

# **Board of County Commissioners Meeting**

**Tuesday, May 17, 2016**

**Hearing Room 1, First Floor**

## **AGENDA**

The Tuesday meeting of the Board of County Commissioners (The Board) is an open meeting in which the Board approves contracts, expends funds, hears testimony, makes decisions on land use cases and takes care of other county matters. The public is welcome to attend.

The Board meeting has three parts: Public Comment, the Business Meeting and the Public Hearing.

### **General Procedures**

Agenda items will normally be considered in the order they appear on this agenda. However, the Board may alter the agenda, take breaks during the meeting, work through the noon hour; and even continue an item to a future meeting date.

### **Public Comment (8:00 a.m.)**

The Board welcomes your comments; During the public comment time, members of the public have three minutes to present views on county matters that are not included on the Hearing Agenda. The public comment time is not for questions and answers: it is your time to express your views.

Please note that you are always welcome to communicate with the Board on the county's Web site ([www.jeffco.us](http://www.jeffco.us)), by e-mail ([commish@jeffco.us](mailto:commish@jeffco.us)), by phone (303-271-8525), fax (303-271-8941) or US mail (100 Jefferson County Parkway, Golden, CO 80419). You can also meet your Commissioners at numerous community events such as town hall meetings, homeowner associations and chamber meetings.

### **Business Meeting**

**Call to Order**

**Pledge of Allegiance**

**Approval of Minutes Dated May 10, 2016**

**Tuesday, May 17, 2016 (continued)**

**Consent Agenda**

CONSENT AGENDA PROCEDURES - Items on the Business Meeting Consent Agenda generally are decided by the Board without further discussion at the meeting. However, any Board member may remove an item from the Business Meeting Consent Agenda. The Board is not required to take public comment on removed items, but may request additional information and input.

1. **Resolution CC16-183** Expenditure Approval Listings Dated May 12, 2016 - Accounting
2. **Resolution CC16-184** Expenditure Approval Listing Dated May 19, 2016 - Accounting
3. **Resolution CC16-185** Abatement/Refund of Property Taxes – Board of Equalization
4. **Resolution CC16-186** Abatement/Refund of Property Taxes – Board of Equalization
5. **Resolution CC16-187** Abatement/Refund of Property Taxes – Board of Equalization
6. **Resolution CC16-188** Abatement/Refund of Property Taxes – Board of Equalization
7. **Resolution CC16-189** Grant Application and Acceptance - Colorado Department of Transportation (CDOT), Office of Transportation Safety (OTS) for FY 2016 Funding for High Visibility Impaired Driving Enforcement (HVE) Patrols - Sheriff
8. **Resolution CC16-190** Jefferson County Annual Fire Operating Plan (AOP) - Sheriff
9. **Resolution CC16-191** Public Trustee Report Dated May 9, 2016 for First Quarter 2016 - Public Trustee
10. **Resolution CC16-192** Payroll and Payment Certifications for the Month of March 2016 - Human Services
11. **Resolution CC16-193** Intergovernmental Agreement - City of Westminster Relating to the Maintenance of the Traffic Signal Located at 112<sup>th</sup> Avenue and Simms Street - Transportation and Engineering

## Tuesday, May 17, 2016 (continued)

12. **Resolution CC16-194** Adoption of the 2015 Edition of the International Fire Code by the Coal Creek Canyon Fire Protection District - Building
13. **Resolution CC16-195** Adoption of the 2015 Edition of the International Fire Code by the Fairmount Fire Protection District - Building
14. **Resolution CC16-196** Adoption of the 2015 Edition of the International Fire Code by the Genesee Fire Protection District - Building
15. **Resolution CC16-197** Adoption of the 2015 Edition of the International Fire Code by the Golden Gate Fire Protection District - Building
16. **Resolution CC16-198** Adoption of the 2015 Edition of the International Fire Code by the Indian Hills Fire Protection District - Building
17. **Resolution CC16-199** Adoption of the 2015 Edition of the International Fire Code by the Inter-Canyon Fire Protection District - Building
18. **Resolution CC16-200** Adoption of the 2015 Edition of the International Fire Code by the North Fork Fire Protection District - Building
19. **Resolution CC16-201** Adoption of the 2015 Edition of the International Fire Code by the North Metro Fire Protection District - Building
20. **Resolution CC16-202** Adoption of the 2015 Edition of the International Fire Code by the Pleasant View Metropolitan District - Building
21. **Resolution CC16-203** Adoption of the 2015 Edition of the International Fire Code by the West Metro Fire Protection District - Building
22. **Resolution CC16-204** Adoption of the 2015 Edition of the International Fire Code by the Wheat Ridge Fire Protection District - Building

**Tuesday, May 17, 2016 (continued)**

- 23. **Resolution CC16-205** New Airport Ground Lease Agreement - Pilatus Business Aircraft, Ltd. for the Lease of Approximately Six Acres of Land Near Simms Street and State Highway 128 for a Completions Center - Airport

Other Contracts and Resolutions for which Notice was not possible may be considered.

**Regular Agenda - No Agenda Items**

**Public Hearing**

There are two parts to the Public Hearing Agenda: the Hearing Consent Agenda and the Regular Hearing Agenda.

Items are listed on the Hearing Consent Agenda because no testimony is expected. In the event a Commissioner or any member of the public wishes to testify regarding an item on the Consent Agenda, the item will be removed and considered with the Regular Hearing Agenda.

Unless otherwise stated by the Chair, a motion to approve the Hearing Consent Agenda shall include and be subject to staff's findings, recommendations, and conditions as listed in the applicable Staff Report.

**Hearing Consent Agenda**

- 24. **Resolution CC16-182**  
**Case Number:** **16-103558RZ: Rezoning**  
**Case Name:** 604 Loveland Street  
**Owner/Applicant:** Kurt Ulrich and Danielle Ulrich  
**Location:** 604 Loveland Street, Section 1, Township 4 South, Range 70 West  
**Approximate Area:** 0.39 acres  
**Purpose:** **To rezone from Residential-Two (R-2) to Residential-One B (R-1B) to allow for the subdivision of the property into two (2) lots for single-family detached units.**  
**Case Manager:** Mike Madrid

**Tuesday, May 17, 2016 (continued)**

**25. Resolution CC16-180**

**Case Number:** 16-103562RZ: Rezoning  
Case Name: Sugarbush Mixed-Use  
Owner/Applicant: Associated Bodywork & Massage Professionals, Inc.  
Location: 1271 Sugarbush Drive  
Section 20, Township 4 South, Range 71 West  
Approximate Area: 2 Acres  
**Purpose:** To rezone from Planned Development (PD) to Planned Development (PD) to allow six (6) residential units in an existing office building.  
Case Manager: Justin Montgomery

**26. Resolution CC16-181**

**Case Number:** 15-116747PF: Preliminary and Final Plat  
Case Name: Remus Subdivision  
Owner/Applicant: Regina Remus and Ulrich Hugo Remus  
Location: 9537 Ute Drive, Section 24, Township 2 South, Range 71 West  
Approximate Area: 11.7 Acres  
**Purpose:** To subdivide the property into 2 lots for single-family detached units.  
Case Manager: Ross Klopff

The public is entitled to testify on items under the Public Hearing Regular Agenda. Information on participation in hearings is provided in the County's brochure, *"Your Guide to Board of County Commissioners Hearings."* It may be obtained on the rack outside the hearing room or from the County Public Information Office at 303-271-8512.

**Hearing Regular Agenda - No Agenda Items**

**(continued)**

**Tuesday, May 17, 2016 (continued)**

## **Reports**

**County Commissioners**

**County Manager**

**County Attorney**

## **Adjournment**

Jefferson County does not discriminate on the basis of race, color, national origin, sex, religion, age, disability or sexual orientation in the provision of services. Disabled persons requiring reasonable accommodation to attend or participate in a County service, program or activity should call 303-271-5000 or TDD 303-271-8071. We appreciate a minimum of 24 hours advance notice so arrangements can be made to provide the requested auxiliary aid.

Board of County Commissioners meetings can be viewed on a television monitor in the cafeteria on the lower level of the Jefferson County Administration and Courts Facility. Also, you may use the cafeteria tables there to work or gather until the Board is ready to hear your case. Board meetings and hearings are recorded and available on the county's Web site at [www.jeffco.us](http://www.jeffco.us).

## COMMISSIONERS' MINUTES OF MAY 10, 2016

The Board of County Commissioners of the County of Jefferson, State of Colorado, met in regular session on May 10, 2016 in the Jefferson County Government Center, Golden, Colorado. Commissioner Libby Szabo, Chairman presided. Commissioner Donald Rosier, Commissioner Casey Tighe and Tracy Emerson, Deputy Clerk to the Board, were present.

Commissioner Libby Szabo, Chairman called the meeting to order.

### STAFF PRESENT:

Ralph Schell, County Manager  
Ellen Wakeman, County Attorney  
John Wolforth, Director of Planning and Zoning  
Nancy York, Planning Supervisor, Open Space  
Tom Hoby, Director, Open Space

### **APPROVAL OF MINUTES**

Following a general discussion, the Board upon motion of Commissioner Rosier, duly seconded by Commissioner Tighe and by unanimous vote, approved the Minutes of May 3, 2016.

### **PROCLAMATION - Older Americans Month**

The Commissioners proclaimed the month of May 2016 as Older Americans Month.

### **PROCLAMATION – Mental Health Month**

The Commissioners proclaimed the month of May 2016 as Mental Health Month.

### **CONSENT AGENDA**

Following a general discussion, the Board upon motion of Commissioner Rosier, duly seconded by Commissioner Tighe and by unanimous vote, approved moving items #8 and #9 from Consent Agenda to Regular Agenda.

The Board approved the following Resolutions:

1. **Resolution CC16-169** Expenditure Approval Listings - Accounting
2. **Resolution CC16-170** Bi-Weekly Payroll Register - Accounting

3. **Resolution CC16-171** Abatement/Refund of Property Taxes – Board of Equalization
4. **Resolution CC16-172** Agreement - Boys and Girls Club, a Colorado Non-Profit Corporation for its Recreation Facilities and Programs (\$50,000.00) - County Manager
5. **Resolution CC16-173** Purchase Order - Insight Public Sector, Inc. for Microsoft Software Licenses and Support (\$194,066.22) – IT Services
6. **Resolution CC16-174** Contract - T-Bone Construction, Inc. for 15 Acre Parcel Infrastructure Development Services (NTE \$595,200.66) – Airport
7. **Resolution CC16-175** Contract - Silva Construction, Inc. for 2016 Concrete Removal and Replacement Services (NTE \$1,000,000.00) – Road and Bridge
10. **Resolution CC16-178** Policy Manual Part 8, Chapter 3, Section 1 Regarding Right-of-Way Use and Construction Permits and License Agreements and Part 8, Chapter 1, Section 5 Regarding Utility Relocation/Replacement Cost Sharing Program - Transportation and Engineering
11. **Resolution CC16-179** Policy Manual Part 4, Chapter 7, Section 1 Regarding Fiscal Review of Grants and Agreements, Part 6, Chapter 3, Section 1 Regarding Disposition of County Personal Property and Part 4, Chapter 6, Section 1 Regarding Purchasing - Finance and IT

**REGULAR AGENDA**

8. **Resolution CC16-176** Grant Application - Rocky Mountain Greenway - Federal Lands Access Program (FLAP) Grant - Open Space

Sworn Testimony: Mary (Mickey) Harlow

W. Gale Biggs, Ph.D.

Ted Ziglar

Jon Lipsky

Peggy Waller

Nick Kaczor, U.S. Fish & Wildlife Service

Following the taking of sworn testimony and a general discussion, the Board upon motion of Commissioner Rosier, duly seconded by Commissioner Tighe and by unanimous vote, approved **RESOLUTION CC16-176**.

**9. Resolution CC16-177** Policy Manual Part 7, Chapter 3, Section 3 Regarding Sale of Fireworks - Planning and Zoning

Following a general discussion, the Board upon motion of Commissioner Rosier, duly seconded by Commissioner Tighe and by unanimous vote, approved **RESOLUTION CC16-177**.

**PUBLIC HEARING CONSENT AGENDA – No Agenda Items**

**PUBLIC HEARING REGULAR AGENDA - No Agenda Items**

**REPORTS**

Each Commissioner reported on attending various meetings including an Awards Ceremony with the Jeffco Schools Foundation, Transportation Forum, Sustainability Commission, a tour of the Martin Marietta Aggregate plant in Golden and the Jefferson Center for Mental Health retreat. Participating in the Head Start Field Day was also highlighted by all three Commissioners.

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned.

Attest:

Board of County Commissioners of  
the County of Jefferson, Colorado

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Tracy Emerson, Deputy Clerk

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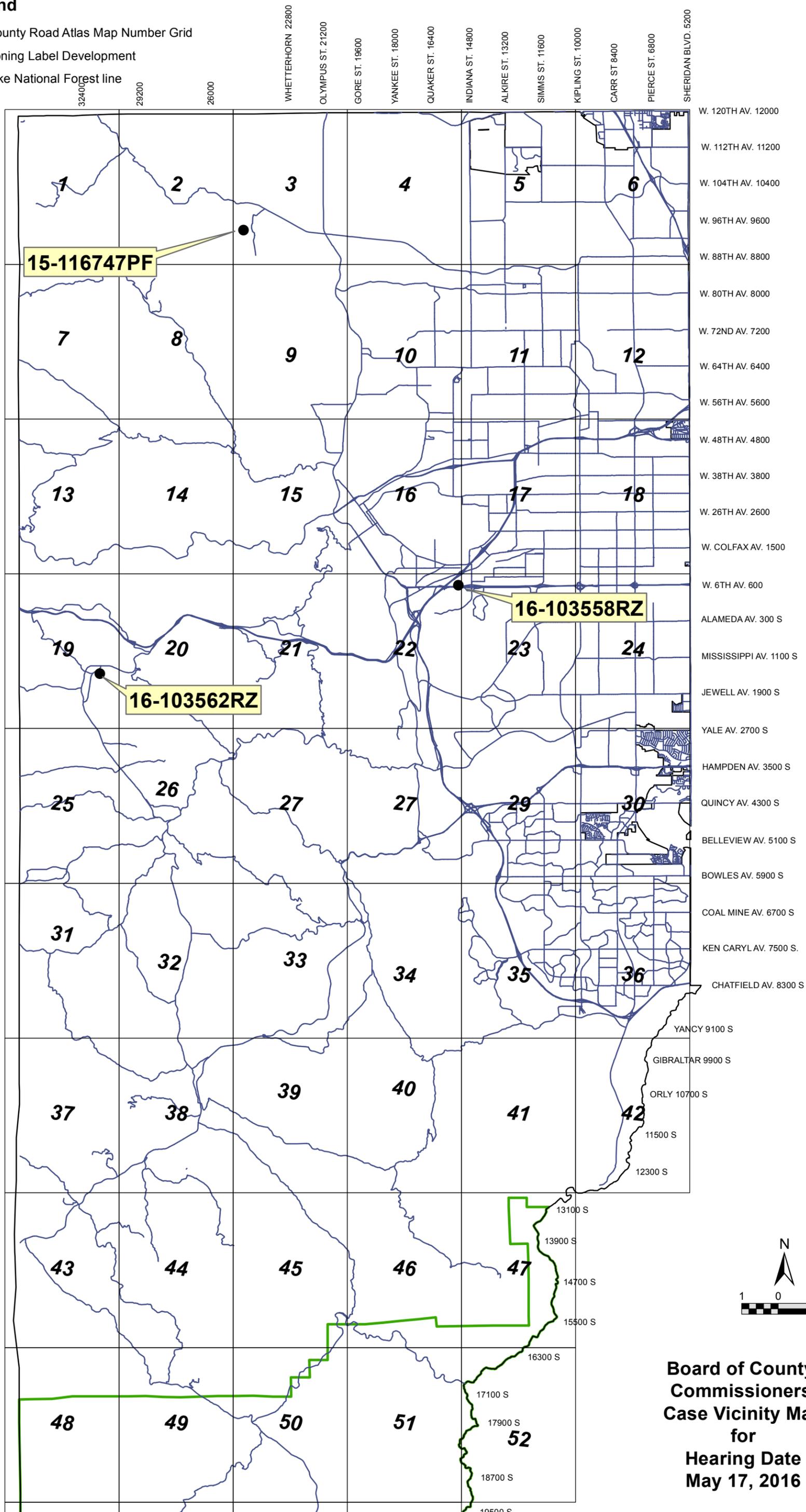
Libby Szabo, Chairman

**Legend**

— County Road Atlas Map Number Grid

● Zoning Label Development

□ Pike National Forest line



**Board of County  
Commissioners'  
Case Vicinity Map  
for  
Hearing Date  
May 17, 2016**

MEMORANDUM

**TO:** Honorable Chairman and Members of the Board of County Commissioners  
**FROM:**  Ralph Schell, County Manager  
**DIST:** Tim Kauffmann, County Treasurer  
**RE:** EXPENDITURE APPROVAL LISTINGS  
**DATE:** May 17, 2016

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**Staff Recommendation:**

Approve the Expenditure Approval Listings dated May 12, 2016  
Resolution No.

**CC 16 - 183**

**Background:**

The Board of County Commissioners has reviewed all claims presented for Audit and allowance to the Board as represented on said Expenditure Approval Listings and the Board of County Commissioners find that all said claims as represented on said Expenditure Approval Listings shall be allowed, and, hereby, directs the County Treasurer to pay same.

Further, the staff has reviewed all claims and certify that all claims are valid  
And are in order to be paid.

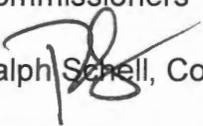
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Prepared by: Kay Aberle, Accounting Supervisor, X8532, Jefferson County Accounting Division

Reviewed by: Deborah Freischlag, Director of Accounting, X8529, Jefferson County Accounting Division

## MEMORANDUM

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**FROM:**  Ralph Schell, County Manager

**DIST:** Tim Kauffmann, County Treasurer

**RE:** Approval of Expenditure Approval Listing dated May 19, 2016

**DATE:** May 17, 2016

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**Staff Recommendation:**

BCC approves the Expenditure Approval Listings dated May 19, 2016 to be prepared by the Accounting Division subject to review and approval by the County Manager or his designee, and directs the County Treasurer to pay the same.

Resolution No. **CC 16 - 184**

**Background:**

The Board of County Commissioners will review all claims presented for Audit and allowance to the Board as represented on said Expenditure Approval Listings and the Board of County Commissioners find that all said claims as represented on said Expenditure Approval Listings shall be allowed, and, hereby, directs the County Treasurer to pay same.

Further, the staff has reviewed all claims and certify that all claims are valid and are in order to be paid.

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Prepared by: Sheri Haxton, Administrative Coordinator, x8559, Jefferson County Accounting Division

Reviewed by: Deborah Freischlag, Director of Accounting, x8542, Jefferson County Accounting Division.

MEMORANDUM

**TO:** The Board of County Commissioners  
**FROM:** Board of Equalization  
**CC:** Ellen G. Wakeman, County Attorney  
**RE:** Abatement/Refund of Property Taxes

**Staff Recommendation:**

Resolved, that the Board of County Commissioners approves the findings and recommendations of the board-appointed referee denoted in the corresponding abatement resolutions and adopts those findings and recommendations as its final action on these abatement appeals.

<b><u>CASE NO.</u></b>	<b><u>PETITIONER</u></b>	<b><u>TAXES ABATED/ REFUNDED</u></b>
A16-005	Darlene Boord	\$449.30
A15-228	Thomas F. Carroll	\$611.13
A16-035	David J. Hinds	\$209.92
A15-306	Charles F. Newby	\$422.88
A16-015	Arthur E. Jr. Robbins	\$204.26
A015-149	John J. Sawyer	\$319.12

**Resolution No.** CC 16 - 185

**Background:**

Final Board action on 6 abatement petitions, \$2,216.61 to be refunded. Taxpayers have filed abatement petitions alleging that their property has been overvalued or that their tax levy is illegal. The Assessor recommended that the petitions be denied and a hearing was held before a board-appointed referee. The referee recommends approval of these petitions in the amounts indicated in the corresponding resolutions. The Board is taking final action on said petitions by accepting or rejecting the referee's recommendations.

If an abatement petition is approved by the Board, the Treasurer's Office will calculate interest owed and send payment to the taxpayer. The Property Tax Administrator must approve all refunds in excess of \$10,000.00. If unsatisfied with this Board's action, a taxpayer may appeal

further to the State Board of Assessment Appeals.

Prepared by: Casie Stokes, Assistant County Attorney **CAS**  
Distribution: Board of Equalization

M E M O R A N D U M

**TO:** The Board of County Commissioners  
**FROM:** Board of Equalization  
**CC:** Ellen G. Wakeman, County Attorney  
**RE:** Abatement/Refund of Property Taxes

**Staff Recommendation:**

Resolved, that the Board of County Commissioners approves the findings and recommendations of the board-appointed referee denoted in the corresponding abatement resolutions and adopts those findings and recommendations as its final action on these abatement appeals.

<b><u>CASE NO.</u></b>	<b><u>PETITIONER</u></b>	<b><u>TAXES ABATED/ REFUNDED</u></b>
A16-070	David J. Collins	\$395.99
A15-305	Five K Investments Co	\$7,284.49
A15-259	David Hoover	\$1,235.84
A16-069	Babiker A. Khalifa	\$83.69
A16-007	Thomas Mullinix	\$654.35
A015-127	Wag, Inc.	\$681.98
A16-024	Elisa Weselis	\$346.58
A015-113	70 Executive Center	\$12,278.21

**CC 16 - 186**

**Resolution No.** \_\_\_\_\_

**Background:**

Final Board action on 8 abatement petitions, \$22,961.13 to be refunded. Taxpayers have filed abatement petitions alleging that their property has been overvalued or that their tax levy is illegal. The Assessor recommended that the petitions be denied and a hearing was held before a board-appointed referee. The referee recommends approval of these petitions in the amounts indicated in the corresponding resolutions. The Board is taking final action on said petitions by accepting or rejecting the referee's recommendations.

If an abatement petition is approved by the Board, the Treasurer's Office will calculate interest owed and send payment to the taxpayer. The

Property Tax Administrator must approve all refunds in excess of \$10,000.00. If unsatisfied with this Board's action, a taxpayer may appeal further to the State Board of Assessment Appeals. Abatement refunds over \$10,000.00 are recommended for the following reasons:

A015-113: Assessor recommended approval because income and expenses supported a lower value.

Prepared by: Casie Stokes, Assistant County Attorney   
Distribution: Board of Equalization

**MEMORANDUM**

**TO:** The Board of County Commissioners  
**FROM:** Board of Equalization  
**CC:** Ellen G. Wakeman, County Attorney  
**RE:** Abatement/Refund of Property Taxes

**Staff Recommendation:**

Resolved, that the Board of County Commissioners approves the findings and recommendations of the board-appointed referee denoted in the corresponding abatement resolutions and adopts those findings and recommendations as its final action on these abatement appeals.

<b><u>CASE NO.</u></b>	<b><u>PETITIONER</u></b>	<b><u>TAXES ABATED/ REFUNDED</u></b>
A15-191	Ball Corporation	\$0.00
A15-236	Bank Midwest National Association	\$0.00
A015-154	Donald Farneth	\$0.00
A15-226	Garney Holding Co	\$0.00
A15-273	Golden Automotive Group Holdings LLC	\$0.00
A15-274	Golden Automotive Group Holdings LLC	\$0.00
A15-275	Golden Automotive Group Holdings LLC	\$0.00
A15-278	Golden Automotive Group Holdings LLC	\$0.00
A15-276	Golden Automotive Group Holdings LLC	\$0.00
A15-277	Golden Automotive Group Holdings LLC	\$0.00
A16-085	James L. Kinneer	\$0.00
A15-208	Myrna Jean Miller	\$0.00
A15-227	MWD Investments LLC	\$0.00
A15-174	Sautter Arvada School Property LLC	\$0.00
A15-171	12 Lakeside Lane LLC	\$0.00

**Resolution No.** CC 16 - 187

**Background:**

Final Board action on 15 abatement petitions, \$0.00 to be refunded. Taxpayers have filed abatement petitions, alleging that their property has been overvalued or that their tax levy is illegal. The Assessor recommended that the petitions be denied and a hearing was held before a board-appointed referee. The referee also recommended denial of the petitions. The Board is taking final action on said petitions by accepting or rejecting the referee's recommendations. If unsatisfied with this Board's action, a taxpayer may appeal further to the State Board of Assessment Appeals.

Prepared by: Casie Stokes, Assistant County Attorney *CAS*  
Distribution: Board of Equalization

**MEMORANDUM**

**TO:** The Board of County Commissioners  
**FROM:** Board of Equalization  
**CC:** Ellen G. Wakeman, County Attorney  
**RE:** Abatement/Refund of Property Taxes

**Staff Recommendation:**

Resolved, that the Board of County Commissioners approves the findings and recommendations of the board-appointed referee denoted in the corresponding abatement resolutions and adopts those findings and recommendations as its final action on these abatement appeals.

