Hearn

Pre-Submittal Case Number: Q 15-062 Pre-Submittal Planner: Sherman Feher Pre-Submittal Engineer: Spencer M. Smith

Parcel ID no. (AIN no.)	031584418 (2069-00-0-00-013)
Address:	N/A (No Legal Address)
Subdivision Name & Filing:	N/A

	EXISTING	PROPOSED
Zoning:	AG 1 <i>A-1</i>	AG 1
Case/Project/Subdivision Name:	N/A	Quincy Solar Garden
Site Area (Acres):	630.02	40.00
Floor Area Ratio (FAR):	N/A	N/A
Density (Dwelling Units/Acre):	N/A	N/A
Building Square Footage:	N/A	N/A
Disturbed Area (Acres):	N/A	27
Related Case Numbers: (Final/Preliminary Development Plan and/or Plat)	<i>Q15-062 7-2-15</i>	

CASE TYPE			
Administrative Replat	Administrative Amendment to a Final Development Plan	X <i>1041 USE</i>	Technical Amendment
Administrative Amendment to a Administrative Site Plan	Administrative Amendment to a Location & Extent	<i>Use by Special Review</i>	<i>Solar 1041</i>
Administrative Oil & Gas Use by Special Review	Administrative Amendment to a Preliminary Development Plan	Plat Correction	
Commercial Mobile Radio Service (CMRS)	Administrative Amendment to a Planned Sign Program	Subdivision Exemption	

THIS SECTION FOR OFFICE USE ONLY

Case No:	Planning Manager: <i>SE</i>	Engineering Manager: <i>Spencer</i>
Planning Fee: Y N \$	Engineering Fee: Y N \$	

This application shall be submitted with all applicable application fees. Submittal of this application does not establish a vested property right in accordance with C.R.S. 24-68-105(1). Processing and review of this application may require the submittal of additional information, subsequent reviews, and/or meetings, as outlined in the Arapahoe County Land Development Code.

RECEIVED

AUG 13 2015

**ARAPAHOE COUNTY
PLANNING DIVISION**

Rev 03-18-2015

Handwritten initials and date: 8/20/15

Letter of Intent



Planning

Arapahoe County
Public Works and Development
6924 S. Lima Street
Centennial, CO 80112

RE: Use by Special Review (USR) based on 1041 Guidelines

Enclosed:

Letter of Intent

RECEIVED

AUG 12 2015

ARAPAHOE COUNTY
PLANNING DIVISION

Dear Arapahoe County Public Works and Development:

SunShare is developing a 40 acre solar garden project as part of Xcel's Energy Community Solar Gardens program. SunShare has recently developed similar solar projects in Arapahoe County, Denver County, Adams County, Jefferson County, and El Paso County. The Arapahoe County location on East Quincy Ave was selected due to its proximity to Xcel's distribution infrastructure, flat land grade, and access to the sun (no shading obstructions). SunShare is excited to bring more clean and renewable energy to Arapahoe County and look forward to working with the community to make the project a success.

SunShare is currently in the planning and development stages of a 40 acre solar garden on East Quincy Ave, east of E-470, in unincorporated territory. The project will lease 40 acres of property owned by Tebo Properties. The parcel number is PIN: 031584418, AIN: 2069-00-0-00-013. Full legal description of the property is attached with this submittal. Historically the 632 acre parcel has been used to graze livestock in addition to having an oil and gas well pad. We are leasing 40 acres of the larger parcel in order to build our solar garden project.

The approximately 16,000 solar modules will be mounted on single axis trackers. This means the solar panels will be facing east in the morning, be flat at noon, and be facing west in the afternoon- following the path of the sun. The maximum height of the solar equipment will be approximately 8'. The entire project will be surrounded by an 8' chain link fence. No grading of the land is expected.

Construction will likely begin Q4 2015 and will last approximately 16-20 weeks. Construction crews will be a combination of general labor workers, certified electricians, and an on-site general contractor. There will be a security guard on watch during certain phases of construction. Once complete there will be no full time personnel on site. There will be a small maintenance crew (1-4 people) visiting on a quarterly basis.

We have provided a vicinity map, site plan, and example aesthetic to help understand our project proposal. SunShare will work hard to make the project a success with Arapahoe County. Please let us know if there is anything we can do to expedite the approval process.

RECEIVED

Sincerely,

Jon Sullivan
Director of ~~Project~~ Development
jon@mysunshare.com
303 718-3291



January 5th, 2016

Mr. Sherman Feher, Planner
Arapahoe County Public Works and Development
6924 South Lima Street
Centennial, CO 80112

**RE: Point-by-Point Response Letter to Phase II Agency Referral
Comments for Use by Special Review U15-001 (Quincy Solar
Garden)**

Dear Mr. Feher:

Please find below Quincy Solar Garden LLC's (Applicant's) responses to each of the agency referral comments received regarding the application for a Use by Special Review Permit for the proposed Quincy Solar Garden (Project).

1. **Arapahoe County Assessor (Beverly Reynolds): No Comments**
2. **Arapahoe County Engineering (Spencer Smith): With Comments**
All Engineering Comments are addressed by separate enclosed engineer's letter
3. **Arapahoe County Mapping (Pat Hubert): With Comments**
Comment: Why is there an acreage difference (20ac vs. 40ac) between the lease area and the legal descriptions?

Response: Applicant had originally planned a larger lease area before the utility provided approval for a smaller project size. The acreage discrepancy has been corrected on the submitted Use by Special Review Plan.

4. **Arapahoe County Planning (Russell Johnson): With Comments**



Comment: A noxious weed management plan is necessary for this project.

Response: Applicant will develop a noxious weed management plan for the Project for implementation prior to construction. The plan will conform to Arapahoe County noxious weed management requirements.

5. Arapahoe County Sheriff (Glenn Thompson): No Comments

6. Arapahoe County Zoning (Tammy King): With Comments

Comment: No landscaping shown per 13.904N of LDC

Response: The submitted Use by Special Review Plan shows the general location and typical details of the proposed landscaping features, such as earthen berms and fencing, which are proposed for the Project.

7. Colorado Parks and Wildlife (Travis Harris): No Comments

8. Bennett Fire District (Caleb Connor): No Comments

9. REAP I-70 (Matt Reay / Jack Keever): With Comments

Comment (Jack Keever): The REAP Board of Directors has adopted a policy of supporting the orderly development of energy industries. REAP supports this application to establish a Community Solar Garden approximately 2.3 miles east of the intersection of East Quincy Ave. and South Watkins Road.

Response: Acknowledged, with thanks.

10. Tri-County Health Dept. (Sheila Lynch): With Comments

Comment (Laurel Broten, MPH): Alternative energy supplies generally do not contribute to air and water pollution and can have a positive impact on the environment. TCHD commends the applicant for bringing forward a proposal that promotes the use of renewable energy.

Response: Acknowledged, with thanks.



Comment (Laurel Broten, MPH): The application describes a construction period of sixteen to twenty weeks. However, the application does not indicate whether there are existing wastewater facilities available to workers during construction or whether the facilities will need to be provided. TCHD has no objection to the use of portable toilets during the construction phase, provided the units are properly cleaned and maintained. While TCHD cannot require the use of hand sinks, we recommend that the applicant provide those for the workers, as it will reduce the potential for the transmission of disease.

Response: There is no wastewater service available at the site. There is also no municipal water service available at the site. Applicant will require the use of portable toilet facilities with portable (no municipal water required) hand washing sinks through the construction phase.