<b><u>CASE NO.</u></b>	<b><u>PETITIONER</u></b>	<b><u>TAXES ABATED/ REFUNDED</u></b>
A15-233	Birch Valley Homes LLC	\$0.00
A16-049	Carol J. Bowles	\$0.00
A15-309	BRCP 143 Union LLC	\$0.00
A15-261	Lee Kunz	\$0.00
A16-018	Ann McCormac	\$0.00
A16-038	Catherine O'Neill Thorn	\$0.00
A15-281	Public Service Credit Union	\$0.00
A15-279	Public Service Employees Credit Union	\$0.00
A15-280	Public Service Employees Credit Union	\$0.00
A15-287	Sam's Service Co	\$0.00
A15-190	Sharp Sprout LLC	\$0.00
A16-073	Martie R. Whitehead	\$0.00
A16-054	56 WR B2 LLLP	\$0.00
A16-055	56 WR B3 LLLP	\$0.00

**CC 16 - 188**

**Resolution No.** \_\_\_\_\_

**Background:**

Final Board action on 14 abatement petitions, \$0.00 to be refunded. Taxpayers have filed abatement petitions, alleging that their property has been

overvalued or that their tax levy is illegal. The Assessor recommended that the petitions be denied and a hearing was held before a board-appointed referee. The referee also recommended denial of the petitions. The Board is taking final action on said petitions by accepting or rejecting the referee's recommendations. If unsatisfied with this Board's action, a taxpayer may appeal further to the State Board of Assessment Appeals.

Prepared by: Casie Stokes, Assistant County Attorney *CS*  
Distribution: Board of Equalization

MEMORANDUM

AGENDA ITEM 7

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**FROM:**  Ralph Schell, County Manager

**RE:** Application and Acceptance of Grant Funds for High Visibility Impaired Driving Enforcement

**DATE:** May 17, 2016

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**Staff Recommendation:** The Jefferson County Board of Commissioners approves the grant application to Colorado Department of Transportation (CDOT), Office of Transportation Safety (OTS) FY 2016 funding for High Visibility Impaired Driving Enforcement (HVE) Patrols. Further, the BCC approves the acceptance of grant funding from CDOT/OTS if awarded.

**Resolution No.** CC16-189

**Background:**

This grant funding will be used to pay overtime to deputies for enforcement of Colorado's impaired driving laws at checkpoints, saturation patrols, increase patrols, or as dedicated enforcement cars in the County. These patrols are planned on "High Visibility Events" during. i.e. Independence Day, Labor Day, Fall Festivals, Halloween, Thanksgiving, Holiday Parties and New Year's Eve.

**Fiscal Impact:** None.

**Prepared by:** Beth Mundell, Grants Administrator  
Jefferson County Sheriff's Office, extension 5120

**Distribution**  
**Original returned to:** Clerk of the Board

**Copies to:** Beth Mundell, Sheriff's Office Support Services  
Tina Davros, Sheriff's Office Director of Asset Management  
Andrea Amundson, Accounting  
Joanne Kortendick, County Attorney  
Chris Lindsay, Budget

# STATEMENT OF GRANT APPLICATION and ACCEPT IF FUNDED ROUTING FORM

**Parties to Contract:**

Third Party Authorized Rep: Colorado Dept of Transportation

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Third Party Tax I.D.: \_\_\_\_\_

Remittance Address: \_\_\_\_\_

**Process Dates:** Must be executed by BCC: 5/17/16 Deadline to County Attorney: 5/6/16

**Contacts:** Originating Department/Contact: Sheriff's Office/ Beth Mundell Phone: X5120

Purchasing Department/Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

County Attorney/Contact: Joanne Kortendick Phone: x8955

<b>MANDATORY ACCOUNT INFORMATION</b>		Total Amount: <b>\$ 33,880.00</b>
Account Number: 926315	Project: Jail Based Behavioral Health Services	Funds Available: Yes
Multi-Year Contract: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Amount of Contract Budgeted in Current Year: 00	

## ROUTING

O R D E R	Department	Authorized Signatures Name/Initials (*)	Date Rec'd	Date Frw'd	Comments
1	Originator (**)	Beth Mundell/ <i>BM</i>	4/28/16	5/2/16	
2	Project Director	Lt. Aten/	050716	050316	
3	Division Chief	Chief Pocsik/ <i>JP</i>	5-3-16	5-3-16	
4	SO Dir. Of Assets Mgr.	Tina Davros/ <i>TD</i>	5/2/16	5/2/16	
5	Div. Chief Support Svc.	Chief Gard/ <i>JG</i>	5/3/16	5/3/16	
6	Undersheriff	Ray Fleer/ <i>RF</i>	5-3-16	5-3-16	
7	Budget Other	Andrea Amundson			
8	County Attorney	<i>AK</i> Joanne Kortendick/	5/9/16	5/9/16	
9	County Manager	Ralph Schell/			
10	BCC Agenda Coordinator	Janice Fredricksen			

## INSTRUCTIONS

1 Number the left hand column in the order in which the contract is to be routed. (The above listing represents the typical routing for a construction bid.)

(\*\*) Signature of authorized department contact for contractual questions.

MEMORANDUM

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**FROM:**   
Ralph Schell  
County Manager

**DIST:** Jeff Shrader, Sheriff  
Brian Daley, Director of Emergency Management Sheriff's Office  
Aaron Betcher, Fuels Crew Foreman, Sheriff's Office  
David Wunderlich, Assistant County Attorney

**DATE:** May 17, 2016

**RE:** Jefferson County Annual Fire Operating Plan (AOP)

**Background:**

Each year the County must review and update the Annual Operating Plan (AOP) in order to participate within the Emergency Fire Fund (EFF) and the Wildfire Emergency Response Fund. The AOP is to set forth standard operating procedures, agreed procedures, and responsibilities to implement cooperative wildfire protection and responses on all lands within Jefferson County.

With the past few years the format has changed to be identical to all other AOP's within the State. There were only minor changes to the document over previous years. Updates in communications, upcoming mutual aid changes and clarification of language.

**Staff Recommendation:**

Approve the Annual Fire Operating Plan compiled by the County, the Sheriff's Office, the Colorado Division of Fire Prevention and Control, U.S. Forest Service, and the Jefferson County Fire Chiefs, to become effective on May 31, 2016, and remaining in effect through April 30, 2016.

**CC 16 - 190**

Resolution No. \_\_\_\_\_

Prepared by: Aaron Betcher, Fuels Crew Foreman, Sheriff's Office

**Distribution**

Originals (3) returned to: Aaron Betcher (ext. 4953) for other agency signatures, then distribution.

# CONTRACT REVIEW ROUTING FORM (Rev 01/05)

[PROJECT # \_\_\_\_\_]

**Parties to Contract:** Jefferson County Sheriff's Office & Annual Operating Plan

Third Party Authorized Rep: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Third Party Tax I.D.: \_\_\_\_\_

Remittance Address: \_\_\_\_\_

**Process Dates:** Must be executed by BCC: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Deadline to County Administrator: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**Contacts:** Originating Division and Contact: Aaron Betcher Phone: 303.271.4953

Purchasing Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

County Attorney Contact: David Wunderlich Phone: 303.271.8939

<b>MANDATORY ACCOUNT INFORMATION</b>		Total Amount: _____	
Account Number: _____	Project: _____	Funds Available: Yes _____ No _____	
Multi-Year Contract: Yes _____ No _____	Amount of Contract Budgeted in Current Year: _____		

**ROUTING**

ORDER	Division	Authorized Signatures Name/Initials <sup>(2)</sup>	Date Rec'd	Date Frw'd	Comments
1	Business Office	Jessica Parivar	4/14	4/14	
2	County Attorney	David Wunderlich	4/14	4/14	<i>Finalized ADP received from David.</i>
3	Em. Manage. Director	Clint Fey <i>CF</i>	4/14	4/14	
4	Fuels Crew Foreman	Aaron Betcher <i>AB</i>	4/26	4/26	
5	Business Manager	Tina Davros <i>TD</i>	4/26	4/27	
6	Division Chief	Dan Gard	4/27	5/2	
7	Undersheriff	Ray Fleer <i>RF</i>	5-3-16	5-3-16	
8	Sheriff	Jeff Shrade <i>JS</i>	5/3/16	5/3/16	
9	Business Office	Jessica Parivar	5/3/16	5/3/16	
	<i>Agenda Coordinator</i>	<i>MS</i>			

**ROUTING INSTRUCTIONS**

- (1) Number the left-hand column in the order in which the contract is to be routed.
  - (2) Initials of reviewer indicate that the contract is acceptable and ready for award, from reviewer's perspective.
  - (3) Signature of authorized division contact for contractual questions.
- NOTE: Forward to Risk Management (Other) only if vendor changes insurance requirements that were set by the county.

**CONTRACT DISTRIBUTION (Include copy of Contract Review/Routing Form and any other necessary documents)**

- Original Contract - Clerk to the Board
- Original Contract - Purchasing for transmittal to Contractor (or Originator if contract was not processed competitively).
- Contract Copies - Accounting for publication, County Attorney, Originating Division Contact (The Originating Division Contact is responsible for any additional distribution that may be necessary, for example, copies for Construction Management or Facilities)
- Review/Routing Form - Original - Purchasing, Copies - Risk Management

MEMORANDUM

**TO:** Honorable Chairman and Members of the Board of County Commissioners  
**FROM:** Margaret Chapman, Public Trustee  
**RE:** Approval of Public Trustee Quarterly Report dated 5/09/2016 for the 1st Quarter 2016  
**DATE:** May 09, 2016

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**Recommendation:** That the Board of County Commissioners approves the Public Trustee's Quarterly Report for the 1st Quarter of 2016 and authorizes the Chairman to sign the report.

**Resolution No.** CC16-191

**Background:** Section 38-37-104(3) of the C.R.S. provides that the Public Trustee quarterly make and file a report with the Board of County Commissioners which contains a full and complete statement under oath of all transactions of the office of the Public Trustee and the Board of County Commissioners is required to approve said report prior to payments of funds in excess of staff salaries and benefits and incidental expenses for conduct of the Public Trustee's office to the County Treasurer. The Treasurer is required to place such funds in a Public Trustee salary fund.

At the expiration of each year, the County Treasurer shall, out of any moneys in the Public Trustee salary fund and not otherwise, pay to the Public Trustee such an amount, if any, as may be still due the public trustee on account of the Public Trustee's salary for that year just expired, such payment to be made only upon the certificate of the board stating the amount of such salary still remaining due and unpaid. The balance of said fund shall thereupon be transferred to the general fund of the County.

**Prepared by:** Margaret Chapman, Public Trustee *mtc*

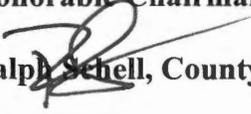
**Distribution**

**Original returned to:** Clerk to the Board  
**Copies to:** Margaret Chapman, Public Trustee  
Gay Ummel, Assistant County Attorney



## MEMORANDUM

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**FROM:**  Ralph Schell, County Manager

**DIST:** Lynn A. Johnson

**RE:** PAYROLL AND PAYMENT CERTIFICATIONS  
FOR THE MONTH OF MARCH 2016

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**Staff Recommendation:**

Resolved, that the Board of County Commissioners approves the Divisions of Community Assistance, and Children, Youth and Families' payrolls and payments for the month of March 2016.

**Resolution No.****CC 16 - 192****Background:**

Section 26-1-123(3)(a), C.R.S. 1973 as amended, requires the County Board of County Commissioners to administer the Human Services' fund pursuant to rules and regulations adopted by the State Department. State Department regulations require all County Division payrolls, defined as "listings of multiple payees on a form providing warrant number, name of payee, and amount of warrant" be certified by the County Director and Chairman of the Board of County Commissioners upon approval by the Board. The March 2016 payrolls and payments have been certified by Lynn A. Johnson, and are temporarily placed in the possession of the Clerk to the Board of County Commissioners pending action on this resolution.

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

I, Lynn A. Johnson, Executive Director of the Department of Human Services for Jefferson County, Colorado, hereby certify that the payments herein set forth by the Divisions of Community Assistance, and Children, Youth and Families have been reviewed by staff to be true and accurate payments made to the respective payee(s), and totaling the sum of \$7,412,096.12 for the month of March 2016.

4.28.2016

Date

  
Director

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

I, Libby Szabo, Chairman of the Board of County Commissioners of Jefferson County, Colorado, hereby certify that the payment(s) as set forth herein have this date been approved, and warrant(s) in payment thereof ordered issued upon the programs as listed for the month of March 2016, totaling the sum of \$7,412,096.12.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman

## M E M O R A N D U M

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**FROM:** Ralph Schell, County Manager

**RE:** 112<sup>th</sup> Avenue and Simms Street Traffic Signal Maintenance Intergovernmental Agreement

**DATE:** May 17, 2016

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**Staff Recommendation:** Approve the Intergovernmental Agreement with the City of Westminster relating to the maintenance of the traffic signal located at 112<sup>th</sup> Avenue and Simms Street.

**Resolution No. CC16-193**

**Background:** The intersection of 112th Avenue and Simms Street is within Westminster right-of-way although parts of the surrounding properties adjacent to the intersection are within Broomfield, unincorporated Jefferson County, and Westminster. The traffic being generated by development within unincorporated Jefferson County is expected to cause this intersection to meet traffic signal warrants within the near future as a result of the nearby FedEx facility. Because the short-term traffic increases causing this intersection to be signalized will be generated by development in unincorporated areas, the County is agreeing to maintain this traffic signal for a five year period at the end of which time the City of Westminster will maintain the signal in perpetuity.

BCC Briefing Presented on April 19, 2016, by Steve Durian.

**Fiscal Impact:** The addition of one signal for a five year period is expected to add less than \$1,000 per year in traffic signal maintenance costs.

**Prepared by:** Steve Durian, Transportation & Engineering Director

**Distribution:**

**Original returned to:** Steve Durian, Transportation & Engineering Division

**Copies to:** Jeanie Rossillon, Development and Transportation, Kourtney Hartmann, County Attorney's Office

**ATTACHMENTS:** Intergovernmental Agreement



MEMORANDUM

AGENDA ITEM 12

**TO:** Honorable Chairman and Members of the Board of County Commissioners  
**FROM:** Ralph Schell, County Manager  
**SUBJECT:** ADOPTION OF THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE BY THE COAL CREEK CANYON FIRE PROTECTION DISTRICT  
**DATE:** May 17, 2016

---

**Staff Recommendation:** Staff recommends that the Board of County Commissioners, pursuant to Section 32-1-1002(1)(d) C.R.S. approve the Coal Creek Canyon Fire Protection District Fire Code (the "Fire Code") which includes the 2015 International Fire Code as promulgated by the International Code Council with amendments and Appendix Chapters B, C, E, F, G, and H only as set forth in the Coal Creek Canyon Fire Protection District (the "District") Resolution dated September 9, 2015. Said Resolution is attached hereto and incorporated herein. The Fire Code is to be applied within all unincorporated areas of the Jefferson County which are also within the boundaries of the District.

This approval is specifically contingent upon the following:

1. It shall be the sole and exclusive responsibility of the District to enforce the Fire Code;
2. The approval of the Fire Code does not supersede, amend, waive or otherwise affect the provisions or the enforcement of the Jefferson County Building Code or any other Jefferson County code, ordinance or regulation; and
3. The approval of the Fire Code does not extend to any subsequent alteration, modification, rescission, repeal or amendment, in whole or in part, of the Fire Code.

**RESOLUTION NO.**                    **CC 16 - 194**

**Background:** The District has adopted by written resolution dated September 9, 2015, the 2015 Edition of the International Fire Code with amendments and Appendix Chapters B, C, E, F, G, and H only as set forth in the District Resolution attached. C.R.S. Section 32-1-1002(1)(d) requires the Board of County Commissioners to adopt a resolution agreeing that the Fire Code shall apply within the District's boundaries that are also within the unincorporated boundaries of Jefferson County. The District has requested that the Board adopt such a resolution.

**BCC Briefing Presented on May 3, 2016 by Becky Baker.**

**Fiscal Impact:** None

**Prepared by:** Becky Baker, Building Safety Division

**Distribution:**

**Original returned to:** Becky Baker, Division of Building Safety

**Copies to:** Jeanie Rossillon, Development and Transportation

Gay Ummel, Assistant County Attorney

Brian Daley, Emergency Management

Deborah Freischlag, Accounting



## **Coal Creek Canyon Fire Protection District**

P.O. Box 7187 Crescent Branch • Golden, Colorado 80403  
303-642-3121 • Fax 303-642-1652  
[CCCFFD@aol.com](mailto:CCCFFD@aol.com) • [www.coalcreekcanyonfd.org](http://www.coalcreekcanyonfd.org)

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### **RESOLUTION**

#### **2015 INTERNATIONAL FIRE CODE ADOPTION**

#### **COAL CREEK CANYON FIRE PROTECTION DISTRICT**

**A RESOLUTION ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE REGULATING AND GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION AND PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES AND OPERATIONS.**

**WHEREAS**, the Coal Creek Fire Protection District provides fire protection services to part of the unincorporated limits of Jefferson County; and

**WHEREAS**, from time to time the Board of Directors have adopted a fire code to provide for uniformity of the requirements within the total District, to assist in the preservation of property and lives, to clarify relations between this and neighboring districts, and to promote the prevention of fire and damage within the District; and

**WHEREAS**, the Colorado State Legislature, through the adoption of the House Bill 1320, has provided in Section 1002 [d] of Title 32, Article 1 of the Colorado Revised Statutes for the adoption and enforcement of fire codes by the Colorado Fire Protection Districts, and

**WHEREAS**, House Bill 1320 also requires that the Board of County Commissioners approve all fire codes adopted by the fire districts which are also within unincorporated portions of a county, and

**WHEREAS**, Jefferson County has now adopted the International Fire Code 2015 Edition as promulgated by the International Code Council, and

**WHEREAS**, the Board desires to adopt the same code as adopted by Jefferson County to provide uniformity,

**WHEREAS**, the Board also desires to adopt Appendices B, C, E, F, G, and H as promulgated by the International Code Council.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE  
COAL CREEK CANYON FIRE PROTECTION DISTRICT THAT:**

## Section 2

As a part of the International Fire Code 2015 Edition, the following additions/exceptions to the code are adopted:

### Subsection 101.1 Title:

**101.1** This code shall be known as the Fire Code of the Coal Creek Canyon Fire Protection District, may be cited as such, and will be referred to herein as "this code."

### Subsection 101.1.1 This has been ADDED and shall read as follows:

**101.1.1** Define jurisdiction. Whenever the word "jurisdiction" is used in the International Fire Code, it shall be held to mean the Coal Creek Canyon Fire Protection District in unincorporated areas of Jefferson County.

## Section 5

As a part of the International Fire Code 2015 Edition including Appendices B, C, E, F, G, and H as promulgated by the International Code Council are adopted with the following exceptions to the code and appendices:

- (a) From and after this date, said Code and/or said Requirements shall be administered and enforced by the District Fire Chief of the Coal Creek Canyon Fire Protection District or his authorized representative, as required and provided for in Section 1002 of Title 32, Article 1 of the Colorado Revised Statutes.
- (b) The Fire Marshal of Coal Creek Canyon Fire Protection District for purposes of enforcing said Code and/or Requirements shall be considered an authorized representative of the District Fire Chief. This section shall not limit the designation of additional authorized representatives if the District Fire Chief; with approval by the Board, deems it necessary for the effective enforcement of the Code and/or Requirements.
- (c) That No Parking signage will be provided at all fire water sources as directed by the District.
- (d) The Code shall become effective for the unincorporated areas of Jefferson County within the District upon approval by the Board of County Commissioners. Until approval, the existing version of the 2012 International Fire Code shall remain in effect.
- (e) Nothing contained herein shall be construed as modifying or limiting the powers, duties, and responsibilities of the District Fire Chief of the Coal Creek Canyon Fire Protection District or his authorized representative to carry out and fulfill those powers and obligations set forth and enumerated in Section 1002 of Title 32, Article 1 of the Colorado Revised Statutes as amended.

Amendments made in and to the 2015 International Fire Code:

When the Jefferson County Transportation Manual paragraph 3.7.8.3, The appropriate fire protection district may approve alternative standards for driveways and private roads, is invoked. One or more of the following may be required: a fire sprinkler system, a cistern, a monitored fire alarm system be installed throughout the residential structure, a standby system, a snow removal contract or a maintenance agreement.

Any additional requirement(s) under this paragraph shall be approved by the CCCFPD Fire Chief.

Additional Amendments:

If a residential fire sprinkler system is required in a new residence or fully renovated residential structure, a minimum of 20 minutes of stored fire water will be required in lieu of the 10 minute fire water supply required by NFPA 13D Chapter 6, paragraph 6.1.2, or the required capacity in the International Residential Code chapter 2904 5.2

THE ABOVE RESOLUTION WAS ADOPTED BY THE BOARD OF DIRECTORS OF THE COAL CREEK CANYON FIRE PROTECTION DISTRICT AT ITS REGULAR BOARD MEETING THIS 9<sup>th</sup> DAY OF SEPTEMBER TO BECOME EFFECTIVE 2015.



Coal Creek Canyon Fire Protection District  
Christopher L. Reel  
President of the Board



Coal Creek Canyon Fire Protection District  
John Stevens  
Secretary of the Board



## Coal Creek Canyon Fire Protection District

P.O. Box 7187 Crescent Branch • Golden, Colorado 80403  
303-642-3121 • Fax 303-642-1652  
[CCCYPD@aol.com](mailto:CCCYPD@aol.com) • [www.coalcreekcanyonfd.org](http://www.coalcreekcanyonfd.org)

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9 September 2015

Board of County Commissioners  
C/O Division of Building Safety  
100 Jefferson County Parkway  
Golden, CO 80419

Re: Adoption of the 2015 International Fire Code  
by the Coal Creek Canyon Fire Protection District

Dear Commissioners:

On 9 September 2015 the Board of Directors of the Coal Creek Canyon Fire Protection District adopted the International Fire Code, 2015 Edition, including Appendices B, C, E, F, G, and H as promulgated by the International Code Council. Enclosed is a copy of the resolution adopted by the Board of Directors of the District.

It is our understanding that before the 2015 Codes can become effective, approval is required by the Jefferson County Board of County Commissioners. Your review of our request for acceptance as to the utilization of this version of the International Fire Code is appreciated. Please forward your decision and observations to our office at your earliest convenience.

I can be contacted at 303-642-7507 if further information or material is required.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Duane A. Harkwell".

Duane A. Harkwell  
Coal Creek Canyon Fire Protection District  
Fire Marshal



## Coal Creek Canyon Fire Protection District

P.O. Box 7187 Crescent Branch • Golden, Colorado 80403  
303-642-3121 • Fax 303-642-1652  
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I, Christopher L. Reel, as President of the Board of Directors of Coal Creek Canyon Fire Protection District, do hereby certify that the following is a true and correct copy of a resolution adopted and enacted by the Coal Creek Canyon Fire Protection District at its regularly scheduled meeting conducted 9 September 2015.

The motion was made that Coal Creek Canyon Fire Protection District adopt the International Fire Code, 2015 Edition including Appendices B, C, E, F, G and H as promulgated by the International Fire Council.

Further, that the existing fire code, 2012 Edition, shall remain in force and effect until this resolution is ratified or confirmed by the Board of County Commissioners of Jefferson County. Upon confirmation of Coal Creek Canyon Fire Protection District's adoption of the International Fire Code, 2015 Edition, the authority of the current 2012 Edition will lapse and be revoked to be replaced by the adopted version pursuant to the resolution.

After discussion and due consideration, the foregoing resolution was adopted.

Signed and certified this 9th day of September 2015.

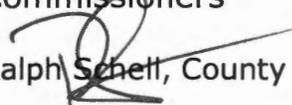
By: Christopher Reel  
Christopher L. Reel, President  
Board of Directors  
Coal Creek Canyon Fire Protection District



MEMORANDUM

AGENDA ITEM 13

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**FROM:**  Ralph Schell, County Manager

**SUBJECT:** ADOPTION OF THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE BY THE FAIRMOUNT FIRE PROTECTION DISTRICT

**DATE:** May 17, 2016

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**Staff Recommendation:** Staff recommends that the Board of County Commissioners, pursuant to Section 32-1-1002(1)(d) C.R.S. approve the Fairmount Fire Protection District Fire Code (the "Fire Code") which includes the 2015 International Fire Code as promulgated by the International Code Council with amendments and Appendix Chapters B, C, D, F, G, H, I, K, and L only as set forth in the Fairmount Fire Protection District (the "District") Resolution dated January 13, 2016. Said Resolution is attached hereto and incorporated herein. The Fire Code is to be applied within all unincorporated areas of the Jefferson County which are also within the boundaries of the District.

This approval is specifically contingent upon the following:

1. It shall be the sole and exclusive responsibility of the District to enforce the Fire Code;
2. The approval of the Fire Code does not supersede, amend, waive or otherwise affect the provisions or the enforcement of the Jefferson County Building Code or any other Jefferson County code, ordinance or regulation; and
3. The approval of the Fire Code does not extend to any subsequent alteration, modification, rescission, repeal or amendment, in whole or in part, of the Fire Code.

**RESOLUTION NO.**            **CC16-195**

**Background:** The District has adopted by written resolution dated January 13, 2016, the 2015 Edition of the International Fire Code with amendments and Appendix Chapters B, C, D, F, G, H, I, K, and L only as set forth in the District Resolution attached. C.R.S. Section 32-1-1002(1)(d) requires the Board of County Commissioners to adopt a resolution agreeing that the Fire Code shall apply within the District's boundaries that are also within the unincorporated boundaries of Jefferson County. The District has requested that the Board adopt such a resolution.

**BCC Briefing Presented on May 3, 2016 by Becky Baker.**

**Fiscal Impact:** None.

**Prepared by:** Becky Baker, Building Safety Division

**Distribution:**

**Original returned to:** Becky Baker, Division of Building Safety

**Copies to:** Jeanie Rossillon, Development and Transportation

Gay Ummel, Assistant County Attorney

Brian Daley, Emergency Management

Deborah Freischlag, Accounting

**Resolution No. 2016-01-13**  
**Fire Code**  
**Fairmount Fire Protection District**

**A RESOLUTION ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE, REGULATING AND GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, AND PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATION.**

**WHEREAS**, the Board of Directors of the Fairmount Fire Protection District have previously adopted the 2012 International Fire Code in part; and

**WHEREAS**, the Board of Directors deems it necessary to adopt the following code for the purpose of establishing rules of conduct and standards for the protection of life, health, property, security and welfare of the inhabitants of the District; and

**WHEREAS**, the Board of Directors has considered the effect of fire code enforcement within the boundaries of the District and has determined that enforcement of the proposed codes would not cause undue hardship or suppression of economic growth within the District; and

**WHEREAS**, the Board of Directors has studied the necessity for realistic and reasonable level of fire protection to be provided by an urban fire protection district;

**NOW, THEREFORE BE IT RESOLVED THAT:**

**SECTION I:** Adoption of the 2015 International Fire Code.

There is hereby adopted by the Fairmount Fire Protection District for the purpose of prescribing regulations governing conditions that are determined to be hazardous to life and property from fires, hazardous materials, or explosions, that certain Code known as the International Fire Code, including Appendix Chapters: **B** (Fire-Flow Requirements for Building), **C** (Fire Hydrant Locations and Distribution), **D** (Fire Apparatus Access Roads) with specifications approved by the Fire Marshal, **F** (Hazard Ranking), **G** (Cryogenic Fluids-Weight and Volume Equivalents), **H** (Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions), **I** (Fire Protection Systems-Noncompliant Conditions), **K** (Construction Requirements for Existing Ambulatory Care Facilities), **L** (Requirements for Firefighter Air Replenishment Systems – new buildings only) as published by the International Code Council, being particularly the 2015 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended by the Resolution, of which said Code are now filed in the offices of the Fairmount Fire Protection District, and the same are hereby adopted and incorporated as fully as if set out at length herein.

The date on which this Resolution shall take effect within the incorporated municipalities within this District shall be the date of approval by the governing board of said municipality and the date on which it shall take effect within the unincorporated portions of Jefferson County shall be on the date of approval by the Board of County Commissioners in and for Jefferson County, and State of Colorado. This Code shall be in effect within the territorial limits of the Fairmount Fire Protection District.

**SECTION II: Establishment and Duties of Fire Inspectors.**

Organizational structure and duties of the Fire Prevention Division shall be as provided by the District's rules and regulations and internal organizational structure.

**SECTION III: Definitions.** The following definitions shall be utilized in addition to those set forth in the International Fire Code:

Wherever the word "jurisdiction" is used, it is meant to be inclusive of the boundaries of the Fairmount Fire Protection District as they now or may hereafter exist.

Where the term "Chief" or "Chief of the Fire Prevention Division, is used, it shall be held to mean the Fire Chief of the Fairmount Fire Protection District, or the District's Fire Marshal or a designated member of the District.

Where the term "Board" is used, it shall be held to mean the Board of Directors of the Fairmount Fire Protection District.

Wherever the term "International Building Code" is used, it shall be held to mean the International Building Code as adopted, amended and incorporated into the Jefferson County Building Code for unincorporated portions of Jefferson County or the International Building Code as adopted, amended and incorporated into the applicable municipality's Building Code within a municipality's territorial limits.

Wherever the terms "Fire Detection System" or "Fire Alarm System" are used, they shall be held to mean an approved analog/addressable system for automatic and manual initiating devices as defined by NFPA 72. All fire detection and alarm systems shall include full NFPA 72 compliant notification. All fire detection and alarm systems shall be monitored by an Underwriters Laboratory (UL) 827 listed and approved Central Supervising Station or equivalent. This does not imply a requirement for Central Station Service as defined by NFPA 72. All components shall be approved by the Fairmount Fire Protection District and installed per NFPA 72.

**SECTION IV: Amendments made in and to the International Fire Code.**

The International Fire Code is amended and changed in the following respects:

- ❖ 1. Chapter 1, §102.11 shall be amended by the addition of the following section:

102.11.1 "Rules and regulations promulgated by the State of Colorado under the authority established by 24-33.5-1204.5, C.R.S. including, but not limited to the 2015 Colorado Fire Suppression Rules, shall be enforced under the provisions of sections 102.8 through 102.11."

- ❖ 2. Chapter 1, §103.4 shall be amended by the addition of the following sentence: "Nothing herein shall be construed as a waiver of immunities provided by §24-10-101, *et seq.*, C.R.S. or by other statutes, or by the common law."
- ❖ 3. Chapter 1, §104.6 shall be changed to the following "The fire code official shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for not less than six years."

- ❖ 4. Chapter 1, §104.11 shall be amended by the addition of the following sentence: “The authority of the Fire Chief of the District or designated members of the Fire Prevention Division and district to act as police officers shall only extend as far as the authority set forth in §32-1-1002, CRS, or other applicable state statutes.”

- ❖ 5. Chapter 1, §108 shall be amended by the addition of the following sections:

108.4 “An appeal shall be heard by a subcommittee of three members of the Board, designated annually by the Board as members of the Appeal Committee. The decision of the Appeal Committee shall be deemed as final agency action for purposes of any grievant seeking judicial review of an adverse decision.

108.5 The Board, upon recommendation of the Appeals Committee or the chief or upon its own motion, may enter into written agreements for enforcement or compliance with the owner, lessee, occupant or authorized agent thereof, of any property, building or structure, or any interested person directly affected by the application of this code. Said agreements may extend the time for compliance with this code, and may contain such terms and conditions that the Board deems appropriate to adequately protect the life, health, property, security and welfare of the general public.

108.6 Persons within the territorial limits of the City of Golden aggrieved under this code may file an appeal with the Board of Appeals of the City of Golden as may be provided in the Golden Municipal Code.

108.7 Persons within the territorial limits of Wheat Ridge aggrieved under this code may file an appeal with the Board of Appeals of the City of Wheat Ridge as may be provided in the Wheat Ridge Municipal Code.

108.8 Persons not within the territorial limits of the City of Golden or the territorial limits of the City of Wheat Ridge aggrieved under this code may file an appeal with the Board of the Fairmount Fire Protection District under Chapter 1, §108 of the International Fire Code.”

- ❖ 6. Chapter 1, §109.4 and §111.4, Violation penalties and Failure to comply, shall be replaced and amended as follows;

109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be guilty of a Fire Code Violation. City ordinance and County resolutions shall stipulate what the offense(s) will be. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fine and/or imprisonment up to the maximum specified in §32-1-1001 and §32-1-1002, CRS. City ordinance and County resolutions shall stipulate what the offense(s) will be.

- ❖ 7. Chapter 1, §114 shall be added as follows:

“114 Inspection Fees:

- (a) Pursuant to §32-1-1002 (1)(e)(II) CRS, the Board may fix and from time to time may increase or decrease fees and charges, at its discretion, for inspections and review of plans and specifications, which are:

- (1) Requested or mandated for existing structures, buildings and improvements; and
- (2) Necessitated in conjunction with any county regulation, resolution or condition of development; or
- (3) Performed in conjunction with the construction of new structures, buildings, and improvements.

- (b) Said fees and charges may, at the discretion of the Board, include a charge for reimbursement to the district of any consultation fees, expenses or costs incurred by the district in the performance of the inspections or review of the plans and specifications.”

- ❖ 8. Chapter 1, §115 shall be added as a new section to read as follows: “Section 115, This Chapter shall be interpreted to be consistent with the provision of §32-1-1002(3), CRS”
- ❖ 9. Chapter 5, §503.2 Add the sentence, “See Appendix D for further requirements.”
- ❖ 10. Change §503.2.1 to read “Fire apparatus access roads shall have an unobstructed width of not less than 24 feet for two-way streets and 16 feet for one-way streets, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches
- ❖ 11. Chapter 5, §503.2.3 Add “Grass concrete and similar surfaces are not allowed”.
- ❖ 12. Change §503.2.4 to read “Turning radius. The required turning radius of a fire apparatus access road shall be an inside radius of 25 feet and an outside radius of 50 feet or as determined by the fire code official. Computer modeling may be required to establish that fire apparatus with Fairmount Fire Protection District specifications can adequately maneuver proposed access pathways”
- ❖ 13. Change §503.2.8 as follows; “Angles of approach and departure. The angles of approach and departure for fire apparatus access roads shall be no greater than 10% or within the limits established by the fire code official based on the fire district’s apparatus.”
- ❖ 14. Change §507.5.1 as follows; Delete the first exception. Change exception 2 to read “For buildings equipped with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, a fire hydrant shall be located a minimum of 50 feet and a maximum of 100 feet from the Fire Department Connection(s) in an approved location.”
- ❖ 15. Change §507.5.1.1 “507.5.1.1 Hydrants for standpipe and/or automatic sprinkler systems. Buildings equipped with a standpipe system installed in accordance with Section 905, and/or

an automatic sprinkler system installed in accordance with 903.3.1.1 or 903.3.1.2 shall have a fire hydrant a minimum of 50 feet and a maximum of 100 feet from the fire department connection(s) in an approved location.”

- ❖ 16. Change §510.4.1.1 to the following: “Minimum signal strength into the building. A minimum signal strength of -85dBm shall be receivable within the building.”
- ❖ 17. Change §510.4.1.2 to the following: “Minimum strength out of the building. A minimum signal strength of -90dBm shall be received by the agency’s radio system when transmitted from within the building.”
- ❖ 18. Add §510.4.1.3 as follows: “If the field strength OUTSIDE the building where the receiving antenna system for the in-building system is located is less than the (-85 dBm), then the minimum required in-building field strength shall equal the field strength being delivered to the receive antenna of the building.”
- ❖ 19. Add §510.5.5 as follows: “All essential components shall be installed in a room accessible for repair and testing within the structure that is rated at 2-hours.”
- ❖ 20. §901.6, Add to the end of the Section: “The Fire Marshal shall approve the removal of any nonrequired fire protection systems or equipment.”
- ❖ 21. Change §903.4.2 to read “Alarms. An approved audible/visual appliance, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm appliances shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.”
- ❖ 22. Chapter 9, §907.6.6 shall be added and read as follows: “907.6.6.3 Fire alarm panels and security alarm panels shall be separate and not combined.”
- ❖ 23. Chapter 10 §1025.1, add occupancy type “R-2” to the list of buildings requiring luminous egress path markings.
- ❖ 24. Add §1103.7.8, as follows;  

“The 2015 International Existing Building Code (IEBC) may be used as a guideline for the upgrading of life and fire safety systems in existing buildings. However, the AHJ maintains the right to require upgrades or alterations to these systems outside of the IEBC. This will be as necessary for maintaining the accepted level of life and fire safety within the jurisdiction.
- ❖ 25. Chapter 53, §5307.1, Add, “The provisions of this section shall apply to new or existing systems”.
- ❖ 26. Chapter 56, §5610 shall be added as a new section to read as follows: “Section 5610 This chapter shall be interpreted to be consistent with the provisions of §12-28-101, *et seq.*, CRS and any applicable municipal ordinance or county resolution/ordinance, shall govern all fireworks, their sale, storage and use”.
- ❖ 27. Chapter 61, §6109.13 Delete the exception.

- ❖ 28. Appendix B Table B105.1(1) The minimum fire-flow shall not be less than 1000 gallons per minute for all fire-flow calculation areas.
- ❖ 29. Appendix B Table B105.2 Change the reduction percentage allowed to “up to 50%.”
- ❖ 30. Add §C102.1.1 “For buildings equipped with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, a fire hydrant shall be located a minimum of 50 feet and a maximum of 100 feet from the Fire Department Connection in an approved location.”

#### **SECTION VI: Penalties**

- (a) Any owner, lessee, agent, or occupant of any building or premises maintaining any condition likely to cause fire or to constitute an additional fire hazard or any condition which impedes or prevents the egress of persons from such building or premises in violation of the provisions of CRS §32-1-1002(3), shall be deemed to be maintaining a fire hazard. Any person who violates any provision of said Section V, subsection (c) is guilty of a misdemeanor. Each day in which such violation occurs shall constitute a separate violation of CRS §32-1-1002(3).
- (b) The application of the above penalty shall not be construed to prevent the enforced removal or correction of prohibited conditions or other injunctive relief.

#### **SECTION VII: Repeal of Conflicting Ordinances or Resolutions.**

All former ordinances or resolutions enacted by the District or parts thereof conflicting or inconsistent with the provisions of this resolution of the Code or standards hereby adopted are hereby repealed.

#### **SECTION VIII: Validity and Conflict.**

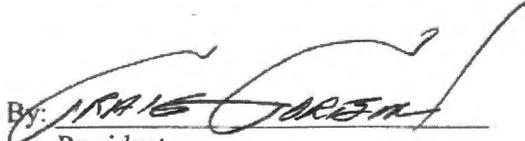
The Fairmount Fire Protection District Board of Directors hereby declares that should any section, paragraph, sentence or word of this resolution or of the code or standards hereby adopted be declared for any reason to be invalid, it is the intent of the Fairmount Fire Protection District Board of Directors that it would have passed all other portions of this resolution independent of elimination here from of any such portion as may be declared invalid. It is further the declaration of the Fairmount Fire Protection District Board of Directors that no provision of this resolution or the code or standards adopted herein be interpreted in conflict with existing State law. In the event there is conflict between State law and this code, State law shall take precedent.

**SECTION IX: Date of Effect.**

This resolution shall take effect and be enforced within incorporated municipalities and unincorporated portions of Jefferson County from and after its approval as set forth in CRS §32-1-1002(1)(d).

Adopted this 13<sup>th</sup> day of January, 2016

Fairmount Fire protection District

By:   
President

ATTEST:

  
Secretary



MEMORANDUM

AGENDA ITEM 14

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**FROM:**  Ralph Schell, County Manager

**SUBJECT:** ADOPTION OF THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE BY THE GENESEE FIRE PROTECTION DISTRICT

**DATE:** May 17, 2016

---

**Staff Recommendation:** Staff recommends that the Board of County Commissioners, pursuant to Section 32-1-1002(1)(d) C.R.S. approve the Genesee Fire Protection District Fire Code (the "Fire Code") which includes the 2015 International Fire Code as promulgated by the International Code Council with amendments and Appendix Chapters B, C, D, E, F, G, and H only as set forth in the Genesee Fire Protection District (the "District") Resolution dated May 20, 2015. Said Resolution is attached hereto and incorporated herein. The Fire Code is to be applied within all unincorporated areas of the Jefferson County which are also within the boundaries of the District.

This approval is specifically contingent upon the following:

1. It shall be the sole and exclusive responsibility of the District to enforce the Fire Code;
2. The approval of the Fire Code does not supersede, amend, waive or otherwise affect the provisions or the enforcement of the Jefferson County Building Code or any other Jefferson County code, ordinance or regulation; and
3. The approval of the Fire Code does not extend to any subsequent alteration, modification, rescission, repeal or amendment, in whole or in part, of the Fire Code.

**RESOLUTION NO. CC16-196**

**Background:** The District has adopted by written resolution dated May 20, 2015, the 2015 Edition of the International Fire Code with amendments and Appendix Chapters B, C, D, E, F, G, and H only as set forth in the District Resolution attached. C.R.S. Section 32-1-1002(1)(d) requires the Board of County Commissioners to adopt a resolution agreeing that the Fire Code shall apply within the District's boundaries that are also within the unincorporated boundaries of Jefferson County. The District has requested that the Board adopt such a resolution.

**BCC Briefing Presented on May 3, 2016 by Becky Baker.**

**Fiscal Impact:** None

**Prepared by:** Becky Baker, Building Safety Division

**Distribution:**

**Original returned to:** Becky Baker, Division of Building Safety

**Copies to:** Jeanie Rossillon, Development and Transportation

Gay Ummel, Assistant County Attorney

Brian Daley, Emergency Management

Deborah Freischlag, Accounting



**RESOLUTION No. 2015-001**  
**Fire Code**  
**Genesee Fire Protection District**

**A RESOLUTION ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE, REGULATING AND GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, AND PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATION.**

WHEREAS, the Genesee Fire Protection District provides fire protection services to part of the unincorporated limits of the County of Jefferson; and

WHEREAS, the Board of Directors of the Genesee Fire Protection District have previously adopted the 2012 International Fire Code in part; and

WHEREAS, from time to time the Board of Directors have adopted a fire code to provide for uniformity of requirements within the total District, to assist in the preservation of property and lives, to clarify relations between this and neighboring Districts, and to promote the prevention of fire and damage within the District; and

WHEREAS, the Colorado State Legislature, through the adoption of House Bill 1320, has provided in Section 1002 (d) of Title 32, Article I of the Colorado Revised Statutes, for the adoption and enforcement of fire codes by Colorado Fire Protection Districts; and

WHEREAS, House Bill 1320 also requires that the Board of County Commissioners approve all fire codes adopted by fire districts which are also within unincorporated portions of a county; and

WHEREAS, other Jefferson County Fire Districts have adopted the International Fire Code (2012 Edition) including Appendix Chapter B, Appendix Chapter C, Appendix Chapter E, Appendix Chapter F and Appendix Chapter G as promulgated by the International Code Council; and

WHEREAS, the Board desires to maintain uniformity within the county by similarly adopting the code.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GENESEE FIRE PROTECTION DISTRICT THAT:

- I. The International Fire Code (2015 Edition) including Appendix Chapters B, C, D, E, F, G and H as promulgated by the International Code Council is hereby adopted with such portions as are hereinafter deleted, modified, or amended.

- II. When the Jefferson County Transportation Manual paragraph 3.7.8.3 [The appropriate fire protection district may approve alternative standards for driveways and private roads] is invoked, then Genesee Fire Protection District can use Appendix D (Fire Apparatus Access Roads).
- III. From and after this date, said Code shall be administered and enforced by the Fire Chief of the Genesee Fire Protection District or his authorized representative, as required and provided for in Section 1002 of Title 32, Article I of the Colorado Revised Statutes.
- IV. The Fire Marshal of Genesee Fire Protection District for purposes of enforcing said Code shall be considered an authorized representative of the Fire Chief. This section shall not limit the designation of additional authorized representatives if the Chief, with approval by the Board, deems it necessary for the effective enforcement of the Code.
- V. The Code will become effective for unincorporated areas of Jefferson County within the District upon the approval by the Board of County Commissioners. Until approval, the existing version of the 2012 International Fire Code shall remain in effect.
- VI. Nothing contained herein shall be construed as modifying or limiting the powers, duties, and responsibilities of the Fire Chief of the Genesee Fire Protection District or his authorized representative to carry out and fulfill those powers and obligations set forth and enumerated in Section 1002 of Title 32, Article I of the Colorado Revised Statutes as amended.
- VII. The 2015 International Fire Code is amended and changed in the following respects:
  1. Chapter 1, Section 103.4 shall be amended by the addition of the following sentence: "Nothing herein shall be construed as a waiver of immunities provided by §24-10-101, *et seq.*, C.R.S. or by other statutes, or by the common law."
  2. Chapter 1, Section 105.6.30, Open Burning: delete the exception (Recreational fires).
  3. Chapter 1, Subsection 111.4, delete the following, "shall be liable to a fine of not less than (Amount) dollars or more than (Amount) dollars," and replace with: "shall be subject to fine and/or imprisonment up to the maximum specified in §32-1-1001 and 32-1-1002, C.R.S."
  4. The following is added as an addition to Chapter 1:  
  
Section 114 Inspection Fees:

a) Pursuant to §32-1-1002 (1)(e)(II) C.R.S., the Board may fix and from time to time may increase or decrease fees and charges, at its discretion, for inspections and review of plans and specifications, which are:

- 1) Requested or mandated for existing structures, buildings and improvements; and
- 2) Necessitated in conjunction with any county regulation, resolution or condition of development; or
- 3) Performed in conjunction with the construction of new structures, buildings, and improvements.

b) Said fees and charges may, at the discretion of the Board, include a charge for reimbursement to the District of any consultation fees, expenses or costs incurred by the District in the performance of the inspections or review of the plans and specifications.

5. Chapter 5, Section 505.1 shall be amended to read:

505.1.1 Residential address identification definitions. For the purposes of this Section 505.1 only, the following terms shall have the following meanings:

“Public Way” shall mean either a street owned and maintained by Jefferson County or a private drive serving more than one structure which is maintained by an entity on behalf of the owners of the structures served by that private drive.

“Private Driveway” shall mean a driveway that serves only a single structure.

505.1.2 Residential address identification. In accordance with Section 505.1, new and existing residential structures shall have approved, reflective address numbers which shall be posted so as to be visible from the Public Way at the entrance to the Private Driveway.

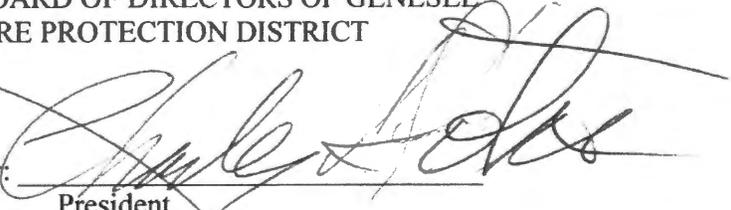
505.1.3 Specific Location. Where the structure is less than fifty (50) feet from a Public Way, the address identification may be located on the structure. Where the structure is more than fifty (50) feet from a Public Way or if the owner so desires, the address identification number shall be located on a post visible to approaching traffic on the Public Way and the bottom of the address identification number shall be at least 30 inches above grade. The post shall be located between six (6) and twelve (12) feet from a Public Way and between five (5) and Ten (10) feet from the Private Driveway. If the Public Way is not a dead end or cul-de-sac, the address must be visible from both directions of travel.

505.1.4 Administrative exceptions. Modifications and exemptions to these regulations will be determined on a case-by-case basis through the Fire Marshal.

6. Chapter 9, Section 901.6, Add to Section: "The Fire Marshal shall approve the removal of any non-required fire protection systems or equipment."
7. Chapter 56, Section 5610 shall be added as a new section to read as follows:  
Section 5610 "This chapter shall be interpreted to be consistent with the provisions of §12-28-101 *et seq.*, C.R.S. and any applicable county resolution/ordinance, shall govern all fireworks, their sale, storage and use."

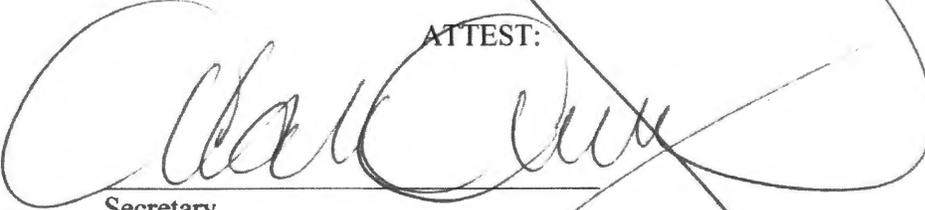
ADOPTED AT A GENERAL PUBLIC MEETING OF THE BOARD OF DIRECTORS  
OF THE GENESEE FIRE PROTECTION DISTRICT this 20<sup>th</sup> day of May 2015.

BOARD OF DIRECTORS OF GENESEE  
FIRE PROTECTION DISTRICT

By: 

President

ATTEST:

  
Secretary

MEMORANDUM

AGENDA ITEM 15

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**FROM:** Ralph Schell, County Manager

**SUBJECT:** ADOPTION OF THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE BY THE GOLDEN GATE FIRE PROTECTION DISTRICT

**DATE:** May 17, 2016

---

**Staff Recommendation:** Staff recommends that the Board of County Commissioners, pursuant to Section 32-1-1002(1)(d) C.R.S. approve the Golden Gate Fire Protection District Fire Code (the "Fire Code") which includes the 2015 International Fire Code as promulgated by the International Code Council with amendments and Appendix Chapters B, C, D, E, F, G, and H only as set forth in the Golden Gate Fire Protection District (the "District") Resolution dated February 18, 2016. Said Resolution is attached hereto and incorporated herein. The Fire Code is to be applied within all unincorporated areas of the Jefferson County which are also within the boundaries of the District.

This approval is specifically contingent upon the following:

1. It shall be the sole and exclusive responsibility of the District to enforce the Fire Code;
2. The approval of the Fire Code does not supersede, amend, waive or otherwise affect the provisions or the enforcement of the Jefferson County Building Code or any other Jefferson County code, ordinance or regulation; and
3. The approval of the Fire Code does not extend to any subsequent alteration, modification, rescission, repeal or amendment, in whole or in part, of the Fire Code.

CC16-197

**RESOLUTION NO.**

**Background:** The District has adopted by written resolution dated February 18, 2016, the 2015 Edition of the International Fire Code with amendments and Appendix Chapters B, C, D, E, F, G, and H only as set forth in the District Resolution attached. C.R.S. Section 32-1-1002(1)(d) requires the Board of County Commissioners to adopt a resolution agreeing that the Fire Code shall apply within the District's boundaries that are also within the unincorporated boundaries of Jefferson County. The District has requested that the Board adopt such a resolution.