Comment (Laurel Broten, MPH): Rodents, such as mice and rates, carry diseases which can be spread to humans through contact with rodents, rodent feces, urine or saliva, or through rodent bites. As rodents are attracted to trash, TCHD strongly recommends that all trash dumpsters on site during construction are equipped with a closeable lid and with regular collection and disposal at an approved landfill.

Response: Applicant will make best efforts to follow TCHD's recommendations regarding trash disposal. The majority of trash generated onsite will be construction-related and a closeable lid may not be applicable for all disposal streams.

11. Deer Trail Conservation District (Sheryl Walles): No Comments
12. CDOT / State Hwy. Dept. Region 1 (Rick Solomon): No Comments
13. XCEL Energy (Donna George): No Comments
14. US Army Corp. of Engineers (Kiel Downing): With Comments



Comment: USACE's standard comment letter indicated that if wetlands were observed onsite, the USACE should be provided with a Pre-Construction Notification to determine if a USACE permit is necessary.

Response: The proposed Project site was surveyed by a licensed environmental surveyor conducting a Phase I ESA. According to the report, no wetland conditions were observed onsite.

15. Urban Drainage (David Mallory): No Comments

16. East End Advisory Committee (various): With Comments
Comment (Janet Cook): Great Project.

Response: Acknowledged, with thanks.

Comment (Arnold Hollingsworth): This application looks good and has merit for both them and the community; I feel it should be granted.

Response: Acknowledged, with thanks.

Please advise if there are any further comments or issues to be addressed regarding this application.

Sincerely,

Luke Rickard
Project Developer, SunShare



Board of County Commissioner's Summary Report

Date: February 11, 2016

To: Arapahoe County Board of County Commissioners

Through: Sherman Feher, Planner
Planning Division

Through: Chuck Haskins, PE
Engineering Services Division, Manager

From: Spencer M. Smith, PE
Engineering Services Division

Case name: U15-001 – Quincy Solar Garden USR/1041

Purpose and Recommendation

The purpose of this report is to communicate the Engineering Services Staff findings, comments, and recommendations regarding the land use application identified above.

Engineering Services Staff has reviewed the land use application and has the following findings and comments:

1. The site will access E. Quincy Ave. at an existing field access that will be improved to meet County criteria. A ROW access permit will need to be obtained for the access prior to construction.

The applicant has been in contact with and received approval from the applicable parties to cross the existing Bronco pipeline with the proposed site access.

The existing ROW on E. Quincy Ave. along this project frontage is 110'. The ultimate ROW width for E. Quincy Ave. is 114' per the County's 2035 Transportation Plan. The County has requested that the property owner dedicate the additional 2' of ROW along the property frontage with this USR.

2. The applicant presented two waiver requests to the County's Technical Review Committee (TRC) on October 21, 2015. The first waiver request was in regards to the stormwater detention requirement (Arapahoe County Stormwater Management Manual (AC SWMM), Section 13.1.5). Arapahoe County criteria requires stormwater detention for a project adding more than 5,000 square feet of impervious area. This project will be adding approximately 6,900 square feet.



Given the project's rural location, proximity to Box Elder Creek and the minimal amount of stormwater runoff generated from the additional 1,900 square feet of impervious area, the TRC was in favor of granting the waiver.

The second waiver request was in regards to the water quality capture volume requirement (AC SWMM, Section 14.4.2). County criteria requires water quality capture volume be provided for any project that has a total imperviousness for any given acre of the site greater than 10%. The proposed project exceeds this criteria by 5% where the access road is located (approximately 15% imperviousness). TRC was in favor of granting this waiver, but would still require that the site provide a water quality enhancement. A grass buffer along the east side of the property will provide for sediment removal prior to entering Box Elder Creek to the east. Rather than disturb the existing ground and vegetation to install a new grass buffer, the TRC prefers that the existing vegetation serve as the grass buffer. During construction, if the County inspector determines that the existing vegetation is not sufficient, the applicant may be required to enhance the area.

Both of these waivers are consistent with what was approved for Sunshare's Jewell Avenue Solar Garden project (Arapahoe County Case # U14-003).

Engineering Staff is recommending the land use application(s) favorably subject to the following conditions:

1. Applicant addresses all Arapahoe County Engineering Services Division comments.
2. Applicant obtains all necessary approvals from the Bennett Fire District and permits (ROW Access, GESD) from the County.



RECEIVED
DEC 02 2015
ARAPAHOE COUNTY
PLANNING DIVISION

Public Works and Development
6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-4611
www.co.arapahoe.co.us

Planning Division
Phase II Referral Routing

Case Number / Case Name:	U15-001, Quincy Solar Garden [Sunshare] / Use by Special Review
Planner:	Sherman Feher
Engineer:	Spencer Smith
Date:	11/23/2015
Date to be returned:	12/23/2015

Arapahoe County Agencies			Citizen's Organizations		
<input checked="" type="checkbox"/>	Assessor / Arapahoe County	Beverly Reynolds	<input type="checkbox"/>	CCNA-Cherry Creek Neighborhoods Ass.	
<input type="checkbox"/>	Attorney / Arapahoe County	Robert Hill	<input type="checkbox"/>	CECON-(Within Centennial)	
<input type="checkbox"/>	Building / Arapahoe County	Steve Byer	<input type="checkbox"/>	Four Square mile Neighborhood	
<input checked="" type="checkbox"/>	Engineering / Arapahoe County	Spencer Smith	<input type="checkbox"/>	South Metro Chamber of Commerce	
<input checked="" type="checkbox"/>	Mapping / Arapahoe County	Pat Hubert	Conservation District		
<input type="checkbox"/>	Oil & Gas / Arapahoe County	Diane Kocis	<input checked="" type="checkbox"/>	Deer Trail Conservation District	Sheryl Wailes
<input type="checkbox"/>	Open Space / Arapahoe County	Shannon Carter	<input type="checkbox"/>	West Arapahoe Conservation District	Tasha Chevarria
<input checked="" type="checkbox"/>	Planning / Arapahoe County	Sherman Feher	Transportation		
<input checked="" type="checkbox"/>	Sheriff / Arapahoe County	1 to Brian McKnight 1 to Glenn Thompson	<input checked="" type="checkbox"/>	CDOT / State Highway Dept- Region 1	Rick Solomon
<input type="checkbox"/>	Weed Control / Arapahoe County	Russell Johnson	<input type="checkbox"/>	E-470 Authority	Peggy Davenport
<input checked="" type="checkbox"/>	Zoning / Arapahoe County	Tammy King	<input type="checkbox"/>	RTD	Chris Quinn
Referral Agencies			Utilities: Gas, Electric & Phone		
<input type="checkbox"/>	Architectural Review Committee		<input type="checkbox"/>	Centurylink/Phone	Charles Place
<input type="checkbox"/>	Airport or Military Base		<input type="checkbox"/>	Conoco Phillips / Gas Pipeline	
<input type="checkbox"/>	CGS Colorado Geological Survey-Soils		<input checked="" type="checkbox"/>	XCEL	Donna George
<input type="checkbox"/>	City / Town		<input type="checkbox"/>	IREA	
<input checked="" type="checkbox"/>	Colorado Parks and Wildlife	Travis Harris	Water / Sanitation / Stormwater / Wetlands		
<input type="checkbox"/>	County		<input type="checkbox"/>	ACWWA	
<input type="checkbox"/>	DRCOG		<input checked="" type="checkbox"/>	U.S. Army Corp. of Engineer	Kiel Downing
<input checked="" type="checkbox"/>	Bennett Fire District	Caleb Connor	<input type="checkbox"/>	CCBWQA	
<input type="checkbox"/>	Metro District		<input type="checkbox"/>	Colorado Division of Water Resources	Joanne Williams
<input type="checkbox"/>	Post Office Growth Coordinator	J. Hernandez	<input type="checkbox"/>	SEMSWA	Paul Danley
<input checked="" type="checkbox"/>	Reap I-70 Regional Economic Advancement Partnership	Matt Reay Jack Keever	<input type="checkbox"/>	ECCVW&S	Chris Douglass
<input type="checkbox"/>	Recreation District / Park District (External)		<input checked="" type="checkbox"/>	Urban Drainage	David Mallory
<input type="checkbox"/>	School District		<input checked="" type="checkbox"/>	Other / 5 Sets East End Adv. Committee	Kroh
<input type="checkbox"/>	Special District				
<input checked="" type="checkbox"/>	Tri-County	Sheila Lynch			
<input type="checkbox"/>	HOA/Homeowners Associations				

The enclosed case has been submitted to the Arapahoe County Planning Office for consideration. Because of the possible effect of the proposed development upon your area, the case is being referred for your comment. Please examine this request and, after review, check the appropriate line and return to the Arapahoe County Planning Office on or before the date indicated above.