**BCC Briefing Presented on May 3, 2016 by Becky Baker.**

**Fiscal Impact:** None

**Prepared by:** Becky Baker, Building Safety Division

**Distribution:**

**Original returned to:** Becky Baker, Division of Building Safety

**Copies to:** Jeanie Rossillon, Development and Transportation

Gay Ummel, Assistant County Attorney

Brian Daley, Emergency Management

Deborah Freischlag, Accounting





# **GOLDEN GATE FIRE PROTECTION DISTRICT**

P.O. Box 843 - Golden, CO 80402-0843

(303) 279-3538

## **2015 INTERNATIONAL FIRE CODE (IFC) ADOPTION RESOLUTION GOLDEN GATE FIRE PROTECTION DISTRICT**

### **A RESOLUTION ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE**

WHEREAS, the Golden Gate Fire Protection District provides fire protection services to part of the unincorporated limits of the County of Jefferson, Colorado; and

WHEREAS, from time to time the Board of Directors have adopted a fire code to provide for uniformity of the requirements within the total District, to assist in the preservation of property and lives, to clarify relations between this and the neighboring Districts, and to promote the prevention of fire and damage within the District; and

WHEREAS, the Colorado State Legislature, through the adoption of the House Bill 1320, has provided in section 1002 [2] of Title 32, Article 1 of the Colorado State Statutes, for the adoption and Enforcement of fire codes by the Colorado Fire Protection Districts; and

WHEREAS, House Bill 1320 also requires that the Board of County Commissioners approve all fire codes adopted by the fire districts which are also within unincorporated portions of a county; and

WHEREAS, the Jefferson has adopted the 2015 edition of the International Fire Code as promulgated by the International Code Council; and

WHEREAS, the Board desires to adopt the same code as adopted by Jefferson County, as amended herein, to provide uniformity, and

WHEREAS, the Board also desires to adopt Appendix Chapters B, C, D, E, F, G and H as promulgated by the International Code Council.

As used herein, the following definitions shall apply:

1. Residential shall mean a one or two-family structure, which is available for occupation for residential purposes.
2. Commercial structure shall mean property that is used primarily for business purposes.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GOLDEN GATE FIRE PROTECTION DISTRICT THAT:**

- 1. The International Fire Code [2015 edition] including Appendix B, C, D, E, F, G and H as promulgated by the International Code Council and listed amendments is hereby adopted.**
- 2. From and after this date, said Code shall be administered and enforced by the Fire Chief of the Golden Gate Fire Protection District or his authorized representative, as required and provided for in section 1002 of Title 32, Article 1 of the Colorado Revised Statutes.**
- 3. The Fire Marshal of the Golden Gate Fire Protection District for the purpose of enforcing said Code shall be considered an authorized representative of the Fire Chief. This section shall not limit the designation of additional authorized representatives if the Chief, within the approval by the Board, deems it necessary for the effective enforcement of the Code.**
- 4. The Code shall take effect for the Golden Gate Fire Protection District upon approval by the County Commissioners.**
- 5. The authority of the Fire Code Official to apply provisions of the 2015 International Fire Code as it relates to residential property shall be limited as outlined in item 6 below.**
- 6. Structures designed and constructed in accordance with the International Residential Code will meet premises identification, fire apparatus access, and water supply requirements of the 2015 International Fire Code. Otherwise, the International Fire Code shall apply to commercial structures and properties only.**
- 7. Residential property owners with structures falling under the International Residential Code who choose not to meet applicable requirements of International Fire Code, may complete an Affidavit of Understanding that shall be recorded with the Jefferson County Clerk and Recorder.**
- 8. Nothing contained herein shall be construed as modifying or limiting the powers, duties and responsibilities of the Fire Chief of the Golden Gate Fire Protection District or his authorized representative to carry out and fulfill those powers and obligations set forth and enumerated in section 1002 of Title 32, Article 1 of the Colorado Revised Statutes as amended.**
- 9. This resolution shall supersede any previously adopted International Fire Codes by the Golden Gate Fire Protection District.**

**Amendments to the International Fire Code:**

When the Jefferson County Transportation Manual paragraph 3.7.8.3 [ The appropriate fire protection district may approve alternative standards for driveways and private roads] is invoked, then the Golden Gate Fire Protection District can use Appendix D ( Fire Apparatus Access Roads) and/or require one of the following: a sprinkler system, a cistern, a monitored fire alarm system be installed throughout the residential structure, a stand pipe system, a snow removal contract or maintenance agreement that would improve/help the fire department in their response to the property.

The following requirements for new residential cisterns shall apply under this resolution:

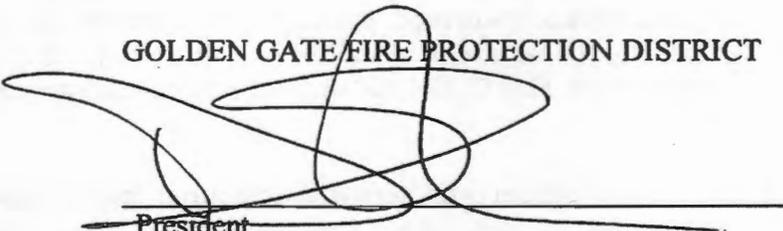
- |  |                        |
|--|------------------------|
| 1. Single Family residence                       | minimum 10,000 gallons |
| 2. Subdivision/rural cluster (for every 3 homes) | minimum 36,000 gallons |

Alternately, the Fire Chief or his designated representative may approve a contribution to a community cistern fund in an amount to be determined by the Golden Gate Fire Protection District Board.

If a residential sprinkler system is required in a new residence or fully renovated residential home, a minimum of 20 minutes of stored water will be required.

APPROVED AND ADOPTED THIS 18<sup>th</sup> DAY OF FEBRUARY, 2016.

GOLDEN GATE FIRE PROTECTION DISTRICT

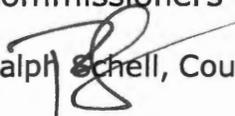


President

MEMORANDUM

AGENDA ITEM 16

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**FROM:**  Ralph Schell, County Manager

**SUBJECT:** ADOPTION OF THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE BY THE INDIAN HILLS FIRE PROTECTION DISTRICT

**DATE:** May 17, 2016

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**Staff Recommendation:** Staff recommends that the Board of County Commissioners, pursuant to Section 32-1-1002(1)(d) C.R.S. approve the Indian Hills Fire Protection District Fire Code (the "Fire Code") which includes the 2015 International Fire Code as promulgated by the International Code Council with amendments and Appendix Chapters B, C, D, E, F, G, and H only as set forth in the Indian Hills Fire Protection District (the "District") Resolution dated August 26, 2015. Said Resolution is attached hereto and incorporated herein. The Fire Code is to be applied within all unincorporated areas of the Jefferson County which are also within the boundaries of the District.

This approval is specifically contingent upon the following:

1. It shall be the sole and exclusive responsibility of the District to enforce the Fire Code;
2. The approval of the Fire Code does not supersede, amend, waive or otherwise affect the provisions or the enforcement of the Jefferson County Building Code or any other Jefferson County code, ordinance or regulation; and
3. The approval of the Fire Code does not extend to any subsequent alteration, modification, rescission, repeal or amendment, in whole or in part, of the Fire Code.

**RESOLUTION NO.**            **CC16-198**

**Background:** The District has adopted by written resolution dated August 26, 2015, the 2015 Edition of the International Fire Code with amendments and Appendix Chapters B, C, D, E, F, G, and H only as set forth in the District Resolution attached. C.R.S. Section 32-1-1002(1)(d) requires the Board of County Commissioners to adopt a resolution agreeing that the Fire Code shall apply within the District's boundaries that are also within the unincorporated boundaries of Jefferson County. The District has requested that the Board adopt such a resolution.

**BCC Briefing Presented on May 3, 2016 by Becky Baker.**

**Fiscal Impact:** None

**Prepared by:** Becky Baker, Building Safety Division

**Distribution:**

**Original returned to:** Becky Baker, Division of Building Safety

**Copies to:** Jeanie Rossillon, Development and Transportation

Gay Ummel, Assistant County Attorney

Brian Daley, Emergency Management

Deborah Freischlag, Accounting

**INDIAN HILLS FIRE PROTECTION DISTRICT  
INDIAN HILLS FIRE/RESCUE**

PO Box 750  
INDIAN HILLS, CO 80454  
PHONE 303-697-4568  
FAX 303-697-1029



EST. 1947

**RESOLUTION**

**2015 INTERNATIONAL FIRE CODE ADOPTION**

**INDIAN HILLS FIRE PROTECTION DISTRICT**

**A RESOLUTION ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE, REGULATION AND GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE AND EXPLOSION, AND PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES AND OPERATIONS.**

**WHEREAS:** The Indian Hills Fire Protection District provides fire protection services to part of the unincorporated limits of the County of Jefferson; and

**WHEREAS:** From time to time the Board of Directors have adopted a fire code to provide for uniformity of the requirements within the total District, to assist in the preservation of property and lives, to clarify relations between this and the neighboring Districts, and to promote the preservation of fire and damage within the District; and

**WHEREAS:** The Colorado State Legislature, through the adoption of the House Bill 1320, has provided in section 1002 [2] of Title 32, Article 1 of the Colorado State Statutes, for the adoption and Enforcement of the fire codes by the Colorado Fire Protection Districts; and

**WHEREAS:** House Bill 1320 also requires that the Board of County Commissioners approve all the fire codes adopted by the fire districts which are also within unincorporated portions of a county; and

**WHEREAS:** Jefferson County has now adopted the 2015 edition of the International Fire Code as promulgated by the International Code Council; and

**WHEREAS:** The Board also desires to adopt the same code as adopted by Jefferson County to provide uniformity; and

**WHEREAS:** The Board also desires to adopt Appendix Chapters B,C,D,E,F,G and H as promulgated by the International Code Council.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE INDIAN HILLS FIRE PROTECTION DISTRICT THAT:**

1. The International Fire Code [2015 edition] including Appendix B,C,D,E,F,G and H as promulgated by the International Code Council and listed amendments is hereby adopted.
2. From and after this date, said Code shall be administered and enforced by the Fire Chief of the Indian Hills Fire Protection District or his authorized representative, as required and provided for in section 1002 of Title 32, Article 1 of the Colorado Revised Statutes.
3. The Fire Marshal of the Indian Hills Fire Protection for the purpose of enforcing said Code shall be considered an authorized representative of the Fire Chief. This section shall not limit the designation of additional authorized representatives if the Chief, within the approval of the Board, deems it necessary for the effective enforcement of the Code.
4. The Code shall become effective for the unincorporated areas of Jefferson County within the District upon approval by the County Commissioners.
5. Nothing contained herein shall be construed as modifying or limiting the powers, duties and responsibility of the Fire Chief of the Indian Hills Fire Protection District or his authorized representatives to carry out and fulfill those powers and obligations set forth and enumerated in section 1002 of Title 32, Article 1 of the Colorado Revised Statutes as amended.

Amendments made in and to the International Fire Code:

When the Jefferson County Transportation Manual paragraph 3.7.8.3 [ The appropriate fire protection district may approve alternative standards for driveways and private roads] is invoked, then the Indian Hills Fire Protection District can use appendix D ( Fire Apparatus Access Roads) and or require one or more of the following: a sprinkler system, a cistern, a monitored fire alarm system be installed throughout the residential structure, a stand pipe system, a snow removal contract or maintenance agreement that would improve/help the fire department in their response to the property.

A. The following requirements for cisterns.

- |   |                        |
|---|------------------------|
| 1. Single family home                           | minimum 10,000 gallons |
| 2. Subdivision/rural cluster ( 3 or more homes) | minimum 36,000 gallons |

All additional requirement (s) under this paragraph will be approved by the IHFPD Fire Chief.

Additional Amendments.

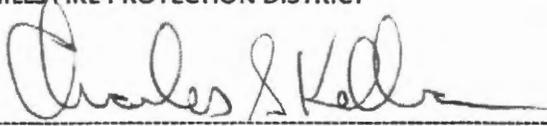
If a residential sprinkler system is required in a new or fully renovated residential home, a minimum of 20 minutes of stored water will be required.

**INTRODUCED, READ AND APPROVED** by the Board of Directors of the Indian Hills Fire Protection District, upon a motion duly made, seconded and passed at its regularly meeting held on August 26, 2015,

By a vote of 4 in favor, and 0 against, and 0 abstentions, and 1 absentees

**INDIAN HILLS FIRE PROTECTION DISTRICT**

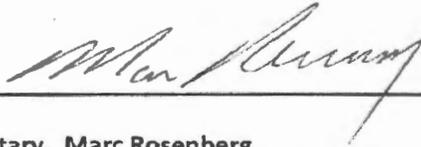
BY:



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President, Scott Kellar

ATTEST:



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Secretary, Marc Rosenberg



MEMORANDUM

AGENDA ITEM 17

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**FROM:** Ralph Schell, County Manager

**SUBJECT:** ADOPTION OF THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE BY THE INTER-CANYON FIRE PROTECTION DISTRICT

**DATE:** May 17, 2016

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**Staff Recommendation:** Staff recommends that the Board of County Commissioners, pursuant to Section 32-1-1002(1)(d) C.R.S. approve the Inter-Canyon Fire Protection District Fire Code (the "Fire Code") which includes the 2015 International Fire Code as promulgated by the International Code Council with amendments and Appendix Chapters B, C, D, E, F, G, and H only as set forth in the Inter-Canyon Fire Protection District (the "District") Resolution dated June 10, 2015. Said Resolution is attached hereto and incorporated herein. The Fire Code is to be applied within all unincorporated areas of the Jefferson County which are also within the boundaries of the District.

This approval is specifically contingent upon the following:

1. It shall be the sole and exclusive responsibility of the District to enforce the Fire Code;
2. The approval of the Fire Code does not supersede, amend, waive or otherwise affect the provisions or the enforcement of the Jefferson County Building Code or any other Jefferson County code, ordinance or regulation; and
3. The approval of the Fire Code does not extend to any subsequent alteration, modification, rescission, repeal or amendment, in whole or in part, of the Fire Code.

**RESOLUTION NO.**

**CC 16 - 199**

**Background:** The District has adopted by written resolution dated June 10, 2015, the 2015 Edition of the International Fire Code with amendments and Appendix Chapters B, C, D, E, F, G, and H only as set forth in the District Resolution attached. C.R.S. Section 32-1-1002(1)(d) requires the Board of County Commissioners to adopt a resolution agreeing that the Fire Code shall apply within the District's boundaries that are also within the unincorporated boundaries of Jefferson County. The District has requested that the Board adopt such a resolution.

**BCC Briefing Presented on May 3, 2016 by Becky Baker.**

**Fiscal Impact:** None

**Prepared by:** Becky Baker, Building Safety Division

**Distribution:**

**Original returned to:** Becky Baker, Division of Building Safety

**Copies to:** Jeanie Rossillon, Development and Transportation

Gay Ummel, Assistant County Attorney

Brian Daley, Emergency Management

Deborah Freischlag, Accounting

# Inter-Canyon Fire/Rescue



## RESOLUTION

### 2015 INTERNATIONAL FIRE CODE ADOPTION

### INTER-CANYON FIRE PROTECTION DISTRICT

**A RESOLUTION ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE, REGULATING AND GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, AND PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES AND OPERATIONS.**

**WHEREAS**, the Inter-Canyon Fire Protection District provides fire protection services to part of the unincorporated limits of the County of Jefferson; and

**WHEREAS**, From time to time the Board of Directors have adopted a fire code to provide for uniformity of the requirements within the total District, to assist in the preservation of property and lives, to clarify relations between this and the neighboring Districts, and to promote the prevention of fire and damage within the District; and

**WHEREAS**, the Colorado State Legislature, through the adoption of the House Bill 1320, has provided in section 1002 [2] of Title 32, Article 1 of the Colorado State Statutes, for the adoption and Enforcement of fire codes by the Colorado Fire Protection Districts; and

**WHEREAS**, House Bill 1320 also requires that the Board of County Commissioners approve all fire codes adopted by the fire districts which are also within unincorporated portions of a county; and

**WHEREAS**, Jefferson County has now adopted the 2015 edition of the International Fire Code as promulgated by the International Code Council; and

**WHEREAS**, the Board desires to adopt the same code as adopted by Jefferson County to provide uniformity, and

**WHEREAS**, the Board also desires to adopt Appendix Chapters B,C,D,E,F,G and H as promulgated by the International Code Council.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE INTER-CANYON FIRE PROTECTION DISTRICT THAT:**



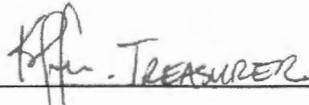
Additional Amendments:

If a residential sprinkler system is required in a new residence or fully renovated residential home, a minimum of 20 minutes of stored water will be required. Instead of the 10 minute water supply requirement in NFPA 13D Chapter 6, para. 6.1.2 or the required capacity in the International Residential Code chapter 2904 5.2.

**INTRODUCED, READ AND APPROVED** by the Board of Directors of the Inter-Canyon Fire Protection District, upon a motion duly made, seconded and passed at its regularly meeting held on June 10, 2015, by a vote of 4 in favor and 0 against, and 0 abstentions.

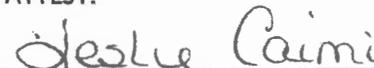
INTER-CANYON FIRE PROTECTION DISTRICT

BY:

 TREASURER

Karl Firor, Treasurer

ATTEST:

 \_\_\_\_\_

Leslie Caimi, Secretary



MEMORANDUM

AGENDA ITEM 18

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**FROM:** Ralph Schell, County Manager

**SUBJECT:** ADOPTION OF THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE BY THE NORTH FORK FIRE PROTECTION DISTRICT

**DATE:** May 17, 2016

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**Staff Recommendation:** Staff recommends that the Board of County Commissioners, pursuant to Section 32-1-1002(1)(d) C.R.S. approve the North Fork Fire Protection District Fire Code (the "Fire Code") which includes the 2015 International Fire Code as promulgated by the International Code Council with amendments and Appendix Chapters B, C, D, E, F, G, and H only as set forth in the North Fork Fire Protection District (the "District") Resolution dated June 17, 2015. Said Resolution is attached hereto and incorporated herein. The Fire Code is to be applied within all unincorporated areas of the Jefferson County which are also within the boundaries of the District.

This approval is specifically contingent upon the following:

1. It shall be the sole and exclusive responsibility of the District to enforce the Fire Code;
2. The approval of the Fire Code does not supersede, amend, waive or otherwise affect the provisions or the enforcement of the Jefferson County Building Code or any other Jefferson County code, ordinance or regulation; and
3. The approval of the Fire Code does not extend to any subsequent alteration, modification, rescission, repeal or amendment, in whole or in part, of the Fire Code.

**RESOLUTION NO.** CC16-200

**Background:** The District has adopted by written resolution dated June 17, 2015, the 2015 Edition of the International Fire Code with amendments and Appendix Chapters B, C, D, E, F, G, and H only as set forth in the District Resolution attached. C.R.S. Section 32-1-1002(1)(d) requires the Board of County Commissioners to adopt a resolution agreeing that the Fire Code shall apply within the District's boundaries that are also within the unincorporated boundaries of Jefferson County. The District has requested that the Board adopt such a resolution.

**BCC Briefing Presented on May 3, 2016 by Becky Baker.**

**Fiscal Impact:** None

**Prepared by:** Becky Baker, Building Safety Division

**Distribution:**

**Original returned to:** Becky Baker, Division of Building Safety

**Copies to:** Jeanie Rossillon, Development and Transportation

Gay Ummel, Assistant County Attorney

Brian Daley, Emergency Management

Deborah Freischlag, Accounting



## **North Fork Fire Protection District**

P O Box 183

Buffalo Creek, CO 80425-0183

Phone: 303-838-2270

Fax: 303-838-0412

### **RESOLUTION**

#### **2015 INTERNATIONAL FIRE CODE**

#### **ADOPTION NORTH FORK FIRE PROTECTION**

#### **DISTRICT**

**A RESOLUTION ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE, REGULATING AND GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, AND PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES AND OPERATIONS.**

**WHEREAS**, the North Fork Fire Protection District provides fire protection services to part of the unincorporated limits of the County of Jefferson; and

**WHEREAS**, From time to time the Board of Directors have adopted a fire code to provide for uniformity of the requirements within the total District, to assist in the preservation of property and lives, to clarify relations between this and the neighboring Districts, and to promote the prevention of fire and damage within the District; and

**WHEREAS**, the Colorado State Legislature, through the adoption of the House Bill 1320, has provided in section 1002 [2] of Title 32, Article 1 of the Colorado State Statutes, for the adoption and Enforcement of fire codes by the Colorado Fire Protection Districts; and

**WHEREAS**, House Bill 1320 also requires that the Board of County Commissioners approve all fire codes adopted by the fire districts which are also within unincorporated portions of a county; and

**WHEREAS**, Jefferson County has now adopted the 2015 edition of the International Fire Code as promulgated by the International Code Council; and

**WHEREAS**, the Board desires to adopt the same code as adopted by Jefferson County to provide uniformity, and

**WHEREAS**, the Board also desires to adopt Appendix Chapters B,C,D,E,F,G and H as promulgated by the

International Code Council.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTH FORK FIRE PROTECTION DISTRICT THAT:**

1. The International Fire Code [2015 edition] including Appendix B,C,D,E,F,G and H as promulgated by the International Code Council and listed amendments is hereby adopted.
2. From and after this date, said Code shall be administered and enforced by the Fire Chief of the North Fork Fire Protection District or his authorized representative, as required and provided for in section 1002 of Title 32, Article 1 of the Colorado Revised Statutes.
3. The Fire Marshal of the North Fork Fire Protection District for the purpose of enforcing said Code shall be considered an authorized representative of the Fire Chief. This section shall not limit the designation of additional authorized representatives if the Chief, within the approval by the Board, deems it necessary for the effective enforcement of the Code.
4. The Code shall become effective for the unincorporated areas of Jefferson County within the District upon approval by the County Commissioners,
5. Nothing contained herein shall be construed as modifying or limiting the powers, duties and responsibilities of the Fire Chief of the North Fork Fire Protection District or his authorized representative to carry out and fulfill those powers and obligations set forth and enumerated in section 1002 of Title 32, Article 1 of the Colorado Revised Statutes as amended.

Amendments made in and to the International Fire Code:

When the Jefferson County Transportation Manual paragraph 3.7.8.3 [ The appropriate fire protection district may approve alternative standards for driveways and private roads] is invoked, then North Fork Fire Protection District can use Appendix D ( Fire Apparatus Access Roads) and or require one or more of the following: a sprinkler system, a cistern, a monitored fire alarm system be installed throughout the residential structure, a stand pipe system, a snow removal contract or maintenance agreement that would improve/help the fire department in their response to the property. All additional requirements (s) under this paragraph will be approved by the NFFPD Fire Chief.

a. The following requirements for cisterns.

- |  |                        |
|--|------------------------|
| 1. Single family home                          | minimum 10,000 gallons |
| 2. Subdivision/rural cluster (3 or more homes) | minimum 36,000 gallons |

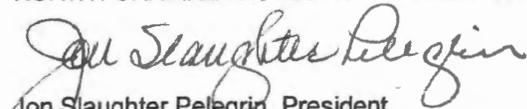
Additional Amendments:

If a residential sprinkler system is required in a new residence or fully renovated residential home, a minimum of 20 minutes of stored water will be required. Instead of the 10 minute water supply requirement in NFPA 13D Chapter 6, para. 6.1.2 or the required capacity in the International Residential Code chapter 2904 5.2.

2904 5.2.

**INTRODUCED, READ AND APPROVED** by the Board of Directors of the North Fork Fire Protection District, upon a motion duly made, seconded and passed at its regular meeting held on Wednesday the 17<sup>th</sup> of June 2015, by a vote of 4 in favor and 0 against, and 0 abstentions.

NORTH FORK FIRE PROTECTION DISTRICT BY:

  
Jon Slaughter Pelegrin, President

ATTEST

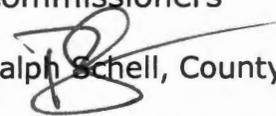
  
Page Whitesides, Secretary



MEMORANDUM

AGENDA ITEM 19

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**FROM:**  Ralph Schell, County Manager

**SUBJECT:** ADOPTION OF THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE BY THE NORTH METRO FIRE PROTECTION DISTRICT

**DATE:** May 17, 2016

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**Staff Recommendation:** Staff recommends that the Board of County Commissioners, pursuant to Section 32-1-1002(1)(d) C.R.S. approve the North Metro Fire Protection District Fire Code (the "Fire Code") which includes the 2015 International Fire Code as promulgated by the International Code Council and Appendix Chapters B, C, E, F, G, H, and I only as set forth in the North Metro Fire Protection District (the "District") Resolution dated February 2, 2016. Said Resolution is attached hereto and incorporated herein. The Fire Code is to be applied within all unincorporated areas of the Jefferson County which are also within the boundaries of the District.

This approval is specifically contingent upon the following:

1. It shall be the sole and exclusive responsibility of the District to enforce the Fire Code;
2. The approval of the Fire Code does not supersede, amend, waive or otherwise affect the provisions or the enforcement of the Jefferson County Building Code or any other Jefferson County code, ordinance or regulation; and
3. The approval of the Fire Code does not extend to any subsequent alteration, modification, rescission, repeal or amendment, in whole or in part, of the Fire Code.