	COMMENTS:	SIGNATURE
<input checked="" type="checkbox"/>	Have NO Comments to make on the case as submitted	<i>Carol Cook</i>
<input type="checkbox"/>	Have the following comments to make related to the case:	



Public Works and Development

6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611

www.co.arapahoe.co.us

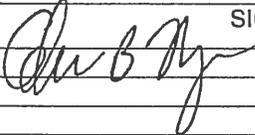
Planning Division

Phase II Referral Routing

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Planner:	Sherman Feher
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Arapahoe County Agencies		Citizen's Organizations		
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<input checked="" type="checkbox"/>	Planning / Arapahoe County	Sherman Feher	<input type="checkbox"/> West Arapahoe Conservation District	Tasha Chevarria
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Referral Agencies			<input type="checkbox"/> RTD	Chris Quinn
<input type="checkbox"/>	Architectural Review Committee		<input type="checkbox"/>	
<input type="checkbox"/>	Airport or Military Base		Utilities: Gas, Electric & Phone	
<input type="checkbox"/>	CGS Colorado Geological Survey-Soils		<input type="checkbox"/> Centurylink/Phone	Charles Place
<input type="checkbox"/>	City / Town		<input type="checkbox"/> Conoco Phillips / Gas Pipeline	
<input checked="" type="checkbox"/>	Colorado Parks and Wildlife	Travis Harris	<input checked="" type="checkbox"/> XCEL	Donna George
<input type="checkbox"/>	County		<input type="checkbox"/> IREA	
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<input type="checkbox"/>	Metro District		<input checked="" type="checkbox"/> U.S. Army Corp. of Engineer	Kiel Downing
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<input type="checkbox"/>	School District		<input type="checkbox"/> ECCVW&S	Chris Douglass
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The enclosed case has been submitted to the Arapahoe County Planning Office for consideration. Because of the possible effect of the proposed development upon your area, the case is being referred for your comment. Please examine this request and, after review, check the appropriate line and return to the Arapahoe County Planning Office on or before the date indicated above.

COMMENTS:	SIGNATURE
<input checked="" type="checkbox"/> Have NO Comments to make on the case as submitted	 11/30/15
<input type="checkbox"/> Have the following comments to make related to the case:	

Sherman Feher

From: Arnold Hollingsworth <ajguitar2@yahoo.com>
Sent: Wednesday, December 02, 2015 9:33 AM
To: Sherman Feher
Subject: case number/name U15-001, Quincy Solar Garden (sunshare) / USR

Sherman, this application looks good and has merit both for them and the community I feel it should be granted. Arnold Hollingsworth east end advisory committee. ajguitar2@yahoo.com

U15-001



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD
LITTLETON, COLORADO 80128-6901

RE: Section 404 of the Clean Water Act Initial Comments

To whom it concerns:

In accordance with Section 404 of the Clean Water Act, the Corps of Engineers regulates the discharge of dredged or fill material, and any excavation associated with a dredged or fill project, either temporary or permanent, into waters of the United States (WOUS). You should notify this office if the project proposed falls within these regulated activities because the project may require a Department of the Army Section 404 permit.

A WOUS may include ephemeral and/or perennial streams, wetlands, lakes, ponds, drainage ditches and irrigation ditches. A wetland delineation must be conducted, and verified by the Corps of Engineers, using the methods outlined in the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and *Regional Supplement to the Corps of Engineers Wetland Delineation Manual*: (using applicable Regional Supplement) to determine wetlands based on the presence of three wetland indicators: hydrophytic vegetation, hydric soils, and wetland hydrology. Wetland delineations must be conducted in the field by a qualified environmental consultant and any aquatic resource boundaries must be identified accordingly. Once the aquatic resources have been identified, only this office can determine if they are WOUS. Please note that development of the upland areas, avoiding stream and wetland resources, does not require authorization from this office.

Nationwide Permits (NWP) authorize common types of fill activities in WOUS that will result in a minimal adverse effect to the environment. Descriptions of the 52 types of nationwide permit activities and their general conditions can be found on our website: <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Colorado.aspx>. Some fill activities require notifying the Corps before starting work. Also, some types/sizes of work may require additional information or mitigation.

Regional General Permits (RGP) authorize specific types of fill activities in WOUS that will result in a minimal adverse effect to the environment. Descriptions of the 4 types of regional general permit activities and their general conditions can be found on our website: <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Colorado/RegionalGeneralPermits.aspx>. These fill activities require notifying the Corps before starting work, and possibly other local or state agencies. Also, some types/sizes of work may require additional information or mitigation. Please note several of the RGP's are applicant and location specific.

Individual permits may authorize fill activities that are not covered under the NWP or Regional General Permits (RGP's). This permit will be processed through the public interest review procedures, including public notice and receipt of comments. An alternative analysis (AA) must be provided with this permit action. The AA must contain an evaluation of environmental impacts for a range of alternatives. These alternatives should include the preferred action, no action alternative, and other action alternatives that would be the identified project purpose. Other action alternatives should include other practicable (with regards to cost, logistics, and technology) that meet the overall project purpose. The alternatives could include offsite alternatives and alternative designs. When evaluating individual permit applications, the Corps can only issue a permit for the least environmentally damaging practicable alternative (LEDPA). In some cases, the LEDPA may not be the applicant's preferred action. The individual permit application form and form instructions can be found on our website: <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/ObtainPermit.aspx>.

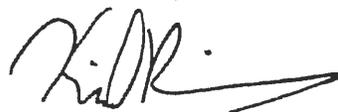
If the activity requires a Department of the Army permit as a result of any impacts to WOUS or any earth disturbances within that resource, a federal action will occur. For the Corps to make a permit decision, the applicant must provide enough information to demonstrate compliance with Section 106 of the National Historic Preservation Act (NHPA) and Section 7 of the Endangered Species Act (ESA).

The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to WOUS to the maximum extent practicable at the project site. Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal. Any loss of an aquatic site may require mitigation. Mitigation requirements will be determined during the Department of the Army permitting review.

If the information that was submitted could impact WOUS, which are jurisdictional resources, this office should be notified. If a section 404 permit is required, work in an aquatic site should be identified by the proponent of the project and be shown on a map identifying the Quarter Section, Township, Range and County, Latitude and Longitude, Decimal Degrees (example 39.55555; -104.55555) and the dimensions of work in each aquatic site.

If there are any questions, please call the Denver Regulatory Office at 303-979-4120.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Downing', with a long horizontal stroke extending to the right.