**RESOLUTION NO.**                    **CC 16 - 201**

**Background:** The District has adopted by written resolution dated February 2, 2016, the 2015 Edition of the International Fire Code and Appendix Chapters B, C, E, F, G, H, and I only as set forth in the District Resolution attached. C.R.S. Section 32-1-1002(1)(d) requires the Board of County Commissioners to adopt a resolution agreeing that the Fire Code shall apply within the District's boundaries that are also within the unincorporated boundaries of Jefferson County. The District has requested that the Board adopt such a resolution.

**BCC Briefing Presented on May 3, 2016 by Becky Baker.**

**Fiscal Impact:** None

**Prepared by:** Becky Baker, Building Safety Division

**Distribution:**

**Original returned to:** Becky Baker, Division of Building Safety

**Copies to:** Jeanie Rossillon, Development and Transportation

Gay Ummel, Assistant County Attorney

Brian Daley, Emergency Management

Deborah Freischlag, Accounting



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Fire Prevention Division  
101 Spader Way  
Broomfield, CO 80020  
720-887-8217 Fax 720-887-8336  
[www.northmetrofire.org](http://www.northmetrofire.org)

**David Ramos**  
Fire Chief

February 3, 2016

Board of County Commissioners  
c/o Division of Building Safety  
100 Jefferson County Parkway  
Golden, CO 80419-3540

Re: Adoption of the 2015 International Fire by the North Metro Fire Rescue District

Dear Commissioners:

By Resolution dated February 2, 2016, the Board of Directors of the North Metro Fire Rescue District adopted the 2015 edition of the International Fire Code, including Appendices B, C, E, F, G, H, and I, as promulgated by the International Code Council. This Code applies to the portions of unincorporated Jefferson County located within the District's jurisdiction and boundaries. A copy of the Resolution is enclosed.

In accordance with the Special District Act, C.R.S. §32-1-1002, the District requests that the Board of County Commissioners approve the 2015 International Fire Code in the form adopted by the District for enforcement within the portions of unincorporated Jefferson County located within the District's jurisdiction and boundaries.

Please do not hesitate to contact me if additional information or materials is required. Thank you for your time and attention to this matter.

Respectfully,

A handwritten signature in cursive script that reads "Steven Gosselin".

Steven Gosselin, Division Chief - Fire Prevention

Enclosures: Resolution NM16-002

**RESOLUTION  
ADOPTING THE 2015 INTERNATIONAL FIRE CODE  
WITHIN UNINCORPORATED JEFFERSON COUNTY**

**WHEREAS**, the North Metro Fire Rescue District is a quasi-municipal corporation and political subdivision of the State of Colorado, formed pursuant to C.R.S. §32-1-101, et seq. (the Special District Act) to provide fire suppression, fire prevention, emergency rescue, hazardous materials and emergency medical services (collectively, "Fire Services"); and

**WHEREAS**, the District provides Fire Services to those portions of unincorporated Jefferson County located within the District's jurisdiction; and

**WHEREAS**, the Special District Act authorizes the District's Board of Directors to adopt and enforce a Fire Code within the District's jurisdiction; provided, however, that a Fire Code adopted by the District Board can only be enforced in unincorporated Jefferson County if it is first approved by the Jefferson County Board of County Commissioners; and

**WHEREAS**, the District Board desires to adopt the International Fire Code (2015 Edition) including Appendix Chapter B, Appendix Chapter C, Appendix Chapter E, Appendix Chapter F, Appendix Chapter G, Appendix Chapter H, and Appendix Chapter I as promulgated by the International Code Council.

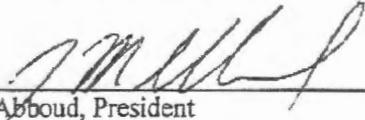
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTH METRO FIRE RESCUE DISTRICT THAT:

1. The International Fire Code (2015 edition) including Appendix Chapter B, Appendix Chapter C, Appendix Chapter E, Appendix Chapter F, Appendix Chapter G, Appendix Chapter H, and Appendix Chapter I as promulgated by the International Code Council is hereby adopted.
2. From and after this date, the Fire Code shall be administered and enforced by the Fire Chief of the North Metro Fire Rescue District, or his authorized representative, as required and provided for in Section 1002 of Title 32, Article 1 of the Colorado Revised Statutes.
3. The Fire Marshal of North Metro Fire Rescue District, for the purpose of enforcing Fire Code, is an authorized representative of the Fire Chief. This section shall not limit the designation of additional authorized representatives if the Fire Chief deems it necessary for the effective enforcement of the Fire Code.
4. The Fire Code shall have full force and effect in the unincorporated areas of Jefferson County located within the District on the date approved by the Jefferson County Board of County Commissioners.

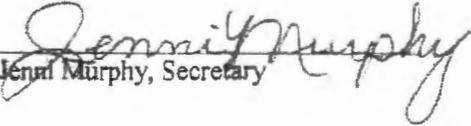
5. Nothing contained herein shall be construed as modifying or limiting in any manner the powers, duties, and responsibilities of the North Metro Fire Rescue District, and the District's Fire Chief or his authorized representative, set forth in Title 32, Article 1 of the Colorado Revised Statutes, or as otherwise provided by statutory or common law.

BOARD OF DIRECTORS OF THE NORTH METRO FIRE RESCUE DISTRICT

APPROVED AND ADOPTED this 2<sup>nd</sup> day of February, 2016.

By:   
John Abboud, President

ATTEST:

  
Jenni Murphy, Secretary



MEMORANDUM

AGENDA ITEM 20

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**FROM:** Ralph Schell, County Manager

**SUBJECT:** ADOPTION OF THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE BY THE PLEASANT VIEW METROPOLITAN DISTRICT

**DATE:** May 17, 2016

---

**Staff Recommendation:** Staff recommends that the Board of County Commissioners, pursuant to Section 32-1-1002(1)(d) C.R.S. approve the Pleasant View Metropolitan District Fire Code (the "Fire Code") which includes the 2015 International Fire Code as promulgated by the International Code Council with amendments and Appendix Chapters B, C, D, F, G, H, I, and K only as set forth in the Pleasant View Metropolitan District (the "District") Resolution dated September 15, 2015. Said Resolution is attached hereto and incorporated herein. The Fire Code is to be applied within all unincorporated areas of the Jefferson County which are also within the boundaries of the District.

This approval is specifically contingent upon the following:

1. It shall be the sole and exclusive responsibility of the District to enforce the Fire Code;
2. The approval of the Fire Code does not supersede, amend, waive or otherwise affect the provisions or the enforcement of the Jefferson County Building Code or any other Jefferson County code, ordinance or regulation; and
3. The approval of the Fire Code does not extend to any subsequent alteration, modification, rescission, repeal or amendment, in whole or in part, of the Fire Code.

**RESOLUTION NO.** CC16-202

**Background:** The District has adopted by written resolution dated September 15, 2015, the 2015 Edition of the International Fire Code with amendments and Appendix Chapters B, C, D, F, G, H, I, and K only as set forth in the District Resolution attached. C.R.S. Section 32-1-1002(1)(d) requires the Board of County Commissioners to adopt a resolution agreeing that the Fire Code shall apply within the District's boundaries that are also within the unincorporated boundaries of Jefferson County. The District has requested that the Board adopt such a resolution.

**BCC Briefing Presented on May 3, 2016 by Becky Baker.**

**Fiscal Impact:** None

**Prepared by:** Becky Baker, Building Safety Division

**Distribution:**

**Original returned to:** Becky Baker, Division of Building Safety

**Copies to:** Jeanie Rossillon, Development and Transportation

Gay Ummel, Assistant County Attorney

Brian Daley, Emergency Management

Deborah Freischlag, Accounting



## RESOLUTION 9-15-15-A

### PLEASANT VIEW METROPOLITAN DISTRICT

#### 2015 INTERNATIONAL FIRE CODE ADOPTION

**A RESOLUTION ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE, REGULATING AND GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, AND PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES AND OPERATIONS.**

Director Devin Keen moved that resolution 9-15-15-A be adopted.

**WHEREAS**, the Pleasant View Metropolitan District provides fire protection services to, part of the unincorporated limits of the County of Jefferson; and

**WHEREAS**, from time to time the Board of Directors have adopted a fire code to provide for uniformity of requirements within the total District, to assist in the preservation of property and lives, to clarify relations between this and neighboring Districts, and to promote the prevention of fire and damage within the District; and

**WHEREAS**, the Colorado State Legislature, through the adoption of House Bill 1320, has provided in Section 1002 [d] of Title 32, Article 1 of the Colorado Revised Statutes, for the adoption and enforcement of fire codes by Colorado Fire Protection Districts; and

**WHEREAS**, House Bill 1320 also requires that the Board of County Commissioners approve all fire codes adopted by fire districts which are also within unincorporated portions of a county; and

**WHEREAS**, Jefferson County has now adopted the 2015 Edition International Fire Code as promulgated by the International Code Council; and

**WHEREAS**, the Board desires to adopt the same code as adopted by Jefferson County to provide uniformity,

**WHEREAS**, the Board also desires to adopt Appendix Chapter B, C, D, E, F, G, H, I, and K as promulgated by the International Code Council.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PLEASANT VIEW METROPOLITAN DISTRICT THAT:**

1. The International Fire Code [2012 Edition] including Appendix Chapters **B** (Fire-Flow Requirements for Building), **C** (Fire Hydrant Locations and Distribution), **D** (Fire Apparatus Access Roads) with specifications approved by the Fire Marshal, **F** (Hazard Ranking), **G** (Cryogenic Fluids-Weight and Volume Equivalents), **H** (Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions), **I** (Fire Protection Systems-Noncompliant Conditions), **K** (Construction Requirements for Existing Ambulatory Care Facilities), here by adopted as promulgated by the International Code Council.
2. From and after this date, said Code shall be administered and enforced by the Fire Chief of the Pleasant View Metropolitan District or his authorized representative, as required and provided for in Section 1002 of Title 32, Article 1 of the Colorado Revised Statutes.
3. The Fire Marshal of Pleasant View Metropolitan District for purposes of enforcing said Code shall be considered an authorized representative of the Fire Chief. This section

shall not limit the designation of additional authorized representatives if the Chief, with approval by the Board, deems it necessary for the effective enforcement of the Code.

4. The Code shall become effective for unincorporated areas of Jefferson County within the District upon the approval by the Board of County Commissioners. Until approval, the existing version of the 2012 International Fire Code shall remain in effect.
5. Nothing contained herein shall be construed as modifying or limiting the powers, duties, and responsibility of the Fire Chief of the Pleasant View Metropolitan District or his authorized representative to carry out and fulfill those powers and obligations set forth and enumerated in Section 1002 of Title 32, Article 1 of the Colorado Revised Statutes as amended.

Amendments made in and to the International Fire Code.

The International Fire Code is amended and changed in the following respects:

- ❖ 1. Chapter 1, §109.4 and §111.4, Violation penalties and Failure to comply, shall be replaced and amended as follows;

109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be guilty of a Fire Code Violation. City ordinance and County resolutions shall stipulate what the offense(s) will be. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fine and/or imprisonment up to the maximum specified in §32-1-1001 and §32-1-1002, CRS. City ordinance and County resolutions shall stipulate what the offense(s) will be.

- ❖ 2. Chapter 1, §114 shall be added as follows:

“114 Inspection Fees:

(a) Pursuant to §32-1-1002 (1)(e)(II) CRS, the Board may fix and from time to time may increase or decrease fees and charges, at its discretion, for inspections and review of plans and specifications, which are:

- (1) Requested or mandated for existing structures, buildings and improvements; and
- (2) Necessitated in conjunction with any county regulation, resolution or condition of development; or
- (3) Performed in conjunction with the construction of new structures, buildings, and improvements.

(b) Said fees and charges may, at the discretion of the Board, include a charge for reimbursement to the district of any consultation fees, expenses or costs incurred by the district in the performance of the inspections or review of the plans and specifications.”

- ❖ 3. Chapter 5, §503.2 Add the sentence, “See Appendix D for further requirements.”
- ❖ 4. Change §503.2.1 to read “Fire apparatus access roads shall have an unobstructed width of not less than 24 feet for two-way streets and 16 feet for one-way streets, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches

- ❖ 5. Chapter 5, §503.2.3 Add "Grass concrete and similar surfaces are not allowed".
- ❖ 6. Change §503.2.4 to read "Turning radius. The required turning radius of a fire apparatus access road shall be an inside radius of 25 feet and an outside radius of 50 feet or as determined by the fire code official. Computer modeling may be required to establish that fire apparatus with West Metro Fire Protection District specifications can adequately maneuver proposed access pathways"
- ❖ 7. Change §503.2.8 as follows; "Angles of approach and departure. The angles of approach and departure for fire apparatus access roads shall be no greater than 10% or within the limits established by the fire code official based on the fire district's apparatus."
- ❖ 8. Change §507.5.1 as follows; Delete the first exception. Change exception 2 to read "For buildings equipped with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, a fire hydrant shall be located a minimum of 50 feet and a maximum of 100 feet from the Fire Department Connection(s) in an approved location."
- ❖ 9. Change §507.5.1.1 "507.5.1.1 Hydrants for standpipe and/or automatic sprinkler systems. Buildings equipped with a standpipe system installed in accordance with Section 905, and/or an automatic sprinkler system installed in accordance with 903.3.1.1 or 903.3.1.2 shall have a fire hydrant a minimum of 50 feet and a maximum of 100 feet from the fire department connection(s) in an approved location."
- ❖ 10. Change §510.4.1.1 to the following: "Minimum signal strength into the building. A minimum signal strength of -85dBm shall be receivable within the building."
- ❖ 11. Change §510.4.1.2 to the following: "Minimum strength out of the building. A minimum signal strength of -90dBm shall be received by the agency's radio system when transmitted from within the building."
- ❖ 12. Add §510.4.1.3 as follows: "If the field strength OUTSIDE the building where the receiving antenna system for the in-building system is located is less than the (-85 dBm), then the minimum required in-building field strength shall equal the field strength being delivered to the receive antenna of the building."
- ❖ 13. Add §510.5.5 as follows: "All essential components shall be installed in a room accessible for repair and testing within the structure that is rated at 2-hours."
- ❖ 14. §901.6, Add to the end of the Section: "The Fire Marshal shall approve the removal of any nonrequired fire protection systems or equipment."
- ❖ 15. Change §903.4.2 to read "Alarms. An approved audible/visual appliance, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm appliances shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system."
- ❖ 16. Chapter 9, §907.6.6 shall be added and read as follows: "907.6.6.3 Fire alarm panels and security alarm panels shall be separate and not combined."
- ❖ 17. Chapter 10 §1025.1, add occupancy type "R-2" to the list of buildings requiring luminous egress path markings.
- ❖ 18. Add §1103.7.8, as follows;

"The 2015 International Existing Building Code (IEBC) may be used as a guideline for the upgrading of life and fire safety systems in existing buildings. However, the AHJ maintains the right to require upgrades or alterations to these systems outside of the

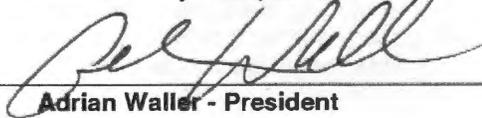
IEBC. This will be as necessary for maintaining the accepted level of life and fire safety within the jurisdiction.

- ❖ 19. Chapter 53, §5307.1, Add, "The provisions of this section shall apply to new or existing systems".
- ❖ 20. Chapter 56, §5610 shall be added as a new section to read as follows: "Section 5610 This chapter shall be interpreted to be consistent with the provisions of §12-28-101, *et seq.*, CRS and any applicable municipal ordinance or county resolution/ordinance, shall govern all fireworks, their sale, storage and use".
- ❖ 21. Chapter 61, §6109.13 Delete the exception.
- ❖ 22. Appendix B Table B105.1(1) The minimum fire-flow shall not be less than 1000 gallons per minute for all fire-flow calculation areas.
- ❖ 23. Appendix B Table B105.2 Change the reduction percentage allowed to "up to 50%."
- ❖ 24. Add §C102.1.1 "For buildings equipped with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, a fire hydrant shall be located a minimum of 50 feet and a maximum of 100 feet from the Fire Department Connection in an approved location."

**ADOPTED AT A GENERAL PUBLIC MEETING OF THE BOARD OF DIRECTORS OF THE PLEASANT VIEW METROPOLITAN DISTRICT THIS 15th DAY OF September, 2015**

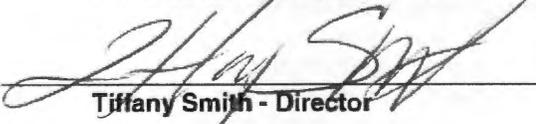
Seconded by H.D. McDonald:

Adopted this 15th day of September, 2015

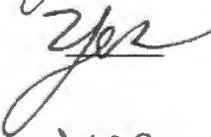
  
\_\_\_\_\_  
Adrian Waller - President

  
\_\_\_\_\_  
H.D. McDonald - Vice President

  
\_\_\_\_\_  
Devin Keen - Secretary/Treasurer

  
\_\_\_\_\_  
Tiffany Smith - Director

  
\_\_\_\_\_  
Gerri Lewis - Director

  
\_\_\_\_\_  
  
\_\_\_\_\_

yes

yes

\_\_\_\_\_

RESOLUTION 9-15-15-A

BOARD OF DIRECTORS

of

PLEASANT VIEW METROPOLITAN DISTRICT

I, Devin Keen, as Secretary/Treasurer to the Board of Directors of the Pleasant View Metropolitan District, do hereby certify that the following is a true and correct copy of a resolution adopted and enacted by the Pleasant View Metropolitan District in its regularly scheduled meeting conducted on September 15, 2015:

A motion was made that, subject to approval of the Board of County Commissioners for Jefferson County, the Pleasant View Metropolitan District adopt the International Fire Code (2015 Edition) including Appendix Chapters B, C, D, E, F, G, H, I, and K as the fire code applicable within the boundaries of the Pleasant View Metropolitan District.

Further, that the existing fire code remains in force and effect until this resolution is ratified or confirmed by the Board of County Commissioners for Jefferson County. However, upon confirmation of this Board's adoption of the International Fire Code (2015 Edition), that the prior fire code adopted by the Pleasant View Metropolitan District lapse and be revoked, to be replaced by that adopted pursuant to this resolution.

After discussion and due consideration, the foregoing resolution was adopted by the Board of Directors of the District.

Signed and Certified this 15th day of September, 2015.

By: \_\_\_\_\_

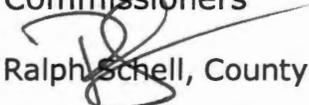
  
Devin Keen, Secretary/Treasurer  
Board of Directors  
Pleasant View Metropolitan District



MEMORANDUM

AGENDA ITEM 21

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**FROM:**  Ralph Schell, County Manager

**SUBJECT:** ADOPTION OF THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE BY THE WEST METRO FIRE PROTECTION DISTRICT

**DATE:** May 17, 2016

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**Staff Recommendation:** Staff recommends that the Board of County Commissioners, pursuant to Section 32-1-1002(1)(d) C.R.S. approve the West Metro Fire Protection District Fire Code (the "Fire Code") which includes the 2015 International Fire Code as promulgated by the International Code Council with amendments and Appendix Chapters B, C, D, F, G, H, I, K, and L only as set forth in the West Metro Fire Protection District (the "District") Resolution dated October 20, 2015. Said Resolution is attached hereto and incorporated herein. The Fire Code is to be applied within all unincorporated areas of the Jefferson County which are also within the boundaries of the District.

This approval is specifically contingent upon the following:

1. It shall be the sole and exclusive responsibility of the District to enforce the Fire Code;
2. The approval of the Fire Code does not supersede, amend, waive or otherwise affect the provisions or the enforcement of the Jefferson County Building Code or any other Jefferson County code, ordinance or regulation; and
3. The approval of the Fire Code does not extend to any subsequent alteration, modification, rescission, repeal or amendment, in whole or in part, of the Fire Code.

**RESOLUTION NO.**

**CC16-203**

**Background:** The District has adopted by written resolution dated October 20, 2015, the 2015 Edition of the International Fire Code with amendments and Appendix Chapters B, C, D, F, G, H, I, K, and L only as set forth in the District Resolution attached. C.R.S. Section 32-1-1002(1)(d) requires the Board of County Commissioners to adopt a resolution agreeing that the Fire Code shall apply within the District's boundaries that are also within the unincorporated boundaries of Jefferson County. The District has requested that the Board adopt such a resolution.

**BCC Briefing Presented on May 3, 2016 by Becky Baker.**

**Fiscal Impact:** None

**Prepared by:** Becky Baker, Building Safety Division

**Distribution:**

**Original returned to:** Becky Baker, Division of Building Safety

**Copies to:** Jeanie Rossillon, Development and Transportation

Gay Ummel, Assistant County Attorney

Brian Daley, Emergency Management

Deborah Freischlag, Accounting

**Resolution No. 2015-04**  
**Fire Code**  
**West Metro Fire Protection District**

**A RESOLUTION ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE, REGULATING AND GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, AND PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATION.**

**WHEREAS**, the Board of Directors of the West Metro Fire Protection District have previously adopted the 2012 International Fire Code in part; and

**WHEREAS**, the Board of Directors deems it necessary to adopt the following code for the purpose of establishing rules of conduct and standards for the protection of life, health, property, security and welfare of the inhabitants of the District; and

**WHEREAS**, the Board of Directors has considered the effect of fire code enforcement within the boundaries of the District and has determined that enforcement of the proposed codes would not cause undue hardship or suppression of economic growth within the District; and

**WHEREAS**, the Board of Directors has studied the necessity for realistic and reasonable level of fire protection to be provided by an urban fire protection district.

**NOW, THEREFORE BE IT RESOLVED THAT:**

**SECTION I: Adoption of the 2015 International Fire Code.**

There is hereby adopted by the West Metro Fire Protection District for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials, or explosion, that certain Codes known as the International Fire Code, including Appendix Chapters: **B** (Fire-Flow Requirements for Building), **C** (Fire Hydrant Locations and Distribution), **D** (Fire Apparatus Access Roads) with specifications approved by the Fire Marshal, **F** (Hazard Ranking), **G** (Cryogenic Fluids-Weight and Volume Equivalents), **H** (Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions), **I** (Fire Protection Systems-Noncompliant Conditions), **K** (Construction Requirements for Existing Ambulatory Care Facilities), **L** (Requirements for Firefighter Air Replenishment Systems – new buildings only) as published by the International Code Council, being particularly the 2015 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended by the Resolution, of which said Code are now filed in the offices of the West Metro Fire Protection District, and the same are hereby adopted and incorporated as fully as if set out at length herein.

The date on which this Resolution shall take effect within the incorporated municipalities within this District shall be the date of approval by the governing board of said municipality and the date on which it shall take effect within the unincorporated portions of Jefferson County and Douglas County shall be on the date of approval by the Board of County Commissioners in and for Jefferson County, State of

Colorado and Douglas County, State of Colorado. This Code shall be in effect within the territorial limits of the West Metro Fire Protection District.

**SECTION II: Establishment and Duties of Life Safety Inspectors.**

Organizational structure and duties of the Life Safety Division shall be as provided by the District's rules and regulations and internal organizational structure.

**SECTION III: Definitions.** The following definitions shall be utilized in addition to those set forth in the International Fire Code:

Wherever the word "jurisdiction" is used, it is meant to be inclusive of the boundaries of the West Metro Fire Protection District as they now or may hereafter exist.

Wherever the terms "Chief" or "Chief of the Life Safety Division" are used, they shall be held to mean the Fire Chief of the West Metro Fire Protection District, or the District's Fire Marshal or a designated member of the District.

Wherever the term "Board" is used, it shall be held to mean the Board of Directors of the West Metro Fire Protection District.

Wherever the term "International Building Code" is used, it shall be held to mean the International Building Code as adopted, amended and incorporated into the Jefferson County Building Code for unincorporated portions of Jefferson County or the International Building Code as adopted, amended and incorporated into the applicable municipality's Building Code within a municipality's territorial limits. Wherever the term "International Building Code" is used, it shall be held to mean whatever Building Code (Uniform/International) as adopted, amended and incorporated into the Douglas County Building Code for unincorporated portions of Douglas County.

Wherever the terms "Fire Detection System" or "Fire Alarm System" are used, they shall be held to mean an approved analog/addressable system for automatic and manual initiating devices as defined by NFPA 72. All fire detection and alarm systems shall include full NFPA 72 compliant notification. All fire detection and alarm systems shall be monitored by an Underwriters Laboratory (UL) 827 listed and approved Central Supervising Station or equivalent. This does not imply a requirement for Central Station Service as defined by NFPA 72. All components shall be approved by the West Metro Fire Protection District and installed per NFPA 72.

**SECTION IV: Amendments made in and to the International Fire Code.**

The International Fire Code is amended and changed in the following respects:

- ❖ 1. Chapter 1, §102.11 shall be amended by the addition of the following section:

102.11.1 "Rules and regulations promulgated by the State of Colorado under the authority established by Sec. 24-33.5-1204.5, C.R.S. including, but not limited to the 2015 Colorado Fire Suppression Rules, shall be enforced under the provisions of sections 102.8 through 102.11."