Kiel Downing
Chief, Denver Regulatory Office

Enclosures:

-PCN Requirements



Pre-Construction Notification (PCN) Requirements

(Nationwide Permit General Condition No. 31
from the February 21, 2012 Federal Register)

US Army Corps of Engineers,
Omaha District, Denver Regulatory Office
9307 South Wadsworth Blvd,
Littleton, CO 80128
Phone: (303) 979-4120

Website: <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Colorado.aspx>

Contents of Pre-Construction Notification:

The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed project;
- (3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);
- (4) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;
- (5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.
- (6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and
- (7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.



December 23, 2015

Sherman Feher
Arapahoe County Planning Division
6924 S Lima St
Centennial CO 80112

RE: Quincy Solar Garden [Sunshare]
Case No. U15-001
TCHD No. 3736

Dear Mr. Feher:

Thank you for the opportunity to review and comment on the Use by Special Review application for Quincy Solar Garden located 2.3 miles east of the intersection of E Quincy Ave. and S Watkins Rd. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has the following comments:

Renewable Energy

Alternative energy supplies generally do not contribute to air and water pollution and can have a positive impact on the environment. TCHD commends the applicant for bringing forward a proposal that promotes the use of renewable energy.

Wastewater Service for Construction Trailers

The application describes a construction period of sixteen to twenty weeks. However, the application does not indicate whether there are existing wastewater facilities available to workers during construction or whether the facilities will need to be provided. TCHD has no objection to the use of portable toilets during the construction phase, provided the units are properly cleaned and maintained. While TCHD cannot require the use of hand sinks, we recommend that the applicant provide those for the workers, as it will reduce the potential for the transmission of disease.

Solid Waste

Rodents, such as mice and rats, carry diseases which can be spread to humans through contact with rodents, rodent feces, urine, or saliva, or through rodent bites. As rodents are attracted to trash, TCHD strongly recommends that all trash dumpsters on site during construction are equipped with a closeable lid and with regular collection and disposal at an approved landfill.

Quincy Solar Garden [Sunshare], U15-001
December 23, 2015
Page 2 of 2

Please feel free to contact me at (720) 200-1585 or lbroten@tchd.org if you have any questions about TCHD's comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'L Broten', with a stylized flourish at the end.

Laurel Broten, MPH
Land Use and Built Environment Specialist
Tri-County Health Department

CC: Sheila Lynch, Brad Turpin, Steve Chevalier, TCHD

Sherman Feher

From: jack keever <jakreap@aol.com>
Sent: Thursday, December 03, 2015 8:18 AM
To: Sherman Feher
Cc: Gary.Duke@guarantybankco.com; tom.henley@xcelenergy.com
Subject: U15-001, Quincy Solar Garden (Sunshare)

Dear Sherman;

The Reap Board Of Directors has adopted a policy of supporting the orderly development of energy industries. Reap supports this application to establish a Community Solar Garden approximately 2.3 miles east of the intersection of East Quincy Avenue and South Watkins Road.

Thank you for referring this application to Reap.

Sincerely,

Jack Keever



Public Works and Development
 6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6650
 www.co.arapahoe.co.us

Planning Division
 Phase II Referral Routing

RECEIVED

DEC 10 2015

ARAPAHOE COUNTY
 PLANNING DIVISION

Case Number / Case Name: U15-001, Quincy Solar Garden [Sunshare] / Use by Special Review
 Planner: Sherman Feher
 Engineer: Spencer Smith
 Date: 11/23/2015
 Date to be returned: 12/23/2015

Arapahoe County Agencies		Citizen's Organizations			
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<input type="checkbox"/>	Attorney / Arapahoe County	Robert Hill	<input type="checkbox"/> CCNA-Cherry Creek Neighborhoods Ass.		
<input type="checkbox"/>	Building / Arapahoe County	Steve Byer	<input type="checkbox"/> CECON-(Within Centennial)		
<input checked="" type="checkbox"/>	Engineering / Arapahoe County	Spencer Smith	<input type="checkbox"/> Four Square mile Neighborhood		
<input checked="" type="checkbox"/>	Mapping / Arapahoe County	Pat Hubert	<input type="checkbox"/> South Metro Chamber of Commerce		
<input type="checkbox"/>	Oil & Gas / Arapahoe County	Diane Kocis	Conservation District		
<input type="checkbox"/>	Open Space / Arapahoe County	Shannon Carter	<input checked="" type="checkbox"/>	Deer Trail Conservation District	Sheryl Wailes
<input checked="" type="checkbox"/>	Planning / Arapahoe County	Sherman Feher	<input type="checkbox"/>	West Arapahoe Conservation District	Tasha Chevarria
<input checked="" type="checkbox"/>	Sheriff / Arapahoe County	1 to Brian McKnight 1 to Glenn Thompson	Transportation		
<input type="checkbox"/>	Weed Control / Arapahoe County	Russell Johnson	<input checked="" type="checkbox"/>	CDOT / State Highway Dept- Region 1	Rick Solomon
<input checked="" type="checkbox"/>	Zoning / Arapahoe County	Tammy King	<input type="checkbox"/>	E-470 Authority	Peggy Davenport
Referral Agencies			<input type="checkbox"/>	RTD	Chris Quinn
<input type="checkbox"/>	Architectural Review Committee		<input type="checkbox"/>		
<input type="checkbox"/>	Airport or Military Base		Utilities: Gas, Electric & Phone		
<input type="checkbox"/>	CGS Colorado Geological Survey-Soils		<input type="checkbox"/>	Centurylink/Phone	Charles Place
<input type="checkbox"/>	City / Town		<input type="checkbox"/>	Conoco Phillips / Gas Pipeline	
<input checked="" type="checkbox"/>	Colorado Parks and Wildlife	Travis Harris	<input checked="" type="checkbox"/>	XCEL	Donna George
<input type="checkbox"/>	County		<input type="checkbox"/>	IREA	
<input type="checkbox"/>	DRCOG		Water / Sanitation / Stormwater / Wetlands		
<input checked="" type="checkbox"/>	Bennett Fire District	Caleb Connor	<input type="checkbox"/>	ACWWA	
<input type="checkbox"/>	Metro District		<input checked="" type="checkbox"/>	U.S. Army Corp. of Engineer	Kiel Downing
<input type="checkbox"/>	Post Office Growth Coordinator	J. Hernandez	<input type="checkbox"/>	CCBWQA	
<input checked="" type="checkbox"/>	Reap I-70 Regional Economic Advancement Partnership	Matt Reay Jack Keever	<input type="checkbox"/>	Colorado Division of Water Resources	Joanne Williams
<input type="checkbox"/>	Recreation District / Park District (External)		<input type="checkbox"/>	SEMSWA	Paul Danley
<input type="checkbox"/>	School District		<input type="checkbox"/>	ECCVW&S	Chris Douglass
<input type="checkbox"/>	Special District		<input checked="" type="checkbox"/>	Urban Drainage	David Mallory
<input checked="" type="checkbox"/>	Tri-County	Sheila Lynch	<input checked="" type="checkbox"/>	Other / 5 Sets East End Adv. Committee*	Jamet Cook
<input type="checkbox"/>	HOA/Homeowners Associations				

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COMMENTS:	SIGNATURE
<input type="checkbox"/> Have NO Comments to make on the case as submitted	
<input checked="" type="checkbox"/> Have the following comments to make related to the case:	
Great Project	Jameth Cook



Public Works and Development

6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611

www.co.arapahoe.co.us

Planning Division

Phase II Referral Routing

Case Number / Case Name:	U15-001, Quincy Solar Garden [Sunshare] / Use by Special Review
Planner:	Sherman Feher
Engineer:	Spencer Smith
Date:	11/23/2015
Date to be returned:	12/23/2015

Arapahoe County Agencies		Citizen's Organizations		
<input checked="" type="checkbox"/>	Assessor / Arapahoe County	Beverly Reynolds		
<input type="checkbox"/>	Attorney / Arapahoe County	Robert Hill	<input type="checkbox"/> CCNA-Cherry Creek Neighborhoods Ass.	
<input type="checkbox"/>	Building / Arapahoe County	Steve Byer	<input type="checkbox"/> CECON-(Within Centennial)	
<input checked="" type="checkbox"/>	Engineering / Arapahoe County	Spencer Smith	<input type="checkbox"/> Four Square mile Neighborhood	
<input checked="" type="checkbox"/>	Mapping / Arapahoe County	Pat Hubert	<input type="checkbox"/> South Metro Chamber of Commerce	
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Referral Agencies			<input type="checkbox"/> RTD	Chris Quinn
<input type="checkbox"/>	Architectural Review Committee		<input type="checkbox"/>	
<input type="checkbox"/>	Airport or Military Base		Utilities: Gas, Electric & Phone	
<input type="checkbox"/>	CGS Colorado Geological Survey-Soils		<input type="checkbox"/> Centurylink/Phone	Charles Place
<input type="checkbox"/>	City / Town		<input type="checkbox"/> Conoco Phillips / Gas Pipeline	
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<input type="checkbox"/>	County		<input type="checkbox"/> IREA	
<input type="checkbox"/>	DRCOG		Water / Sanitation / Stormwater / Wetlands	
<input checked="" type="checkbox"/>	Bennett Fire District	Caleb Connor	<input type="checkbox"/> ACWWA	
<input type="checkbox"/>	Metro District		<input checked="" type="checkbox"/> U.S. Army Corp. of Engineer	Kiel Downing
<input type="checkbox"/>	Post Office Growth Coordinator	J. Hernandez	<input type="checkbox"/> CCBWQA	
<input checked="" type="checkbox"/>	Reap I-70 Regional Economic Advancement Partnership	Matt Reay Jack Keever	<input type="checkbox"/> Colorado Division of Water Resources	Joanne Williams
<input type="checkbox"/>	Recreation District / Park District (External)		<input type="checkbox"/> SEMSWA	Paul Danley
<input type="checkbox"/>	School District		<input type="checkbox"/> ECCVW&S	Chris Douglass
<input type="checkbox"/>	Special District		<input checked="" type="checkbox"/> Urban Drainage	David Mallory
<input checked="" type="checkbox"/>	Tri-County	Sheila Lynch	<input checked="" type="checkbox"/> Other / 5 Sets East End Adv. Committee	
<input type="checkbox"/>	HOA/Homeowners Associations			

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COMMENTS:	SIGNATURE
<input type="checkbox"/> Have NO Comments to make on the case as submitted	
<input checked="" type="checkbox"/> Have the following comments to make related to the case: <i>13.904 N of CDC</i>	<i>No Landscaping shown per</i>



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Planning Division
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COMMENTS:	SIGNATURE
<input type="checkbox"/> Have NO Comments to make on the case as submitted	
<input checked="" type="checkbox"/> Have the following comments to make related to the case:	<i>Pat Hubert</i> 12-19-15
- WHY IS THERE AN ACREAGE DIFFERENCE (20 AC. VS. 40 AC) BETWEEN THE LEASE AREA AND THE LEGAL DESCRIPTION?	

PHASE I INTERNAL ROUTING FORM

From: Planning

To: Planning, Engineering, Mapping, Zoning, Building, Oil & Gas, Weed

Case Planner: Sherman

Case Engineer: Spencer

Planning Case No: U15-001

Engineering Case No:

Case Name: Quincy Solar Garden /Sunshare USR

PPI# /Location: 2069-00-0-00-013

Date submitted: 08-19-2015

(If submitted before 2 p.m.)

Date assigned & entered in ACCELA: 08-20-2015

(3rd working day from submittal, after review for completeness)

DRC Meeting Date: 09-27-2015

(Wednesday, at least 5 working days from assignment)

Internal review-Due date to Planner: ~~09-04-2015~~ 09/09/2015

(10 working days from assignment)

Phase II: Yes No

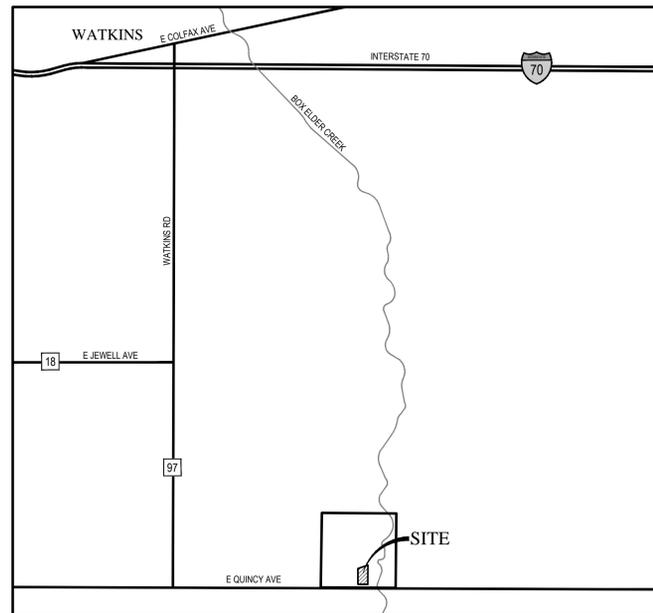
Comment:

A noxious weed management plan is necessary for this project.

Russell Johnson
Arapahoe Count Weed Control Specialist

QUINCY SOLAR GARDEN USE BY SPECIAL REVIEW

LOCATED IN SECTION 4, TOWNSHIP 5 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF ARAPAHOE, STATE OF COLORADO



VICINITY MAP
SCALE 1" = 6000'

STANDARD NOTES:

THE OWNER(S), DEVELOPER(S) AND/OR SUBDIVIDER(S) OF THE USE BY SPECIAL REVIEW KNOWN AS THE QUINCY SOLAR GARDEN, THEIR RESPECTIVE SUCCESSORS, HEIRS AND/OR ASSIGNS AGREE TO THE FOLLOWING NOTES:

EMERGENCY ACCESS NOTE
EMERGENCY ACCESS IS GRANTED HEREWITH OVER AND ACROSS ALL AREAS FOR POLICE, FIRE AND EMERGENCY VEHICLES.

DRIVES, PARKING AREAS, AND UTILITY EASEMENTS MAINTENANCE
THE OWNERS OF THIS PLAN OR PLAT, THEIR SUCCESSORS, AND/OR ASSIGNS IN INTEREST, THE ADJACENT PROPERTY OWNER(S), HOMEOWNERS ASSOCIATION OR OTHER ENTITY OTHER THAN ARAPAHOE COUNTY, IS RESPONSIBLE FOR MAINTENANCE AND UPKEEP OF ANY AND ALL DRIVES, PARKING AREAS, AND EASEMENTS, I.E.: CROSS-ACCESS EASEMENTS, DRAINAGE EASEMENTS, ETC.

LANDSCAPE MAINTENANCE
THE OWNERS OF THIS PLAN OR PLAT, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, THE ADJACENT PROPERTY OWNER(S), HOMEOWNER'S ASSOCIATION OR OTHER ENTITY OTHER THAN ARAPAHOE COUNTY IS RESPONSIBLE FOR MAINTENANCE AND UPKEEP OF PERIMETER FENCING, LANDSCAPED AREAS AND SIDEWALKS BETWEEN THE FENCE LINE/PROPERTY LINE AND ANY PAVED ROADWAYS.