- ❖ 13. Change §503.2.8 as follows; “Angles of approach and departure. The angles of approach and departure for fire apparatus access roads shall be no greater than 10% or within the limits established by the fire code official based on the District’s apparatus.”
- ❖ 14. Change §507.5.1 as follows; Delete the first exception. Change exception 2 to read “For buildings equipped with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, a fire hydrant shall be located a minimum of 50 feet and a maximum of 100 feet from the Fire Department Connection(s) in an approved location.”
- ❖ 15. Change §507.5.1.1 “507.5.1.1 Hydrants for standpipe and/or automatic sprinkler systems. Buildings equipped with a standpipe system installed in accordance with Section 905, and/or an automatic sprinkler system installed in accordance with 903.3.1.1 or 903.3.1.2 shall have a fire hydrant a minimum of 50 feet and a maximum of 100 feet from the fire department connection(s) in an approved location.”
- ❖ 16. Change §510.4.1.1 to the following: “Minimum signal strength into the building. A minimum signal strength of -85dBm shall be receivable within the building.”
- ❖ 17. Change §510.4.1.2 to the following: “Minimum strength out of the building. A minimum signal strength of -90dBm shall be received by the agency’s radio system when transmitted from within the building.”
- ❖ 18. Add §510.4.1.3 as follows: “If the field strength OUTSIDE the building where the receiving antenna system for the in-building system is located is less than the (-85 dBm), then the minimum required in-building field strength shall equal the field strength being delivered to the receive antenna of the building.”
- ❖ 19. Add §510.5.5 as follows: “All essential components shall be installed in a room accessible for repair and testing within the structure that is rated at 2-hours.”
- ❖ 20. §901.6, Add to the end of the Section: “The Fire Marshal shall approve the removal of any nonrequired fire protection systems or equipment.”
- ❖ 21. Change §903.4.2 to read “Alarms. An approved audible/visual appliance, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm appliances shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.”
- ❖ 22. Chapter 9, §907.6.6 shall be added and read as follows: “907.6.6.3 Fire alarm panels and security alarm panels shall be separate and not combined.”
- ❖ 23. Chapter 10 §1025.1, add occupancy type “R-2” to the list of buildings requiring luminous egress path markings.
- ❖ 24. Add §1103.7.8, as follows;

“The 2015 International Existing Building Code (IEBC) may be used as a guideline for the upgrading of life and fire safety systems in existing buildings. However, the AHJ maintains

the right to require upgrades or alterations to these systems outside of the IEBC. This will be as necessary for maintaining the accepted level of life and fire safety within the jurisdiction.

- ❖ 25. Chapter 53, §5307.1, Add, "The provisions of this section shall apply to new or existing systems".
- ❖ 26. Chapter 56, §5610 shall be added as a new section to read as follows: "Section 5610 This chapter shall be interpreted to be consistent with the provisions of §12-28-101, *et seq.*, CRS and any applicable municipal ordinance or county resolution/ordinance, shall govern all fireworks, their sale, storage and use."
- ❖ 27. Chapter 61, §6109.13 Delete the exception.
- ❖ 28. Appendix B Table B105.1(1) The minimum fire-flow shall not be less than 1000 gallons per minute for all fire-flow calculation areas.
- ❖ 29. Appendix B Table B105.2 Change the reduction percentage allowed to "up to 50%."
- ❖ 30. Add §C102.1.1 "For buildings equipped with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, a fire hydrant shall be located a minimum of 50 feet and a maximum of 100 feet from the Fire Department Connection in an approved location."

#### **SECTION VI: Penalties**

- (a) Any owner, lessee, agent, or occupant of any building or premises maintaining any condition likely to cause fire or to constitute an additional fire hazard or any condition which impedes or prevents the egress of persons from such building or premises in violation of the provisions of CRS §32-1-1002(3), shall be deemed to be maintaining a fire hazard. Any person who violates any provision of said Section V, subsection (c) is guilty of a misdemeanor. Each day in which such violation occurs shall constitute a separate violation of CRS §32-1-1002(3).
- (b) The application of the above penalty shall not be construed to prevent the enforced removal or correction of prohibited conditions or other injunctive relief.

#### **SECTION VII: Repeal of Conflicting Ordinances or Resolutions.**

All former ordinances or resolutions enacted by the District or parts thereof conflicting or inconsistent with the provisions of this resolution of the Code or standards hereby adopted are hereby repealed.

#### **SECTION VIII: Validity and Conflict.**

The Board hereby declares that should any section, paragraph, sentence or word of this resolution or of the code or standards hereby adopted be declared for any reason to be invalid, it is the intent of the Board that it would have passed all other portions of this resolution independent of elimination here from of any such portion as may be declared invalid. It is further the declaration of the Board that no provision of this resolution or the code or standards adopted herein be interpreted in conflict with existing State law. In the event there is conflict between State law and this code, State law shall take precedent.

**SECTION IX: Date of Effect.**

This resolution shall take effect and be enforced within incorporated municipalities and unincorporated portions of Jefferson County and Douglas County from and after its approval as set forth in CRS §32-1-1002(1)(d).

Adopted this 20<sup>th</sup> day of October, 2015.

West Metro Fire Protection District

ATTEST:

By: Patricia M. Guly  
President

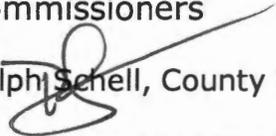
Wendy A. Volmer  
Secretary



MEMORANDUM

AGENDA ITEM 22

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**FROM:**  Ralph Schell, County Manager

**SUBJECT:** ADOPTION OF THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE BY THE WHEAT RIDGE FIRE PROTECTION DISTRICT

**DATE:** May 17, 2016

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**Staff Recommendation:** Staff recommends that the Board of County Commissioners, pursuant to Section 32-1-1002(1)(d) C.R.S. approve the Wheat Ridge Fire Protection District Fire Code (the "Fire Code") which includes the 2015 International Fire Code as promulgated by the International Code Council with amendments and Appendix Chapters B, C, D, F, G, H, I, K, and L only as set forth in the Wheat Ridge Fire Protection District (the "District") Resolution dated November 18, 2015. Said Resolution is attached hereto and incorporated herein. The Fire Code is to be applied within all unincorporated areas of the Jefferson County which are also within the boundaries of the District.

This approval is specifically contingent upon the following:

1. It shall be the sole and exclusive responsibility of the District to enforce the Fire Code;
2. The approval of the Fire Code does not supersede, amend, waive or otherwise affect the provisions or the enforcement of the Jefferson County Building Code or any other Jefferson County code, ordinance or regulation; and
3. The approval of the Fire Code does not extend to any subsequent alteration, modification, rescission, repeal or amendment, in whole or in part, of the Fire Code.

**RESOLUTION NO.**      **CC16-204**

**Background:** The District has adopted by written resolution dated November 18, 2015, the 2015 Edition of the International Fire Code with amendments and Appendix Chapters B, C, D, F, G, H, I, K, and L only as set forth in the District Resolution attached. C.R.S. Section 32-1-1002(1)(d) requires the Board of County Commissioners to adopt a resolution agreeing that the Fire Code shall apply within the District's boundaries that are also within the unincorporated boundaries of Jefferson County. The District has requested that the Board adopt such a resolution.

**BCC Briefing Presented on May 3, 2016 by Becky Baker.**

**Fiscal Impact:** None

**Prepared by:** Becky Baker, Building Safety Division

**Distribution:**

**Original returned to:** Becky Baker, Division of Building Safety

**Copies to:** Jeanie Rossillon, Development and Transportation

Gay Ummel, Assistant County Attorney

Brian Daley, Emergency Management

Deborah Freischlag, Accounting



# WHEAT RIDGE FIRE PROTECTION DISTRICT

**INTEGRITY • COMPASSION • SACRIFICE • RESPECT • STEWARDSHIP**

3880 Upham St., Wheat Ridge, CO 80033 • [www.wrfire.org](http://www.wrfire.org) • ph.303.403.5900

## WHEAT RIDGE FIRE PROTECTION DISTRICT

### RESOLUTION NO. 2015-004

#### STATEMENT OF RESOLUTION ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE WITH LOCAL AMENDMENTS, WITHIN THE PORTIONS OF THE DISTRICT LOCATED IN UNINCORPORATED JEFFERSON COUNTY.

**WHEREAS**, the Wheat Ridge Fire Protection District (“District”) is a political subdivision of the State of Colorado, organized pursuant to C.R.S. 32-1-101, *et seq.* (“Special District Act”) to provide fire suppression, fire prevention, rescue, hazardous materials, ambulance and emergency medical services, directly or through third-party providers;

**WHEREAS**, a portion of the area within the District’s jurisdiction lies within unincorporated Jefferson County, Colorado;

**WHEREAS**, the Special District Act authorizes the District’s Board of Directors (“Board”) to adopt and enforce a fire code within the District’s jurisdiction; provided, however, that a fire code adopted by the District Board can only be enforced within unincorporated Jefferson County if it is first approved by the Jefferson County Board of Commissioners (“County Commissioners”);

**WHEREAS**, the District Board desires to adopt the 2015 edition of the International Fire Code, with the amendments specifically identified in the Local Amendments to the 2015 International Fire Code attached to this Resolution as Appendix A (collectively the “2015 IFC With Local Amendments”) and incorporated in its entirety herein by this reference; and,

**WHEREAS**, in accordance with the Special District Act, the District Board intends to submit the 2015 IFC with Local Amendments to the County Commissioners for approval. The District Board further intends that the 2015 IFC with Local Amendments shall not apply within unincorporated Jefferson County until the County Commissioners adopt an ordinance stating the 2015 IFC with Local Amendments applies within the portion of the County that also lies with the District’s jurisdiction.

6. §109.4 Violation penalties is amended to read in its entirety:

*109.4 Violation penalties.* Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Fire Code Violation. City ordinance and County resolutions shall stipulate what the offense(s) will be. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

7. §111.1 Order is amended as follows:

*111.1 Order.* Whenever the building code official or fire code official finds any work regulated by this Code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the building code official or fire code official, with the concurrence of the other code official, is authorized to issue a stop work order.

8. §111.4 Failure to comply is amended as follows:

*111.4 Failure to comply.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fine and/or imprisonment up to the maximum specified in §32-1-1001 and §32-1-1002, CRS. City ordinance and County resolutions shall stipulate what the offense(s) will be.

9. §114 Inspection Fees is added as follows:

*114 Inspection Fees.* Pursuant to §32-1-1002 (1)(e)(II) CRS, the Board may fix and from time to time may increase or decrease fees and charges, at its discretion, for inspections and review of plans and specifications, which are:

1. Requested or mandated for existing structures, buildings and improvements; and
2. Necessitated in conjunction with any county regulation, resolution or condition of development; or
3. Performed in conjunction with the construction of new structures, buildings, and improvements.

Said fees and charges may, at the discretion of the Board, include a charge for reimbursement to the district of any consultation fees, expenses or costs incurred by the district in the performance of the inspections or review of the plans and specifications.”

## **CHAPTER 5 - FIRE SERVICE FEATURES**

10. §503.2.3 Surface is amended as follows:

*503.2.3 Surface.* Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities. Grass concrete and similar surfaces are not allowed.

11. §503.2.4 Turning radius is amended to read in its entirety:

*503.2.4 Turning radius.* The required turning radius of a fire apparatus access road shall be an inside radius of 25 feet and an outside radius of 50 feet or as determined by the fire code official. Computer modeling may be required to establish that fire apparatus with Wheat Ridge Fire Protection District specifications can adequately maneuver proposed access pathways.

12. §503.2.8 Angles of approach and departure is amended to read in its entirety:

*503.2.8 Angles of approach and departure.* The angles of approach and departure for fire apparatus access roads shall be no greater than 10% or within the limits established by the fire code official based on the fire district's apparatus."

13. §507.5.1 Where required (water supply) is amended to read in its entirety:

*507.5.1 Where Required.* Where a portion of a facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet (90m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building. Onsite fire hydrants and mains shall be provided were required by the fire code official.

Exception: For buildings equipped throughout with an approved automatic sprinkler system in accordance with section 903.3.1.1 or 903.3.1.2 the maximum distance requirement shall be 500 feet (150 meters).

14. §507.5.1.1 Hydrant for standpipe systems is amended to read as follows:

*507.5.1.1 Hydrant for sprinkler and standpipe systems.* Buildings equipped with either a fire sprinkler system, a standpipe system, or both, installed in accordance with section 903 or 905, shall have a fire hydrant within 100 feet (45 meters) of the fire department connections.

Exception: The distance shall be permitted to exceed 100 feet (30 meters) where approved by the fire code official.

15. §507.5.1.2 Location and Spacing of Hydrants is added to read as follows:

*507.5.1.2 Location and spacing of hydrants.* Fire hydrants shall be provided along required apparatus access roads and adjacent public streets with spacing between hydrants no greater than 300 feet. Fire hydrant spacing for complexes or subdivisions shall not exceed 300 feet.

16. §510.4.1.1 Minimum signal strength into the building is amended to read as follows:

*510.4.1.1 Minimum signal strength into the building.* Minimum signal strength into the building. A minimum signal strength of -85dBm shall be receivable within the building.

17. §510.4.1.2 Minimum signal strength out of the building is amended to read as follows:

*510.4.1.2 Minimum strength out of the building.* A minimum signal strength of -90dBm shall be received by the agency's radio system when transmitted from within the building.

18. §510.4 Technical requirements is amended by adding the following subsection:

*510.4.1.3 Minimum in-building signal strength based on field strength.* If the field strength OUTSIDE the building where the receiving antenna system for the in-building system is located is less than the (-85 dBm), then the minimum required in-building field strength shall equal the field strength being delivered to the receive antenna of the building.

19. §510.5 Installation requirements is amended by adding the following subsection:

*510.5.5 Equipment room.* All essential components shall be installed in a room accessible for repair and testing within the structure that is rated at 2-hours."

## **CHAPTER 9 - FIRE PROTECTION SYSTEMS**

20. **§901.6 Inspection, testing and maintenance** is amended to read as follows:

*901.6 Inspection, testing and maintenance.* Fire detection, alarm, and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Nonrequired fire protection systems and equipment shall be inspected, tested and maintained or removed. The Fire Marshal shall approve the removal of any nonrequired fire protection systems or equipment.

21. **§903.4.2 Alarms** is amended to read as follows:

*903.4.2 Alarms.* An approved audible/visual appliance, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm appliances shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

22. **§907.6.6 Monitoring** is amended by adding the following subsection:

*907.6.6.3 Combination panels.* Fire alarm panels and security alarm panels shall be separate and not combined.

## **CHAPTER 10 - MEANS OF EGRESS**

23. **§1025.1 General** is amended to read as follows:

*1025.1 General.* Approved luminous egress path markings delineating the exit path shall be provided in high-rise buildings of Group A, B, E, I, M, R-1 and R-2 occupancies in accordance with Section 1025.1 through 1025.5.

## **CHAPTER 11 - CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS**

24. **§1101.1 Scope** is amended to read as follows:

*1101.1 Scope.* The provisions of this chapter shall apply to existing buildings constructed prior to the adoption of this code that, in the opinion of the fire code official, constitute a distinct hazard to life or property.

## **CHAPTER 53 - COMPRESSED GASES**

25. **§5307.1 General** is amended to read as follows:

*5307.1 General.* Carbon dioxide systems with more than 100 pounds (45.4 kg) of carbon dioxide used in beverage dispensing applications shall comply with sections 5307.2 through 5307.5.2. The provisions of this section shall apply to new or existing systems.

## **CHAPTER 56 - EXPLOSIVES AND FIREWORKS**

26. **§5601.1 Scope** is amended by adding the following subsection:

*5601.1.6 Consistency.* This chapter shall be interpreted to be consistent with the provisions of §12-28-101, et seq., CRS and any applicable municipal ordinance or county resolution/ordinance, shall govern all fireworks, their sale, storage and use.

**CHAPTER 61 - LIQUEFIED PETROLEUM GASES**

27. §6109.13 Protection of containers is amended by deleting the exception:

*6109.13 Protection of containers.* LP-gas containers shall be stored within a suitable enclosure or otherwise protected against tampering. Vehicular protection shall be provided as required by section 6107.4.

~~Exception: Vehicle impact protection shall not be required for protection of LP-gas containers where the containers are kept lockable, ventilated cabinets of metal construction.~~

**APPENDIX B - FIRE-FLOW REQUIREMENTS FOR BUILDINGS**

28. §B105.1 One and two-family dwellings, Group R-3 and R-4 buildings and townhouses is amended to read as follows:

*B105.1 One and two-family dwellings, Group R-3 and R-4 buildings and townhouses.* The minimum fire-flow and flow duration requirements for one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses shall be as specified in Tables B105.1(1) B105.1(2) but shall not be less than 1000 gallons per minute for all fire-flow calculation areas.

29. Table B105.1(1) The minimum fire-flow shall not be less than 1000 gallons per minute for all fire-flow calculation areas.

30. Table B105.2 Change the Minimum Fire-Flow reduction percentage allowed as follows:

Sprinkler Design Standard: Section 903.3.1.1 of the IFC: Up to 50% of the value in Table B105.1(2)<sup>a</sup>

Sprinkler Design Standard: Section 903.3.1.2 of the IFC: Up to 50% of the value in Table B105.1(2)<sup>b</sup>



**M E M O R A N D U M**

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**FROM:**  Ralph Schell, County Manager

**RE:** New Airport Ground Lease Agreement – Pilatus Completions Center

**DATE:** May 17, 2016

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**Staff Recommendation:** That the Board approves the Hanger Ground Lease agreement between Jefferson County and Pilatus Business Aircraft, Ltd. for the lease of approximately 6 acres of land near Simms Street and State Highway 128 for a completions center, and that the Development & Transportation Director or the Airport Director, or such other officer or agent to whom either person delegates authority, is authorized to do all other acts or things, and to execute, deliver, file or record any other document or instrument in connection with the foregoing.

**Resolution No.** **CC16 - 205**

**Background:** Staff has been negotiating a new lease agreement with Pilatus Business Aircraft, Ltd. for a proposed completion center on an approximately six (6) acre site located near the corner of the intersection of State Highway 128 and Simms Street in the County of Jefferson. The negotiated terms meet the expectations of the Airport's Lease Policy; Airport's Primary Guiding Documents and requires compliance with FAA grant assurances which include compliance with 5190.6B and the following principles: 1) fair and reasonable, 2) not discriminatory, 3) self-sustaining, and 4) allowable use – airport revenue for airport use. The ground lease will serve as the cornerstone for future phased development of Pilatus Business Aircraft, Ltd. completion center campus.

**BCC Briefing Presented on May 3, 2016**

**Prepared by:** Bryan Johnson, Airport Director, ext 4851

**Distribution**

**Original returned to:** Clerk to the Board

**Copies to:** Jeanie Rossillon, Director of Development and Transportation;  
Bryan Johnson, Airport; Kourtney Hartmann, County Attorney's Office



**HANGAR GROUND LEASE**  
Rocky Mountain Metropolitan Airport  
Broomfield, Colorado

By and Between

**JEFFERSON COUNTY, COLORADO**  
**ON BEHALF OF**  
**THE ROCKY MOUNTAIN METROPOLITAN AIRPORT**

11755 Airport Way  
Terminal Building B-7  
Broomfield, Colorado 80021  
PH: (303) 271-4850  
FAX: (303) 271-4875

And

**PILATUS BUSINESS AIRCRAFT, LTD.**

11755 Airport Way  
Broomfield, Colorado 80021  
PH: (303) 465-9099

Dated: May 17, 2016

**HANGAR GROUND LEASE**  
**ROCKY MOUNTAIN METROPOLITAN AIRPORT**

**THIS HANGAR GROUND LEASE** (the “Lease”) is dated as of May 17, 2016 (the “Effective Date”) between **JEFFERSON COUNTY, COLORADO**, a body corporate and politic organized under the laws of the State of Colorado, on behalf of the **ROCKY MOUNTAIN METROPOLITAN AIRPORT** with an address of 11755 Airport Way, Terminal Building B-7, Broomfield, Colorado 80021 (the “County”), and **PILATUS BUSINESS AIRCRAFT, LTD.**, a Colorado corporation with a principal office address of 11755 Airport Way, Broomfield, Colorado 80021 (the “Lessee”).

**RECITALS**

- A. The County is owner and operator of the Rocky Mountain Metropolitan Airport (the “Airport”).
- B. The County has adopted, and may adopt or amend from time to time, Primary Guiding Documents (as defined below), including, without limitation, Minimum Standards and Regulations regulating operations from and upon the Airport.
- C. Lessee desires to occupy and use the Premises (as defined below) in accordance with the terms and provisions of this Lease and the Primary Guiding Documents.

**ARTICLE I. DEFINITIONS**

Capitalized words and terms shall have the following meanings in this Lease:

Section 1.01 “Airport” means the Rocky Mountain Metropolitan Airport which is owned by the County.

Section 1.02 “Airport Director” means the Director of the Airport appointed by the County.

Section 1.03 “Annual CPI Month” has the meaning set forth in Section 3.01(b) of this Lease.

Section 1.04 “County” means Jefferson County, Colorado.

Section 1.05 “Detailed Plans and Specifications” means drawings, maps or plans depicting the location, character, dimension and details of the Premises and all Improvements, each of which is incorporated into and made a part of this Lease.

Section 1.06 “Effective Date” is defined in the Preamble of this Lease.

Section 1.07 “Extended Term” has the meaning set forth in Section 5.02 of this Lease.

Section 1.08 “FAA” means the Federal Aviation Administration.

Section 1.09 “General Plans” means the information described on Exhibit 2 of this Lease.

Section 1.10 "Improvement" means any structure or other enhancement to be added to, or erected upon the Premises, including, without limitation, paving, fencing, grading and surfacing, underground and overhead wires, cables, pipes, tanks and drains; and all property of every kind and nature, which is attached to the Premises or which may not be removed without material injury to such structure, enhancement or the Premises.

Section 1.11 "Incident" has the meaning set forth in Section 9.08(a) of this Lease.

Section 1.12 "Lease" shall mean this Hangar Ground Lease between the County and Lessee dated May 17, 2016 and any amendment, extension or renewal thereof.

Section 1.13 "Lessee" is defined in the Preamble of this Lease.

Section 1.14 "Loss Options" has the meaning set forth in Section 3.04(c) of this Lease.

Section 1.15 "Major Damage" has the meaning set forth in Section 3.04(b) of this Lease.

Section 1.16 "Material Activity" has the meaning set forth in Section 3.09 of this Lease.

Section 1.17 "Option and Right of First Refusal" has the meaning set forth in Section 4.05 of this Lease.

Section 1.18 "Plan" has the meaning set forth in Section 3.10 of this Lease.

Section 1.19 "Premises" means the real property leased to Lessee under this Lease for Lessee's use and occupancy. The Premises consists of a parcel of real property as more particularly described in Exhibit 1.

Section 1.20 "Primary Guiding Documents" means the aggregate compilation of policy documents adopted by the County, including, but not limited to, the General Umbrella Provisions, the Minimum Standards and the Rules and Regulations, as the same may be adopted, amended or re-enacted from time to time. Current copies of the Primary Guiding Documents are available at the Airport's administration office and online at [www.flyRMMA.com](http://www.flyRMMA.com).

Section 1.21 "Public Improvements" has the meaning set forth in Section 4.01 of this Lease.

Section 1.22 "Records" has the meaning set forth in Section 3.09 of this Lease.

Section 1.23 "Rent" has the meaning set forth in Section 3.01(a) of this Lease.

Section 1.24 "Previous CPI" has the meaning set forth in Section 3.01(b) of this Lease.

Section 1.25 "Term" has the meaning set forth in Section 5.01 of this Lease.

## ARTICLE II. LEASE AND USE OF AIRPORT FACILITIES

Section 2.01 Lease of Premises. As of the Effective Date, County leases to Lessee for the term specified in this Lease the Premises identified in Exhibit 1. The Lessee accepts this Lease subject to: (i) all easements, covenants and rights-of-way of use or of record and (ii) the Primary Guiding Documents. The County reserves the sole and exclusive right to grant or use additional easements, covenants or rights-of-way on, over, and across or under the Premises during the term of this Lease, provided that the County will not unreasonably interfere (and, in any case, any such interference will be of temporary nature only) with Lessee's quiet enjoyment or permitted uses of the Premises.

Section 2.02 Right to Inspect; Limited Acknowledgement. Subject to the provisions of 2.01, Lessee has had an opportunity to inspect the Airport and the Premises and acknowledges that the Airport and the Premises are fit for Lessee's use and enjoyment; provided, however that this acknowledgement does not extend to any environmental condition(s), hazardous waste material(s), toxic waste or other situation that violates or could reasonably be construed to violate any federal, state or local environmental, toxic waste, hazardous waste, safety or health law or regulation.