THE OWNERS OF THIS SUBDIVISION, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, OR SOME OTHER ENTITY OTHER THAN ARAPAHOE COUNTY, AGREE TO THE RESPONSIBILITY OF MAINTAINING ALL OTHER OPEN SPACE AREAS ASSOCIATED WITH THIS DEVELOPMENT.

SIGHT TRIANGLE MAINTENANCE
THE OWNERS OF PRIVATE PROPERTY CONTAINING A TRAFFIC SIGHT TRIANGLE ARE PROHIBITED FROM ERECTING OR GROWING ANY OBSTRUCTIONS OVER THREE FEET IN HEIGHT ABOVE THE ELEVATION OF THE LOWEST POINT ON THE CROWN OF THE ADJACENT ROADWAY WITHIN SAID TRIANGLE.

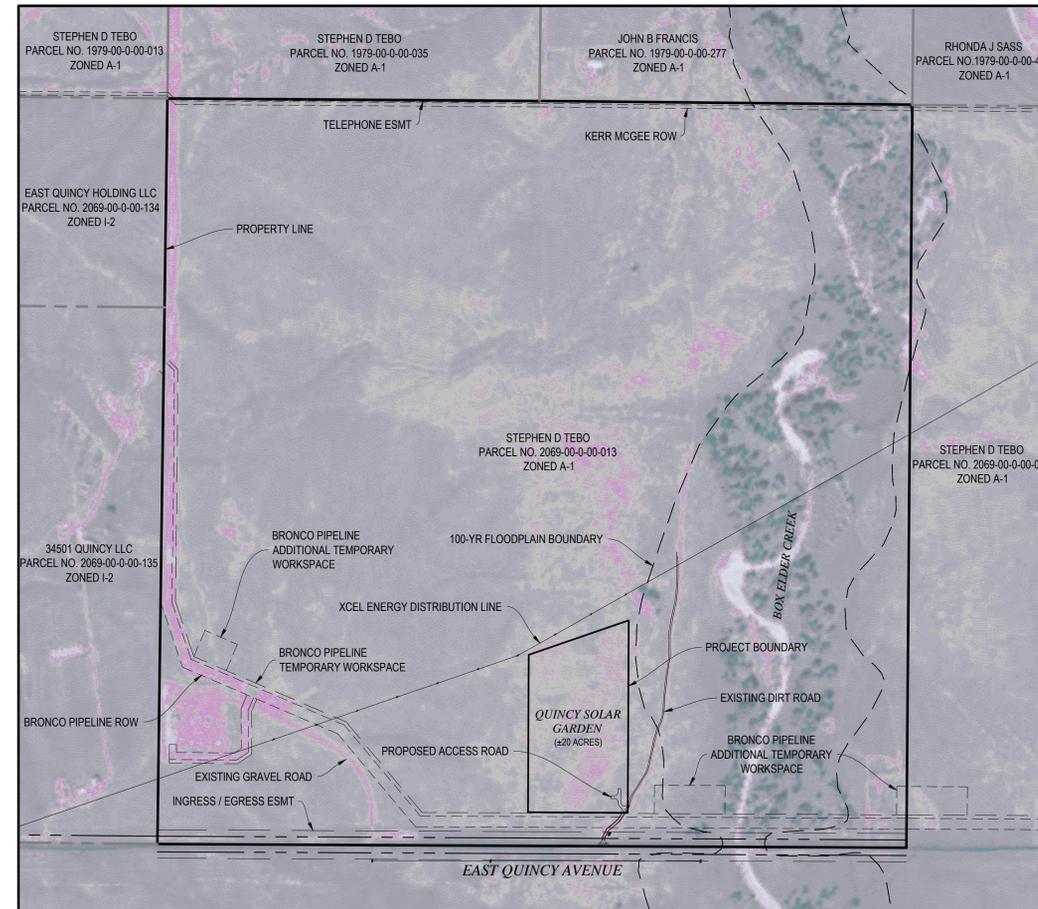
PUBLIC IMPROVEMENTS NOTE
AFTER USE BY SPECIAL REVIEW APPROVAL, ISSUANCE OF INDIVIDUAL BUILDING PERMITS WILL BE SUBJECT TO THE FOLLOWING STIPULATIONS AND/OR CONDITIONS PRECEDENT, WHICH OWNER AGREES TO IN CONJUNCTION WITH APPROVAL OF THE USE BY SPECIAL REVIEW. SUCH BUILDING PERMITS WILL BE ISSUED ONLY AFTER THE OWNERS GUARANTEE PUBLIC IMPROVEMENTS IN A FORM ACCEPTABLE TO THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO STATE STATUTE.

DRAINAGE MAINTENANCE
THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL DRAINAGE FACILITIES INSTALLED PURSUANT TO THE SUBDIVISION AGREEMENT. REQUIREMENTS INCLUDE, BUT ARE NOT LIMITED TO MAINTAINING THE SPECIFIED STORM WATER DETENTION/RETENTION VOLUMES, MAINTAINING OUTLET STRUCTURES, FLOW RESTRICTION DEVICES AND FACILITIES NEEDED TO CONVEY FLOW TO SAID BASINS. ARAPAHOE COUNTY SHALL HAVE THE RIGHT TO ENTER PROPERTIES TO INSPECT SAID FACILITIES AT ANY TIME. IF THESE FACILITIES ARE NOT PROPERLY MAINTAINED, THE COUNTY MAY PROVIDE NECESSARY MAINTENANCE AND ASSESS THE MAINTENANCE COST TO THE OWNER OF THE PROPERTY.

DRAINAGE LIABILITY
IT IS THE POLICY OF ARAPAHOE COUNTY THAT IT DOES NOT AND WILL NOT ASSUME LIABILITY FOR THE DRAINAGE FACILITIES DESIGNED AND/OR CERTIFIED BY ENERTIA CONSULTING GROUP. ARAPAHOE COUNTY REVIEWS DRAINAGE PLANS PURSUANT TO COLORADO REVISED STATUTES TITLE 30, ARTICLE 28, BUT CANNOT, ON BEHALF OF QUINCY SOLAR GARDEN GUARANTEE THAT FINAL DRAINAGE DESIGN REVIEW WILL ABSOLVE QUINCY SOLAR GARDEN AND/OR THEIR SUCCESSORS AND/OR ASSIGNS OF FUTURE LIABILITY FOR IMPROPER DESIGN. IT IS THE POLICY OF ARAPAHOE COUNTY THAT APPROVAL OF THE FINAL PLAT AND/OR FINAL DEVELOPMENT PLAN DOES NOT IMPLY APPROVAL OF ENERTIA CONSULTING GROUP'S DRAINAGE DESIGN.

STORMWATER MAINTENANCE
THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL PERMANENT BEST MANAGEMENT PRACTICES (BMP'S) AND STORMWATER FACILITIES INSTALLED PURSUANT TO THE SUBDIVISION AGREEMENTS AND THE OPERATIONS AND MAINTENANCE (O AND M) GUIDE IN THE CASE OF PERMANENT BMP'S. REQUIREMENTS INCLUDE, BUT ARE NOT LIMITED TO, MAINTAINING THE SPECIFIED BMP'S CONTAINED IN THE O AND M MANUAL RECORDED AT RECEPTION NUMBER N/A, AND THE STORMWATER FACILITIES SHOWN IN THE APPROVED PHASE III DRAINAGE REPORT AND SHOWN ON THE APPROVED CONSTRUCTION DRAWINGS.

THE OWNERS OF THIS SUBDIVISION, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, OR SOME ENTITY OTHER THAN ARAPAHOE COUNTY, AGREE TO THE RESPONSIBILITY OF MAINTAINING ALL PERMANENT BMP'S AND/OR STORMWATER FACILITIES ASSOCIATED WITH THIS DEVELOPMENT. IF THE PERMANENT BMP'S AND STORMWATER FACILITIES ARE NOT PROPERLY MAINTAINED, THE COUNTY MAY PROVIDE NECESSARY MAINTENANCE AND ASSESS THE MAINTENANCE COST TO THE OWNER OF THE PROPERTY.



OVERALL SITE AREA
SCALE 1" = 600'

APPLICANT

QUINCY SOLAR GARDEN LLC
1441 18TH STREET, SUITE 400
DENVER, COLORADO 80202
CONTACT: LUKE RICKARD
(970) 819-2252

ENGINEER

ENERTIA CONSULTING GROUP, LLC
1529 MARKET STREET, SUITE 200
DENVER, COLORADO 80202
CONTACT: SEAN O'HEARN, PE, PG
(303) 473-3131

SURVEYOR

PRECISION SURVEY
9145 EAST KENYON AVENUE, SUITE 101
DENVER, COLORADO 80237
CONTACT: CHRIS JULIANA, PLS
(303) 753-9799

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 4, TOWNSHIP 5 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING OF THIS DESCRIPTION IS ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, ASSUMED TO BEAR S00°47'08"W A DISTANCE OF 2613.39 FEET FROM A 2.5" ALUMINUM CAP L.S. #30127 FOUND AT THE NORTHWEST CORNER OF SAID SECTION 4 TO A 2.5" ALUMINUM CAP L.S. #27805 FOUND AT THE WEST QUARTER CORNER OF SAID SECTION 4;

BEGINNING AT A POINT WHICH BEARS S63°15'18"E A DISTANCE OF 2902.96 FEET FROM SAID WEST QUARTER CORNER;

THENCE N71°07'42" A DISTANCE OF 748.27 FEET; THENCE S00°16'47"W A DISTANCE OF 1,355.25 FEET; THENCE N89°43'13"W A DISTANCE OF 706.85 FEET; THENCE N00°16'47"E A DISTANCE OF 1,109.77 FEET TO THE POINT OF BEGINNING; WHENCE SAID NORTHWEST CORNER OF SECTION 4 BEARS N33°06'53"W A DISTANCE OF 4679.61 FEET.

SAID PARCEL CONTAINS 871,204 SQUARE FEET OF LAND OR 20.000 ACRES, MORE OR LESS.

SITE DATA

PROJECT AREA: ±20 ACRES
72-CELL POLYCRYSTALLINE PHOTOVOLTAIC MODULES (APPROX. 6,000-7,000)
CENTRAL STRING INVERTER ARCHITECTURE
MODULE MOUNTING: HORIZONTAL SINGLE-AXIS TRACKERS

SHEET INDEX

- 1 COVER SHEET
- 2 SITE PLAN
- 3 TYPICAL DETAILS

BOARD OF COUNTY COMMISSIONERS APPROVAL

APPROVED BY THE ARAPAHOE COUNTY BOARD OF COMMISSIONERS,
THIS _____ DAY OF _____ A.D., 20____.

CHAIR: _____

ATTEST: _____

PLANNING COMMISSION RECOMMENDATION

RECOMMENDED BY THE ARAPAHOE COUNTY PLANNING COMMISSION,
THIS _____ DAY OF _____ A.D., 20____.

CHAIR: _____

CERTIFICATE OF OWNERSHIP

I _____ HEREBY AFFIRM THAT I AM THE OWNER OR AUTHORIZED AGENT
OF ALL INDIVIDUALS HAVING OWNERSHIP INTEREST IN THE PROPERTY DESCRIBED
HEREIN, KNOWN AS QUINCY SOLAR GARDEN (CASE NO: U15-001)

OWNER OF RECORD OR AUTHORIZED AGENT

STATE OF _____ }
S.S.

COUNTY OF _____ }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY
OF _____, 2016 BY _____
(NAME)

AS _____ OF _____ AN AUTHORIZED SIGNATORY.
(TITLE)

BY _____ WITNESS MY HAND AND SEAL

_____ MY COMMISSION EXPIRES _____
(NOTARY PUBLIC)

CITY _____ STATE _____ ZIP CODE _____

QUINCY SOLAR GARDEN
ARAPAHOE COUNTY, COLORADO

COVER SHEET

VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING. 0 _____ SCALE	
DATE	JANUARY 05, 2015
FILE	1 CVR
DWG	CVR
SHEET	1 OF 3

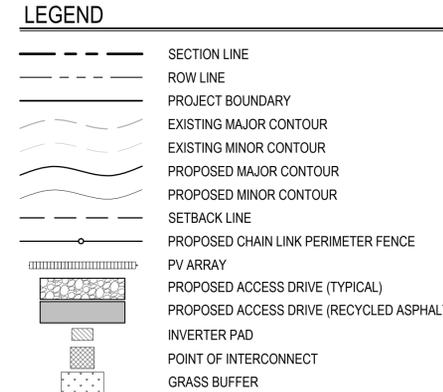
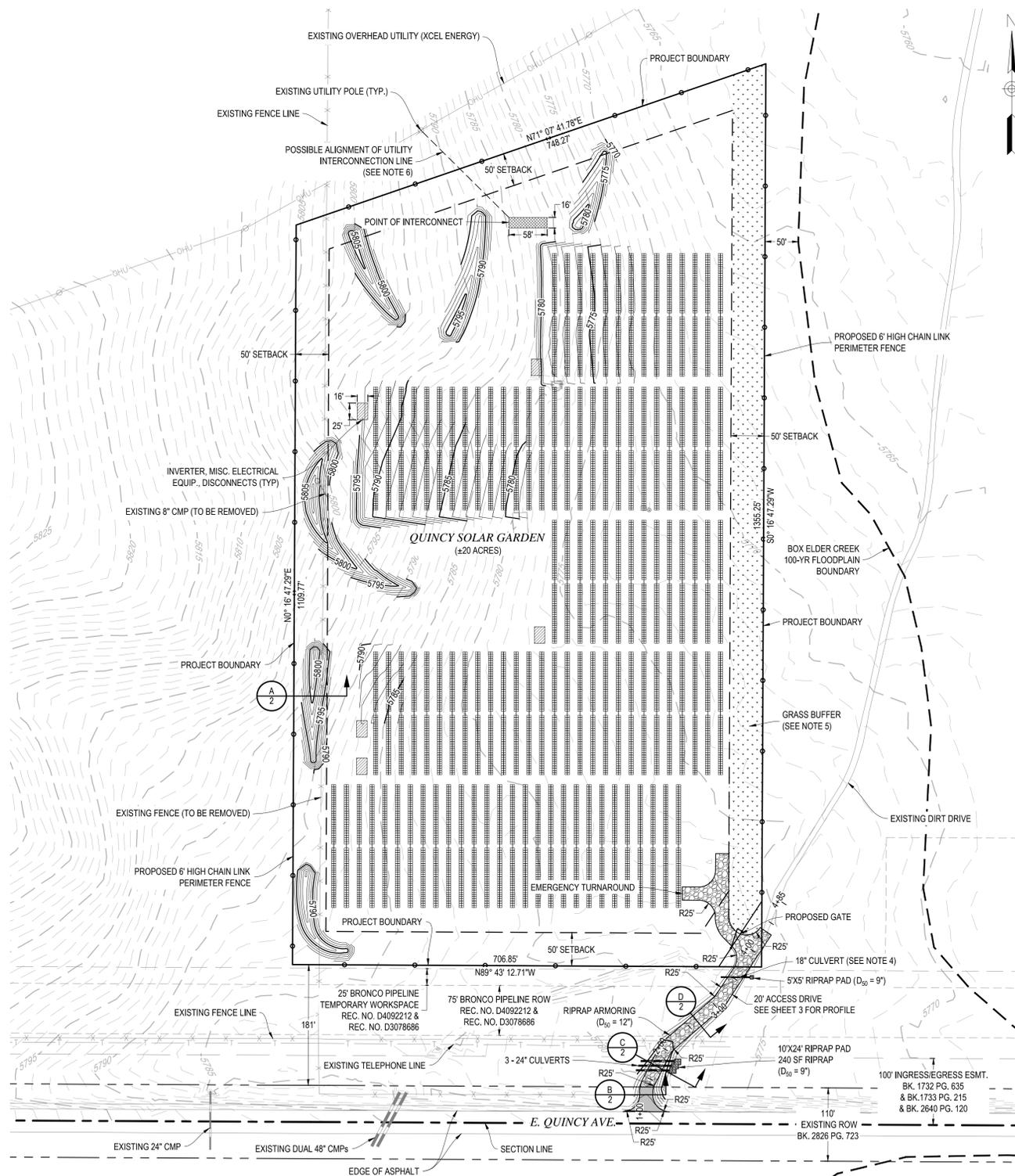