Section 2.03 Right to Conduct Environmental Assessment. (a) Within ninety (90) days following the Effective Date of this Lease, Lessee has the right, at its sole cost and expense, to conduct a Phase I environmental assessment of the Premises (a Phase I assessment and if necessary, in its reasonable opinion, a Phase II assessment) verifying that, within the generally understood limits of a Phase I environmental assessment, the conditions in, on, about and under the Premises are free of hazardous or toxic waste or any other environmental condition that could constitute a violation of any applicable federal, state or local environmental, toxic waste, health or safety law. The final report with respect to any environmental assessment, Phase I or Phase II, shall be provided to the County upon completion which shall be received by the County no later than one hundred twenty (120) days following the Effective Date of this Lease. If the results of any such environmental assessment indicates the possible presence of any hazardous waste or contamination in excess of any permissible limits or any other form of environmental, health or safety condition that could constitute a violation of any applicable federal, state or local environmental, toxic waste, health or safety law, then the County must immediately abate, remediate and remedy such health or safety condition or environmental contamination or condition and ensure that such conditions or contaminations are fully abated, remediated and remedied to the reasonable satisfaction of the Lessee. If the County refuses to so abate, remediate or remedy same or does not do so to Lessee's reasonable satisfaction, Lessee has the right to immediately terminate this Lease without any further or continuing obligation under this Lease or any cost, expense, or penalty and County must immediately return and refund any and all funds paid or entrusted to County in connection with this Lease.

(b) If during construction of the Improvements, environmental contamination that must under applicable law, inherently or based upon Lessee's intended use of the Premises, be abated, remedied or remediated is discovered that was not discovered in Lessee's Phase I or II reports, and was not caused by Lessee, its contractors or subcontractors, Lessee has the right to temporarily suspend construction activities in the affected area (and such suspension shall so extend the time for construction of the Improvements) and Lessee shall promptly give notice of

such contamination to the County. The County shall have the option to fully abate, remediate and remedy, to the reasonable satisfaction of the Lessee, such contamination. If the County refuses to so abate, remediate or remedy the contamination or does not do so to Lessee's reasonable satisfaction, the Lessee has the right to immediately terminate this Lease without penalty and the County must promptly return and refund any and all funds paid or entrusted to County in connection with this Lease. Upon such notice of termination, the Lessee shall use commercially reasonable efforts to restore the Premises to either a landscaped or dustcap paved condition if permitted by environmental laws and regulations, provided, however, that Lessee shall not be obligated to take any additional actions to abate, remediate or remedy the contamination.

(c) Notwithstanding anything contained herein, this Section 2.03 does not and shall not be construed as altering or modifying Lessee's limited acknowledgement under Section 2.02 nor modifying to any extent indemnification or other obligation contained herein.

#### Section 2.04 Construction of Improvements.

- (a) Lessee shall erect the Improvements on the Premises; as such Improvements are more fully described in the General Plans attached to this Lease as Exhibit 2. Construction of the Improvements shall commence and be substantially completed within two years of the Effective Date, unless such time is extended pursuant to the terms of this Lease; provided, however, that any such extension of time shall not be unreasonably delayed or withheld if the Lessee is using commercially reasonable, diligent efforts to complete the construction. The County shall consider the Premises substantially completed upon receipt by Lessee of a Certificate of Occupancy for the Premises. The Jefferson County Building Department and the North Metro Fire District must issue such Certificate of Occupancy. In the event Lessee fails to obtain a Certificate of Occupancy for the Premises within the time frame specified above including extensions, the County shall have the option to terminate this Lease by giving not less than one hundred eighty (180) days written notice, if Lessee has not cured such failure by the end of such one hundred eighty (180) day period.
- (b) Following the Effective Date of this Lease, but no later than July 1, 2016, Lessee shall submit Detailed Plans and Specifications to the County, which shall include plans (as necessary in light of the overall design of the Improvements) for drainage, parking (covered and/or uncovered), sidewalks, landscaping, construction details, fire protection systems, lighting, utilities, architectural drawings depicting elevation, layout and colors, containment areas for construction equipment and materials, building footprint, curbs and gutters, fencing and gates and any other information which may reasonably be required by the County. If Lessee is required to construct utility improvements on land parcels adjacent to the Premises, Lessee shall have the right to seek reimbursement from the owners and occupiers of such adjacent land parcels.
- (c) Lessee shall not commence construction of any Improvement until: (1) Lessee has obtained County approval for the Detailed Plans and Specifications, (2) Lessee has obtained a building permit from the County, (3) Lessee has complied with all applicable Planning and Zoning Department regulations, (4) Lessee has executed a contract for

construction, (5) Lessee has obtained notice to proceed from the Airport (which shall not be unreasonably withheld or delayed) and (6) Lessee has obtained such other permits or approvals as may be required by law, including, but not limited to, FAA Form 7460-1 (Notice of Proposed Construction or Alteration). All Improvements shall be designed and constructed in a competent, professional and skillful manner, in accordance with the Detailed Plans and Specifications and in compliance with the Primary Guiding Documents and applicable law. All construction shall comply with the County's grant assurance obligations to the FAA, as such assurances may be amended from time to time. Lessee represents and warrants that it has knowledge of, and is familiar with, such grant assurances and that no offset or other consideration will be sought by Lessee from the County for any misinterpretation by Lessee of the County's obligations to the FAA unless Lessee has reasonably relied upon any interpretation of the County as respects the County's obligations to the FAA. Lessee shall comply with the notification and review requirements of Federal Aviation Regulations, Part 77, applicable environmental processes with respect to the construction or modification of any Improvement. In the event of a conflict between the Detailed Plans and Specifications or any applicable legal requirement, the applicable legal requirement shall prevail. Upon completion of an Improvement, Lessee shall restore all areas disturbed by Lessee's construction activities, whether or not such areas are located outside the Premises, to the general condition existing prior to construction. Restoration of such areas shall include all reasonably necessary grading, seeding or landscaping.

- (d) Due Diligence Period. Beginning on the Effective Date of this Lease, Lessee shall have a period of one hundred twenty (120) days to conduct due diligence to determine whether the Premises are fit for the construction of Improvements (the "Due Diligence Period"). If, during the Due Diligence Period, Lessee determines that in its reasonable opinion the Premises are unfit for construction of Improvements, it has the right and may immediately terminate this Lease. If Lessee exercises its right to terminate the Lease under this Paragraph 2.04(d), the County shall refund all monies, and deposits paid by the Lessee back to the Lessee. All County construction obligations under this Lease, including any required utility extensions, shall be tolled during the Due Diligence Period.
- (e) The construction of the Improvements includes construction of a ramp, which shall be built to a minimum weight bearing capacity of 35,000 pounds for dual wheel aircraft and shall comply with FAA criteria for pavement design and FAA 7460 procedures and shall be maintained by the Lessee as a part of the Premises. Design and construction of the ramp shall be subject to the County's review and approval, which review and approval shall not be unreasonably withheld or delayed. Once the ramp is constructed and accepted by the County, it shall be a public ramp for use by the Airport and its operations and shall be common area of the Airport, subject to the Lessee's Option and Right of First Refusal as described in Section 4.05 below.
- (f) Lessee shall diligently pursue construction of any Improvement until completion. Lessee shall provide the County with as-built plans within sixty (60) days after completion. Improvements as approved in the Detailed Plans and Specifications shall not be removed, expanded or materially altered without the prior written consent of the County, which consent shall not be unreasonably withheld or delayed. Lessee will provide the following

forms of stamped as-built drawings: three (3) sets of 11"x17" plans; three (3) copies of electronic files (\*.DWG format) on compact disc; and three (3) engineer stamped legal size copies. If Lessee fails to provide the as-built drawings within sixty (60) days following the written request of the County, the County has the right to obtain copies of the drawings at the Lessee's expense.

**Section 2.05 Alterations to Improvements.** During the Term and any Extended Term of the Lease, the Lessee shall not make any material alteration, addition or improvement to the Premises or the Improvements without the prior written consent of the County, which consent shall not be unreasonably withheld or delayed. Any alterations, additions or improvements approved by the County shall be subject to the same requirements as the construction of any other Improvement. Any alteration, addition or improvement made by the Lessee, whether or not consent shall have been given, and any fixtures installed as a part thereof, other than trade fixtures, shall become a part of the Improvements. Such alterations, additions or improvements will not constitute grounds for extending the term of this Lease.

**Section 2.06 Use of Premises and Airport.** The Premises shall be used and occupied by Lessee for aviation and business use, which shall include construction and operation of hangar, conference and office space, aircraft storage, aircraft completions, aircraft paint, aircraft assembly, aircraft maintenance and operations and other uses related to the foregoing. Lessee is prohibited from all other uses, including conducting any other aviation or non-aviation activity on or from the Premises without the prior written consent of County.

**Section 2.07 Access Control.** Lessee shall provide, construct and install fences and gates that control vehicle access to and from the Premises (card read in/card read out will be required for electric/automatic gates). Such fences and gates shall be included in the Detailed Plans and Specifications. All fences and gates shall be: (1) compatible with the Airport's access control system, as applicable, (2) substantially similar to the type and style of perimeter fence at the Airport and (3) turned over to the County upon completion of installation and County approval and acceptance. To the extent necessary, Lessee shall also provide appropriate protection to the public from the effects of prop and jet blast from or across Lessee's ramp, through installation of blast fences and landscaping. The blast fences shall be of a similar type and quality currently existing at the Airport. All such access control measures shall be included in the Detailed Plans and Specifications. Lessee shall demonstrate, to the County's reasonable satisfaction, that its access control system is compatible with the Airport's access control system.

**Section 2.08 Liens.** Except for a mortgage lien or a lien securing a leasehold deed of trust, and except for a lien resulting from County's failure or delay in making the payments required under Article IV hereof for Public Improvements (collectively, "Permitted Liens"), Lessee shall not permit, and shall promptly remove, any lien of any nature placed on the Premises or any Improvement, whether arising out of construction, repairs, work or labor performed, or materials furnished by, Lessee or any of its contractors, subcontractors or suppliers. If any time a lien or encumbrance is filed or recorded against the Premises, other than a Permitted Lien, as a result of the Lessee's failure the satisfy the same the Lessee shall promptly discharge said lien or encumbrance, and if said lien or encumbrance has not been removed within thirty (30) days from the date it is filed or recorded, the Lessee agrees it will deposit with the County an amount in cash equal to one hundred fifty percent (150%) of the amount of the lien filed or post a statutory

lien bond removing the liens from the Premises. If the lien or encumbrance remains sixty (60) days from the date it is filed or recorded, the County shall have the right, but not the obligation, to remove the lien or encumbrance by any means necessary; and the County shall charge any costs and expense of such removal action as Additional Rent to the Lessee.

**ARTICLE III. OBLIGATIONS OF LESSEE**

**Section 3.01 Rentals and Charges.**

- (a) Rent. Lessee shall make annual rental payments (the “Annual Rent”) for the Premises over the first 60 months, payable in twelve monthly installments in advance on the first day of each month in accordance to the amounts set forth in the table below.

Months Applicable	Square Footage	\$ per Square Foot	Annual Rent	Monthly Payment
1-24	244,260	\$0.11 sqft./year	\$26,869	\$2,239
25-36	244,260	\$0.21 sqft./year	\$51,295	\$4,275
37-48	244,260	\$0.27 sqft./year	\$65,950	\$5,496
49-60	244,260	\$0.35 sqft./year	\$85,491	\$7,124

Lessee shall pay, as “Additional Rent”, all other payments of whatever nature that Lessee has agreed to pay or assume under the terms and provisions of this Lease. Annual Rent and Additional Rent may be referred to collectively as “Rent.” Annual Rent is calculated by multiplying the gross area of the land that comprises the Premises, or 244,260 square feet, by the applicable dollar per square foot rate set forth in the table above. The payment of Rent shall begin on July 1, 2016 (the “Rent Commencement Date”).

- (b) CPI Calculation. Effective January 1<sup>st</sup>, following the 61<sup>st</sup> calendar month after the Rent Commencement Date, and continuing each third January 1 thereafter, the Annual Rent shall be adjusted by comparing the consumer price index for all urban consumers (the “CPI”) for the month of July (the “Annual CPI Month”) with the CPI for the previous year in July (the “Previous CPI”). If the current year CPI is greater than the preceding year’s CPI, Rent shall be increased according to the following formula:

$$A(1+[(\text{Current Year CPI} - \text{CPIP})/\text{CPIP}])$$

Where A = Annual Rent and CPIP = CPI applicable to the prior year. The product shall be the Increased Annual Rent Amount for the year being calculated.

The Increased Annual Rent Amount shall become the Annual Rent payable under the Lease, effective the January 1<sup>st</sup>, following the 61<sup>st</sup> calendar month after the Rent Commencement Date. A similar calculation will be made each of the next three years relating to the Increased Annual Rent; provided, however, the actual Annual Rent amount shall only be increased by the calculated amount every third year. Each year's annual increase in Increased Annual Rent shall not exceed 3%.

By way of illustration of the foregoing, if the Increased Annual Rent Amount (and therefore the Annual Rent payable) beginning January 1, 2027 were \$150,000, then if the CPI increases were 2.75% between July 2026 and July 2027, the Increased Annual Rent Amount would be \$154,125 ( $\$150,000 \times (1+.0275)$ ) for 2028, but the Rent payable would remain at \$150,000 for 2028; 2.8% between July 2027 and July 2028, the Increased Annual Rent Amount would be \$158,440.50 ( $\$154,125 \times (1+.028)$ ) for 2029, but the Rent payable would remain at \$150,000 for 2029, and the Rent payable would be increased to \$158,440.50 for years 2030, 2031 and 2032, the Rent payable to be adjusted again effective 2033 for the cumulative CPI Increased Rent Amounts over the three previously July-July periods.

Rent shall be adjusted according to this Section for the remainder of the term and any renewal terms. Any increase in Annual Rent shall commence on the first day of January following the Annual CPI Month. If the CPI is no longer published, Rent shall be adjusted in accordance with a comparable index as determined by the U.S. Department of Labor. In no event shall the amount of Annual Rent be reduced.

- (c) Security Deposit. On the Effective Date, Lessee shall post a security deposit equal to Zero Dollars (\$0) in the form of an unconditional irrevocable letter of credit, cash or certified funds. The amount of the security deposit is refundable upon providing the County with a Certificate of Occupancy within the time frames specified in this Lease. If any Certificate of Occupancy is not obtained within the specified timeframe specified in Section 2.04(a) including extensions, the County shall have the option to retain the security deposit. This remedy is in addition to any other remedy available to the County at law or in equity.
- (d) Manner of Payment. All amounts due under this Lease shall be paid to the County at its office at 100 Jefferson County Parkway, Accounting Department, Suite 4560, Golden, Colorado 80419 or at such other place as the County may hereafter reasonably designate, and shall be made in legal tender of the United States. All checks shall be subject to collection and Lessee shall pay all bank charges incurred by the County as a result of dishonor. Any Rent or fees not received by the County within thirty (30) days of the applicable date due shall incur a late fee equal to ten percent (10%) per annum of the amount due. The County shall apply all payments received first, to past due amounts and second, to current rent and fees.

### Section 3.02 Maintenance of Premises.

- (a) Lessee shall keep and maintain the Premises and Improvements (including any driveways and the ramp), except the County Maintained Public Improvements defined below, in good working order and repair and in a safe and sanitary condition. Maintenance shall include, without limitation: using paint in colors approved by the County; maintaining electrical and plumbing; conducting structural repair and window replacement; trash disposal; paving, and roads associated with this Lease; sealing; dust control; landscaping; snow plowing and removal; mowing; and weed control. The County Maintained Public Improvements shall include the improvements to Simms Street and the drainage improvements that are located outside the leased Premises that are constructed by the Lessee in accordance with the Detailed Plans and Specifications.
- (b) Lessee shall use reasonable commercial efforts to ensure the useful life of the Premises and any Improvements on the Premises during the Term. Such methods and maintenance shall include, without limitation: inspecting for signs of rust or peeling; inspecting and repainting wall panels when chipping or peeling reaches 5% of the total gross wall area; inspecting roof panels for rust or corrosion; inspecting caulking around roof lights and penetrations; inspecting overhead door lift cables for fraying and replacing when necessary; lubricating overhead door control box spindle and drive chains every six months; checking limit switches for proper adjustment; and recharging fire extinguishers every 12 months.
- (c) If Lessee fails to comply with this Section, the County will provide a written notice to Lessee that requires Lessee to commence compliance with such maintenance obligations within thirty (30) days of receipt of such notice. If Lessee fails to comply with such notice, the County shall have the option to conduct the necessary maintenance on behalf of Lessee and bill Lessee for any reasonable costs incurred in connection therewith as Additional Rent, or to terminate this Lease. Lessee shall pay the County within ten days of receipt of any such bill for County maintenance of the Premises.

Section 3.03 Inspection of Premises; Utility Easement.

- (a) If there is a potential (based upon reasonable facts or circumstances) or an actual material breach or violation of this Lease, or if an emergency exists which necessitates the County's access to the Premises in the County's sole discretion, the County shall have the right to enter upon and inspect the Premises and to do any reasonable act or thing in order to enforce its rights and obligations under this Lease. In all cases excepting an emergency, the County shall give Lessee forty-eight (48) hours prior written notice (except in case of emergency when no prior notice is required), which shall specify the particular purpose for entering onto the Premises.
- (b) The County reserves for itself, the City and County of Broomfield and any public utility, the right to enter onto the Premises and undertake actions reasonably necessary to repair, replace, extend and/or maintain any and all utility lines and facilities on and under the Premises which serve other uses at the Airport; provided that if such utility repair, replacement or maintenance causes damage to the Premises, the Premises shall be restored to its prior condition. If Lessee is unable to effectively use and occupy the Premises during such utility repair, replacement or maintenance, then Rent shall be

abated during any such period of such non-occupancy and non-use and Lessee shall be provided with alternate and commercially reasonable premises at the Airport for the use and maintenance of its aircraft and related purposes at the Airport.

Section 3.04 Insurance.

- (a) Lessee shall carry insurance with an insurance company that is financially acceptable to the County and is qualified to transact business in Colorado. Such insurance shall insure Lessee against, and name the County as an additional insured with respect to liability for personal injury, death or property damage that occurs in connection with: (1) Lessee's use and occupancy of the Premises and Improvements and (2) Lessee's activities on the Airport. Such insurance shall consist of liability requirements not less than those currently set forth in the Primary Guiding Documents for a "Non-Commercial Hangar Developer/Operator" (see the attached Exhibit 3) as the same may be amended from time to time.
- (b) Lessee shall insure the Premises and any Improvement against loss by fire and other casualty in an amount not less than the full replacement value. If damage to, or destruction of, all or part of the Premises or Improvements occurs, Lessee shall restore the same to the condition that existed prior to such damage or destruction. Lessee shall pay any applicable deductible and use the proceeds of insurance in connection with such restoration. The insurance proceeds shall be devoted first to the repair or replacement of any Improvements, and thereafter, Lessee may retain the remainder (if any) of any such insurance proceeds. If the Premises or Improvements sustain damage greater than fifty percent (50%) of its replacement value ("Major Damage"), Lessee shall have the option to:
  - (i) Pay any applicable deductible and repair the Major Damage utilizing any available insurance proceeds in addition to covering all costs not covered by insurance; provided that if the Lessee gives written notice to the County of its intent to repair within thirty (30) days after the Major Damage occurs, then the County agrees that Rent for the Premises shall be abated for a period of up to 120 days or until completion of the repairs, whichever occurs first; or
  - (ii) Terminate the Lease by providing written notice to the County. In such event, Lessee shall remove all damaged Improvements that can reasonably be removed without causing damage to adjoining hangars and return the Premises to a condition suitable for future construction. In the event the Major Damage occurs during the initial ten year Term of the Lease, the Lessee shall pay the County an amount equal to the aggregate insurance proceeds received, or anticipated to be received, by the Lessee minus the actual expenses incurred by Lessee in returning the Premises to a condition suitable for future construction, multiplied by a fraction, the denominator of which is the total number of months in the current Lease term and the numerator of which is the total number of months the Lease has been in effect (see formula below). The following formula shall be used for calculating amounts due to the County:

$$(I - E)(M/TM)$$

Where:

I = aggregate insurance proceeds; E = actual expenses incurred; TM = total number of months in the current lease term; and M = number of months the Lease has been in effect.

In the event the Major Damages occurs during any Extended Term, the Lessee shall pay the County an amount equal to the aggregate insurance proceeds received, or anticipated to be received, by the Lessee minus the actual expenses incurred by Lessee in returning the Premises to a condition suitable for future construction.

Lessee shall obtain the County's prior written approval with respect to all plans and specifications for the repair and restoration of the Premises as provided in this Lease.

- (c) If Lessee fails to comply with its obligations in Section 3.04(b)(i) or Section 3.04(b)(ii) above (collectively, the "Loss Options"), the County may act on behalf of Lessee and may require Lessee to reimburse it for all reasonable costs and expenses incurred by the County in connection therewith. The County may also treat the failure of Lessee to comply with its obligations in connection with the Loss Options as a default under this Lease and may proceed with any remedy available to it.
- (d) If Lessee fails to obtain and maintain insurance, the County may obtain insurance coverage on behalf of Lessee, and the amount of any premium paid by the County for such insurance shall be immediately payable by Lessee to the County. The County may also treat the failure of Lessee to obtain insurance as a default under this Lease and may proceed with any remedy available to it.
- (e) Lessee may insure the Premises and Improvements in such additional amounts and for such other risks as Lessee deems appropriate.
- (f) Within thirty (30) days of this Lease and at any time and from time to time upon request by the County, Lessee shall furnish the County with evidence that the County is named as an additional insured under Lessee's policy and evidence that the indemnity owed to the County by Lessee under this Lease is covered. Any such policy cannot be terminated or modified except upon 30 days advance written notice to the County.
- (g) Lessee assumes the risk of loss or damage to the Premises and its contents, whether from windstorm, fire, theft, accident, earthquake, snow, water damage or any other cause whatsoever.

**Section 3.05 Waiver of Subrogation.** The County and Lessee each agree to waive all rights of recovery against the other if any damage, claim, loss or liability sustained by such party is covered and paid for by insurance.

Section 3.06 Indemnification. Lessee shall indemnify, defend and hold the County, its officials, officers, employees and agents harmless from and against any and all claims, losses, liabilities and expenses (including reasonable attorneys fees) arising from the acts and omissions of Lessee and its officers, managers, employees, agents and invitees that occur on or about the Airport and the Premises.

Section 3.07 Effect of Laws and Regulations. If the County is obligated to incur costs in connection with the implementation of any future federal, state or local law or regulation affecting operations at the Airport, the County shall call a meeting for the purpose of determining methods of compliance and contribution from Lessee and others similarly situated, of all such costs. Lessee agrees to attend such meeting and negotiate in good faith with respect to its share of contribution for such costs.

Section 3.08 Associated Costs. Lessee shall obtain all necessary water, sewer, fire protection, telephone and utility services to the Premises and shall pay all associated costs, fees and assessments. All costs in connection with the use and occupancy of the Premises, including payment of taxes and assessments of any kind on Lessee's operations, any Improvement or the Premises shall be the responsibility of Lessee.

Section 3.09 Maintenance and Inspection of Records. If Lessee operates a fuel farm or handles or stores hazardous substances or hazardous waste on the Premises (each, a "Material Activity"), Lessee shall keep and maintain true, complete and correct records and other documentation that are usually kept in the ordinary course of business and show all transactions in connection with such Material Activity (collectively, the "Records"). The Records shall be reasonably detailed in order that the County may review and assess any such Material Activity. The Records shall be available at the Premises, and the County shall have the right, upon two business days' advance notice and during ordinary business hours to inspect and copy the Records.

Section 3.10 Noise Abatement. Lessee shall ensure that all pilots operating Lessee's aircraft are aware of, and comply with, the Airport Noise Abatement Plan (the "Plan"). Lessee shall make good faith efforts to ensure that all operations by Lessee, its agents and employees comply with the Plan unless, in the judgment of the pilot in command, operations in compliance with the Plan, under the circumstances then existing, would result in an unreasonable risk of harm to person or property, and there is no prudent or feasible alternative to deviation from the Plan.

Section 3.11 Representations and Warranties of Lessee. Lessee represents and warrants to the County as follows:

- (a) Lessee is a Colorado corporation in good standing and is qualified to conduct business in Colorado.
- (b) Lessee has all requisite power and authority to enter into, and perform its obligations under, this Lease.
- (c) All requisite entity action authorizing Lessee to enter into, and perform its obligations under, this Lease have been duly taken and approved.

- (d) The execution, delivery and performance of this Lease by Lessee does not and will not: (1) require the consent of any person or entity, (2) violate any legal requirement, (3) conflict with or constitute a breach or violation of (a) Lessee's article of organization, or (b) the terms or provisions of any other agreement, instrument or understanding by which Lessee is bound or affected.
- (e) Lessee understands and shall comply with Colorado Revised Statutes §18-8-301, et seq. (Bribery and Corrupt Influences) and Colorado Revised Statutes §18-8-401, et seq. (Abuse of Public Office) and that no violation of such statutes has occurred or is occurring.
- (f) No officer or employee of the County has any personal, financial or beneficial interest whatsoever in this Lease or in any operations to be conducted by Lessee upon the Premises.

#### **ARTICLE IV. OBLIGATIONS OF THE COUNTY**

Section 4.01 Public Improvements Subject to Reimbursement. The County has agreed to participate in the construction of certain aspects of the Improvements which benefit the Airport and the County, up to a gross financial contribution totaling One Million US Dollars (US\$1,000,000.00) as set forth herein. The Lessee shall be responsible for any or all costs associated with completion of all of the Improvements, including the Public Improvements as defined below and identified in Exhibit 4 attached hereto, extending beyond the County's obligation.