REUSE OF DOCUMENTS: THIS DOCUMENT AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF ENERTIA CONSULTING GROUP AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF ENERTIA CONSULTING GROUP.

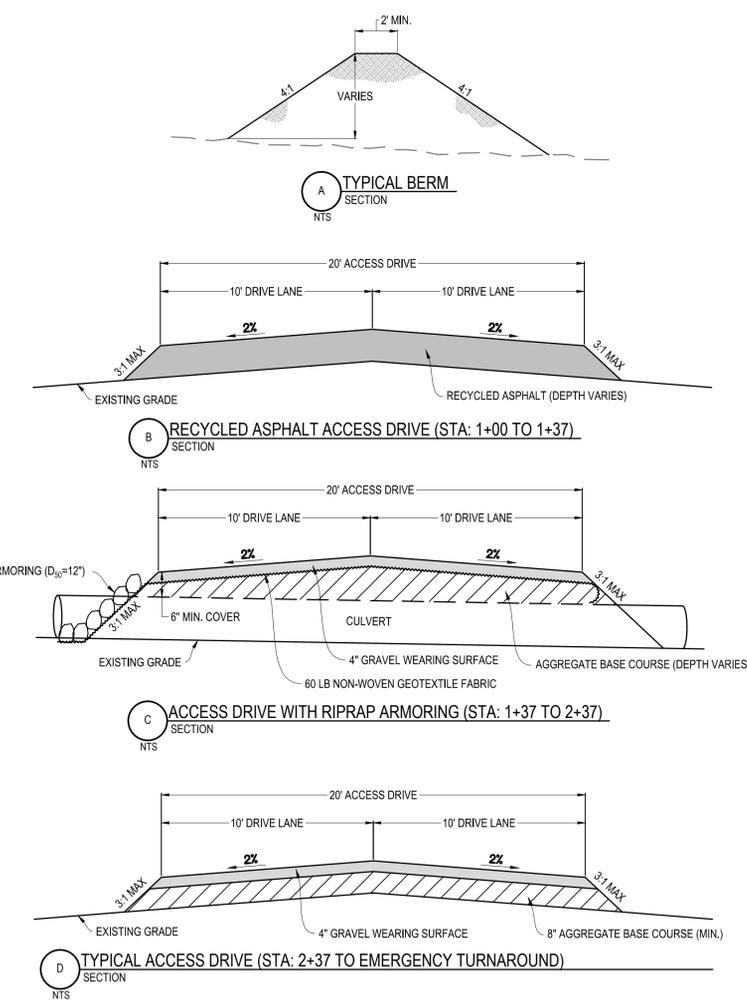
CASE NUMBER: U15-001

QUINCY SOLAR GARDEN USE BY SPECIAL REVIEW

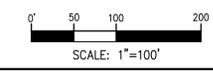
LOCATED IN SECTION 4, TOWNSHIP 5 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF ARAPAHOE, STATE OF COLORADO



- ### OTHER SPECIFIC NOTES
- GENERATION FACILITY LAYOUT IS CONCEPTUAL AT THIS TIME. FINAL EQUIPMENT SELECTION AND LOCATIONS, INCLUDING PV ARRAYS, INVERTERS, TRANSFORMERS, AND INTERCONNECTION EQUIPMENT MAY BE SUBJECT TO CHANGE DUE TO DESIGN OR UTILITY INTERCONNECTION REQUIREMENTS OR OTHER FACTORS. FINAL LOCATIONS FOR EQUIPMENT AND ALL OTHER FACILITY COMPONENTS MAY BE ANYWHERE WITHIN THE SOLAR SITING ENVELOPE AS DELINEATED BY THE 50' SETBACK LINE.
 - TREES ARE NOT OBSERVED WITHIN THE PV ARRAY AREAS. IF NECESSARY, TREES AND SHRUBS ARE TO BE REMOVED TO ALLOW FOR THE INSTALLATION OF THE ARRAYS AND TO ELIMINATE SHADING.
 - ENERTIA CONSULTING GROUP, LLC ASSUMES NO RESPONSIBILITY FOR UTILITY LOCATIONS. THE UTILITIES SHOWN ON THIS DRAWING HAVE BEEN LOCATED BASED ON THE ALTA SURVEY. IT IS THE CONTRACTORS RESPONSIBILITY TO FIELD VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.
 - ALL CULVERT PLACEMENT TO BE FIELD LOCATED. A MINIMUM OF 6" OF COVER SHALL BE PROVIDED OVER THE CULVERT.
 - THE GRASS BUFFER MAY UTILIZE THE EXISTING VEGETATION AND OVER-SEED OR ENHANCE THE AREA WITH ADDITIONAL SEEDING & MULCHING. THIS DECISION SHALL BE MADE BY THE COUNTY INSPECTOR.
 - EXACT ALIGNMENT OF THE UTILITY INTERCONNECTION LINE IS UNKNOWN AT THIS TIME. THE LINE MAY BE ABOVE OR BELOW GROUND DEPENDING ON THE UTILITY DESIGN REQUIREMENTS.
 - THE SURFACE OF THE SITE SHALL BE NATIVE GRASS UNLESS OTHERWISE NOTED.
 - EXISTING NORTH-SOUTH FENCE TO REMAIN INTACT OUTSIDE PROJECT PERIMETER FENCE AND TO BE REMOVED INSIDE PERIMETER FENCE.
 - EXISTING UNDERGROUND UTILITIES THAT THE ACCESS DRIVEWAY CROSSES TO BE FIELD LOCATED PRIOR TO ACCESS DRIVEWAY CONSTRUCTION.



CASE NUMBER: U15-001



 1529 MARKET STREET, SUITE 200 DENVER, COLORADO 80202		 THE POWER TO GROW					
NO.	DATE	DR	BPC	CHK	JSO	APVD	JSO
DSGN	BPC	DR	BPC	CHK	JSO	APVD	JSO
QUINCY SOLAR GARDEN ARAPAHOE COUNTY, COLORADO				SITE PLAN			
VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING.							
DATE	JANUARY 05, 2015			FILE	2 SP		
DWG	SP			SHEET	2 OF 3		

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