- (a) Improvements Subject to Reimbursement. The Parties agree that certain aspects of the proposed Improvements will benefit the Airport and the County and therefore the County desires to offset some of the costs associated with the following Improvements (the "Public Improvements"):
  - (i) Improvements required to Simms Street including, but not limited to, lane widening, turn lanes, acceleration and deceleration lanes (as applicable);
  - (ii) Site utilities including, but not limited to, water, storm and sanitary sewer to the boundary of the Premises;
  - (iii) Fencing/gates that are outside of the Premises;
  - (iv) The common driveway(s) which lead to the property and connect the Premises to Simms Street; and
  - (v) The public aircraft ramp/apron.
- (b) Acceptance of the Improvements. Upon completion of all of the Improvements (except the Public Improvement as provided in subparagraph c below) in accordance with the Detailed Plans and Specifications, the Lessee shall notify the County that the work is complete and ready for final inspection by means of a letter of completion. The letter of completion shall also include a letter from an engineer licensed in the State of Colorado

stating that all of the Improvements have been constructed in accordance with the Detailed Plans and Specifications.

- (c) Acceptance of the Public Improvements. In order ensure the orderly development of the parcel and to prevent numerous contractors from performing work in the area simultaneously and creating potential conflicts, the County and the Lessee agree that the Lessee and its contractors, engineers and agents shall be responsible for the construction of all of the Improvements, including the Public Improvements eligible for reimbursement hereunder. Upon completion of all of the Public Improvements in accordance with the Detailed Plans and Specifications, the Lessee shall notify the County that the work is complete and ready for final inspection by means of a letter of completion. The letter of completion shall also include a letter from an engineer licensed in the State of Colorado stating that all of the Public Improvements have been constructed in accordance with the Detailed Plans and Specifications. Within ten (10) working days after receipt of the letter of completion, the County shall make a final inspection to determine whether the Public Improvements have been completed in accordance with the Detailed Plans and Specifications and shall submit a written list of any defects to the Lessee. The parties acknowledge and agree that the Jefferson County Transportation and Engineering Division shall be the judge of the acceptability of the work on the Public Improvements by the Lessee and its contractors or agents shall address with specificity all defects itemized by the County in their written list. The Lessee shall promptly correct any defects without additional cost to the County within ten (10) working days after receipt of the list of defects or, if later, the final determination by the Jefferson County Transportation and Engineering Division in the case of a disagreement about the list of defects. If any defects cannot be corrected within ten (10) working days, the Lessee, or its contractor or agent, shall correct such defects promptly and with due diligence. The County will provide a letter to the Lessee indicating the date that the Public Improvements have been accepted by the County (which acceptance shall not be unreasonably withheld or delayed) and when the warranty period as defined in Section 4.01(d) below commences (the "Final Acceptance").
- (d) Warranty of Public Improvements. The County shall be named as a third party beneficiary in any construction contract relating to the Public Improvements, and as a contingent beneficiary of any construction contract relating to all other Improvements conditioned upon the transfer of title to such other Improvements to the County pursuant to the terms of this Lease. The Lessee shall include a one (1) year warranty on all work on the Public Improvements from its contractor commencing upon Final Acceptance of the Public Improvements (the "Warranty Period") into the terms of any construction contract. During the Warranty Period, the Lessee, or by contract the Lessee through its contractor, shall promptly replace any materials or re-perform any portion of the work on the Public Improvements found to be defective within the Warranty Period without expense to the County. If the Lessee or the Lessee's contractor fails to proceed promptly in accordance with these guarantees, the County may have the work performed at the expense of the Lessee and such amounts shall be added as Additional Rent to the next monthly payment.

- (e) Payment for Public Improvements. The Lessee and its contractor shall prepare itemized invoices for the work performed on the Public Improvements stating the percentage of Work that has been completed and type of services performed, at its sole cost, which shall include sufficient detail to enable the County to verify the appropriateness of the invoice. Such invoices shall be submitted to the County no more frequently than once every calendar month. Each invoice shall be subject to review and approval by the County, which approval shall not be unreasonably withheld or delayed. The County shall not be required to pay items disputed in writing until the dispute is resolved. Upon approval of the amounts within the invoices for the Public Improvements, the County shall pay the contractor directly for the construction directly the amount as indicated in the invoices, but not to exceed One Million US Dollars (\$1,000,000.00) subject to the phasing set forth below. The parties further agree that the County will not be required to reimburse expenses in excess of Six Hundred Fifty Thousand US Dollars (\$650,000) for invoices submitted during the time period from July 1, 2016 thru June 30, 2017 and that the amount remaining of the One Million US Dollar (\$1,000,000.00) total amount eligible for payment for invoices submitted after June 30, 2017 shall fairly reflect not less than the percentage of work to be completed from and after the work-through date reflected in the June 2017 invoice. Beginning July 1, 2017 thru completion of construction, the County will reimburse expenses based upon approved invoices up to one hundred percent (100%) of the work, but not to exceed One Million US Dollars (\$1,000,000.00). It is the intent of this paragraph that (i) the County shall in no event be obligated to reimburse more than One Million US Dollars (\$1,000,000.00) for the Public Improvements, (ii) the County shall not be obligated to pay more than Six Hundred Fifty Thousand Dollars (\$650,000) of the reimbursement amount before July 1, 2017, and (iii) that regardless of when work is performed on or invoiced for the Public Improvements, upon the completion of the Public Improvements and acceptance thereof by the County, the reimbursement paid by the County under this paragraph shall be the lesser of the actual cost of such work or One Million US Dollars (\$1,000,000.00).

Section 4.02 Quiet Enjoyment. Lessee has the right of undisturbed, peaceful and quiet enjoyment of the Premises throughout the Term of this Lease.

Section 4.03 Access to Premises. The County shall provide reasonable access within the Airport for the use, extension and maintenance of utilities, such as electricity, gas, phone, water and sewer, to the Premises.

Section 4.04 Right of Access. In addition to all other rights and benefits conferred on the Lessee by this Lease, the Lessee has the right to the non-exclusive and unobstructed use, in common with others, of all common areas of the Airport including but not limited to runways, taxiways, aprons, roadways and other conveniences for the take-off, flying and landing of aircraft; easements, rights of way, parking areas, buildings, structures and all appurtenances and improvements of such common areas, and the right of unobstructed ingress and egress to the Premises; which rights shall extend to the Lessee's employees, vendors, suppliers, contractors, and invitees.

Section 4.05 Option and Right of First Refusal.

- (a) Option. The County grants to Lessee the option to lease any or all of the land, including the Ramp Option Area and the Expansion Option Area (collectively, the "Option Property") identified on Exhibit 5 attached hereto under the following terms and conditions (the "Option"). The Lessee may elect to lease any portion of the Option Property so long as such area is adjacent to and contiguous with the then-existing Lease Premises. For purposes of clarity, if the Lessee elects to lease any Option area, the Lessee will be required to lease the Ramp Option Area, but the Lessee may elect to lease only the Ramp Option Area as well. The Lessee may exercise the option to lease the Option Property at one time or the Lessee may lease the Option Property in different phases and exercise the right to lease less than all of the Option Property, so long the option is exercised as to land that is contiguous to the then-existing Lease Premises as more particularly identified below.
- (i) Option Property Lease Rates. The lease rental rate for the Ramp Option Area shall be the then current Rent rate for the Premises under the terms of Section 3.01(a) the Lease, increasing from time to time the same as the original Lease Premises pursuant to Sections 3.01(a) and (b). The lease rental rate for the Option Property identified in the Lessee's first Option exercise with respect to the Expansion Option Area (the "First Option") (excluding the Ramp Option Area which shall be leased at the Rent rate as set forth in the preceding sentence) shall be the lesser of (I) the then current Rent rate under the Lease as provided in Sections 3.01(a) and (b); or (II) the then current unimproved rent rate regularly charged by the County with respect to the First Option Property; provided, however, the Lessee shall only receive the benefit of the unimproved rent rate on the First Option Property for a maximum period of two (2) years commencing on the first day of the month after the date of exercise of First Option and continuing for two (2) years or until the Lessee receives a Certificate of Occupancy for the First Option Property, whichever occurs first; upon Certificate of Occupancy or expiration of the two (2) year period thereafter the Rent shall be the current Rent rate under the Lease paid for the Lease Premises pursuant to Sections 3.01(a) and (b) above. The lease Rent rate for any additional Option Property area after the First Option shall be negotiated in good faith between the parties at the time of exercise. The Lessee may request from the County the current unimproved rent rate charged at the Airport at any time.
- (ii) Exercise of Option. The Lessee may exercise its Option to lease any or all of the Option Property during the Term or any Extended Term, so long as the Lessee is not in default of any of its obligations under the Lease. The Lessee shall notify the County in writing of its desire to exercise the Option to lease and include a description of the property that is to be added to the Lease Premises; provided, however, such area must be contiguous to the then-existing Lease Premises. Promptly following receipt of the written notice to exercise Lessee's Option, the County will prepare an amendment to the Lease to reflect the exercise of the Option and incorporate that area into the Lease at the Lease Rent rates described above.
- (iii) Term of the Option. The Option to lease the Option Property shall remain in effect for the Term and any Extended Term of this Lease. The Option will terminate as to the applicable portion of the Option Property if the Lessee declines or fails to lease

the area as described in the Right of First Refusal section below and the County and third party tenant thereupon executes a lease of such property on the terms described in the Right of First Refusal section below. Option Property not so leased shall continue to be subject to Lessee's rights to option and its Right of First Refusal, and the requirement that the portion of the Option Property elected by Lessee be contiguous to the Lease Premises shall be waived if the only reason for a failure of contiguity is the portion of the Option Property leased by such third party. The Option shall terminate if this Lease terminates for any reason.

- (b) Right of First Refusal. If and when the County enters into discussions with a third party who is potential tenant of all or any part of the Expansion Option Area that the County believes, in its sole and reasonable judgment, is likely to result in a bona fide offer, the County shall notify the Lessee in writing providing the potential area to be leased by the third party in order to give the Lessee time to consider whether or not it may wish to exercise its Option as provided in this Section 4.05 or the right of first refusal contained herein if such right matures. If the County receives a bona fide offer from a third party to lease all or a part of the Option Property which offer the County desires to accept (an "Offer to Lease"), then the County shall provide written notice to the Lessee of the County's receipt of such offer and the land that is proposed to be leased (the "Notice of Offer").
- (i) Exercise by the Lessee. The Lessee shall have thirty (30) days after receipt of a Notice of Offer within which to notify the County of the Lessee's election to exercise Lessee's right of first refusal and lease the subject property on the same terms as set forth in Section 4.05(a)(i) regarding exercise of the Option. If the Lessee elects to exercise its right of first refusal by providing notice within the time period set forth above, the County and the Lessee shall proceed with creating an amendment to the Lease with the terms as set forth in this Section 4.05. In the event that the Lessee gives notice it is not exercising its right of first refusal or the Lessee does not provide the County with notice within thirty (30) days after receipt of the Notice of Offer as set forth above, the County may lease the property to such third party free and clear of the terms of this right of first refusal and of any rights of the Lessee. The Lessee shall, upon request by the County, execute and deliver an instrument in recordable form appropriate to evidence the Lessee's relinquishment of its rights under this right of first refusal with respect to such transaction. Notwithstanding any such relinquishment, the Lessee's rights under this Section shall remain in effect with respect to any part of the Option Property not covered by the Offer to Lease, and if the transaction contemplated by the Offer to Lease fails for any reason to close, with respect to any subsequent offer to lease all or any part of the Option Property.
- (ii) Term. The right of first refusal to lease the Option Property shall remain in effect for the Term and any Extended Term of this Lease, so long as the Lessee is not in default of any of its obligations under the Lease. The right of first refusal shall terminate if this Lease terminates for any reason.
- (c) Memorandum of Lease. Upon execution of this Lease, the County shall record with the Jefferson County Clerk and Recorder a Memorandum of Lease in the form attached

as Exhibit 6 to this Lease, which Memorandum of Lease shall reference this Option and right of first refusal.

## ARTICLE V. TERM

Section 5.01 Term. The initial term of this Lease shall be from the Effective Date and end ten (10) years after the Rent Commencement Date, or June 30, 2026 (the "Term").

Section 5.02 Option To Extend. The Lessee may extend this Lease for four (4) additional ten (10) year periods (each an "Extended Term"). The Lessee may exercise the option to extend by providing written notice to the County no later than 12 months prior to the expiration of the initial Term or the then-current Extended Term; provided, however, that Lessee shall not have the option to extend this Lease if Lessee is in breach or default of the performance of its obligations under this Lease.

Section 5.03 Surrender and Holding Over. Upon the expiration or earlier termination of this Lease, Lessee shall quit and surrender the Premises and Improvements in generally good and serviceable condition, reasonable wear and tear excepted. Thereafter, the County shall have the right to enter and take possession of the Premises and Improvements, with or without process of law and without liability for trespass. Holding over or failure to vacate the Premises at the end of the initial Term or any Extended Term shall not be construed to be the granting or exercise of any additional term. Any holding over after the expiration of the initial Term or any renewal hereof without the written consent of the County shall be construed to be a month-to-month tenancy at sufferance, at 150% of the Annual Rent payable during the last month of the initial Term or the renewal term thereof, whichever is applicable (prorated on a monthly basis, the "Holdover Rent"), but shall otherwise be subject to all of the terms and conditions of this Lease. Nothing herein contained nor the County's acceptance of such Holdover Rent, however, shall be construed as precluding or operate to preclude the County from exercising any legal or equitable remedies, including specifically, without limitation, those set forth in this Lease. Notwithstanding anything to the contrary contained in this Section, the Lessee shall not be deemed to be holding over the Premises in the event that both parties are engaged in good faith negotiations to extend the Term of the Lease; provided, however, under no circumstances shall the Lessee remain in possession of the Premises more than ninety (90) days from the expiration of the Lease as extended without a executed lease amendment for extension.

## ARTICLE VI. EMINENT DOMAIN; CONDEMNATION

Section 6.01 General. If, during the term of this Lease, all the Premises or Improvements (or a substantial part thereof) are taken in eminent domain, or are conveyed under threat of condemnation proceedings (a "taking"), then this Lease shall forthwith terminate upon such taking as if the term expired as of the date of such taking; provided that rent and any other amounts due and payable under this Lease shall be paid to the County by Lessee as of the date of such taking.

Section 6.02 Partial Taking. If, during the term of this Lease, only a part or portion of the Premises or Improvements is taken in eminent domain, or are conveyed under threat of condemnation proceedings (a "partial taking") and the parties agree that the taking of such portion does not make it unreasonable for Lessee to use the remaining portion thereof for the uses contemplated by this Lease, then this Lease shall not terminate. Effective as of the date of any such partial taking, Rent due under this Lease shall be reduced in accordance with the following formula:

$$(X - Y) \times R = Z.$$

Where: X = the total square footage of the Premises prior to the partial taking;  
Y = the total square footage of that portion of the Premises taken in the partial taking;  
R = the amount (in dollars) per square foot charged by the County to Lessee prior to the date of the partial taking; and  
Z = the adjusted Annual Rent due after the date of the partial taking.

Section 6.03 Award. If an award is made for a taking or partial taking of the Premises in condemnation proceedings, the County is entitled to all amounts awarded or paid for such taking or conveyance of the Premises. If an award is made for a taking or partial taking of the Improvements in condemnation proceedings, the Lessee is entitled to all amounts awarded or paid for such taking of the Improvements and/or personal property.

Section 6.04 No Other Rights. Lessee agrees that, except as provided in Section 6.03, in no event shall it have any other right or claim against the County for any other amounts awarded in connection with a taking.

Section 6.05 Miscellaneous. As used in this Article, condemnation proceedings shall include a voluntary conveyance by the County of all or any portion of the Premises made under threat of the exercise of the right of eminent domain, and the date of taking shall be the date title to the Premises (or portion thereof) vests in a condemning authority or on the date a condemning authority takes possession of the Premises (or portion thereof), whichever is earlier. Lessee agrees to promptly execute any document or instrument that may be reasonably required in order to facilitate collection by the County and Lessee of any award pursuant to this Article.

## **ARTICLE VII. TERMINATION, SURRENDER AND DAMAGES**

Section 7.01 Termination by Lessee. Lessee shall have the right, upon thirty (30) days written notice to the County, to terminate the Lease upon the occurrence of any of the following, if such event is continuing at the end of such thirty (30) day period:

- (a) the issuance by a court of competent jurisdiction of an injunction, order or decree preventing or restraining the use by Lessee of all or a substantial portion of the Premises and Improvements for a period of at least 90 days;
- (b) all or a substantial portion of the Airport is destroyed by fire, explosion, earthquake, other casualty or act of nature or act of the public enemy; or

- (c) the United States Government or any of its agencies occupies the Airport or a substantial portion thereof so as to interfere materially with Lessee's activities at the Airport for a period of 90 consecutive days or more and no other suitable remedy is available to the parties.

Section 7.02 Termination by the County. The County shall have the right to terminate all or a portion of the Lease upon the occurrence of any of the following:

- (a) breach by Lessee of its payment obligations under this Lease and failure to cure such breach within 30 days after receipt of written notice of such breach;
- (b) failure of Lessee in the performance of any covenant or condition in this Lease, including, but not limited to those obligations set forth in the Primary Guiding Documents, within 30 days after receipt from the County of written notice of such breach; provided, however, if the nature of the remedy reasonably requires more than 30 days to cure, Lessee shall not be in default if Lessee commences such remedy within such 30-day period and thereafter diligently pursues such remedy to completion;
- (c) failure of Lessee to commence construction of Improvements or substantially complete construction of such Improvements in accordance with the terms of this Lease;
- (d) the issuance by a court of competent jurisdiction of an injunction, order or decree preventing or restraining the use by Lessee of all or a substantial portion of the Premises and Improvements for a period of at least 90 days;
- (e) the County is unable to meet its obligations for more than 30 consecutive days under this Lease due to an act, event or circumstance that results in impossibility of performance and no other suitable remedy is available to the parties; or
- (f) the United States Government or any of its agencies occupies the Airport or a substantial portion thereof so as to interfere materially with Lessee's activities at the Airport for a period of 90 consecutive days or more and no other suitable remedy is available to the parties.

Section 7.03 Effect of Termination. Upon expiration or termination of this Lease, all rights and obligations of the parties under this Lease shall terminate except that: (1) Lessee shall be obligated to pay Rent, Additional Rent and other fees that have accrued through the termination date and (2) the obligations of Sections 2.05, 3.04(b) (if applicable), 3.04(c), 3.04(g), 3.05, 3.06, 5.03, 7.04, 7.05, 7.06, 9.03, 9.08 and the provisions of Articles I, VI and X shall survive any such expiration or termination but only to the extent of and relating to events, occurrences or breaches occurring prior to any such expiration or termination. This section is not and shall not be deemed to be a waiver of any defense or affirmative right that Lessee or County may have at law or equity including but not limited to the benefit of any applicable statute of limitations.

Section 7.04 Available Remedies. Except as provided otherwise in this Lease, the County shall have the option to terminate all or a portion of this Lease upon default by Lessee, and in addition to, or in lieu thereof, the County may seek any relief available to it at law or in equity, and the Lessee shall have the option to terminate all or a portion of this Lease upon default by County,

and in addition to, or in lieu thereof, the Lessee may seek any relief available to it at law or in equity. Nothing in this Lease shall be deemed a restriction or waiver of any right or remedy that either party may have at law or equity for any breach or default by either party.

**Section 7.05 Remedies Upon Default.**

- (a) If Lessee or County is in default of its material obligations under this Lease then, in addition to pursuing any other legal or equitable right or remedy, the non-defaulting party may terminate this Lease. Each right and remedy in this Lease shall be cumulative and shall be in addition to every other right or remedy in this Lease or existing at law or in equity.
- (b) If Lessee or County is in default in the performance of any material covenant or condition required to be performed by it, the non-defaulting party may, without notice, perform such covenant or condition for the account and at the expense of defaulting party. Such expense may include reasonable attorney's fees and other related costs and expenses in prosecuting any action or proceeding instituted by reason of any default of the defaulting party, and defaulting party shall promptly reimburse the non-defaulting party for the amount of any such reasonable expense.

**Section 7.06 Disposition upon Termination; Environmental Assessment.**

- (a) Any Improvements erected or constructed on the Premises shall be permanently and inseparably attached to the Premises and shall not be removed without prior written approval of the County, which shall not be unreasonably withheld or delayed. Upon termination or expiration of this Lease, title to the Premises and Improvements shall, at the option of the County, vest in the County.
- (b) Within four months prior to the expiration of this Lease (or within three months after the earlier termination of this Lease), Lessee, at its sole cost and expense, shall conduct an environmental assessment (a Phase I assessment and, if necessary, a Phase II assessment) verifying that the conditions in, on, about and under the Premises are free of hazardous waste or any other environmental condition that could constitute a violation of any federal, state or local environmental, toxic waste or health and safety law. If the results of any such assessment indicate the existence of any hazardous substance or any other form of environmental condition that was not discovered or identified in the Phase I environmental assessment required by Section 2.03 above, Lessee shall promptly commence remediating such environmental contamination, condition, or hazardous waste, and shall ensure that such contamination or condition is remediated to the extent required by applicable law. Notwithstanding anything contained herein to the contrary, County shall be solely responsible for remediation and all associated costs related to or arising from any leakage, presence and/or migration of any hazardous waste contamination or any other environmental condition that exists, whether on or off the Premises, as of the Effective Date, may come into existence during the Term or exists at any time from or after the end of the Term that arises from or relates to any property or improvements to same under the control of the Airport, the County or any third party

including but not limited to the Centralized Fuel Storage Area, whether on or off the Premises.

- (c) All of Lessee's personal property located in or on the Premises, other than fixtures, shall remain the property of Lessee. Lessee shall have the right at any time during the term of this Lease and upon expiration or termination, to remove all such equipment and property; provided that Lessee is not in default of its obligations under the Lease. Any property affixed to the Premises so that the same may not be removed without material damage to the Premises or the Improvements shall not be removed by Lessee at any time unless Lessee restores the Premises to a condition generally similar to their prior condition, but if not so removed shall become the property of the County upon expiration or earlier termination of this Lease.

#### **ARTICLE VIII. ASSIGNMENT AND SUBLETTING**

Section 8.01 Assignment and Subletting. Lessee shall not assign, hypothecate, sublet or otherwise transfer (whether by operation of law or otherwise): (i) its rights or obligations under this Lease (or any part thereof) or (ii) its right to use and occupy the Improvements without the prior written consent of the County, which consent shall not be unreasonably withheld or delayed; provided, however, that (a) any such assignment is to an assignee who is acceptable to the County and (b) the use and occupancy of the Premises and any Improvement remains substantially the same as contemplated by this Lease. If the Lessee is only subletting a portion of the Improvements to a sublessee that shall operate under the uses permitted by this Lease, the County's consent will not be required. In all other cases, the Lessee shall provide copies to the County of any and all documents or instruments that effect an assignment or transfer of the Improvements and Premises. If an assignment is in connection with the sale or conveyance of all or substantially all the assets of Lessee, it shall be released from liability under this Lease. In all other cases, Lessee shall remain liable for its obligations under this Lease. Consent of the County shall be required in connection with: (1) the merger, consolidation or reorganization of Lessee, (2) the sale of all or substantially all of the assets of Lessee, and (3) assigning or transferring the Lease to any person or entity, and (4) subletting, subdividing, condominiumizing, or assigning an interest (whether legal or equitable) in, the Premises or Improvements.

Section 8.02 Successors to County. The rights and obligations of the County under this Lease may be assigned by the County at its option and without the consent of Lessee.

#### **ARTICLE IX. COMPLIANCE WITH LAWS; AIRPORT CONSTRUCTION**

Section 9.01 Rules and Regulations. Both parties hereto shall observe and comply with all applicable laws, including but not limited to federal, state and local laws, regulations, rules, ordinances, policies, and standards (including County Land Development Regulations, Zoning Regulations and the Primary Guiding Documents), as amended.

Section 9.02 Non-Discrimination. Neither party hereto shall discriminate or permit discrimination against any person on the grounds of race, color, national origin, disability, age, religion, or sex, and shall abide by the provisions of Part 21 of the Rules and Regulations of the

Office of the Secretary of Transportation effectuating Title VI of the Civil Rights Act of 1964, as amended. Both parties reserve the right to take such action as necessary to enforce this covenant.

Section 9.03 Agreements with Other Governmental Authorities. This Lease shall be subject to the provisions and requirements of any existing or future agreement between the County and the United States, the FAA or the State of Colorado.

Section 9.04 Airspace Above Premises. The County reserves for itself and for the use and benefit of the public, and Lessee acknowledges and accepts the Premises subject to, a right of flight for the passage of aircraft in the airspace above the surface of the Premises, together with the right to cause in said airspace such noise, vibration, exhaust and fumes as may be inherent in the operation of aircraft now known or hereafter used for landing upon, taking off from, or operating on, the Airport.

Section 9.05 Interference with Aircraft. Lessee shall not erect or permit the erection of any structure or object, nor permit the growth of any tree on the Premises above the elevation set forth in the Primary Guiding Documents. Lessee shall not make use of the Premises in any manner that might interfere with the landing, taking off, or operation of aircraft upon the Airport nor create any hazard at the Airport. If Lessee fails to comply with this Section, the County reserves the right to enter upon the Premises and remove any offending structure or object, or cause the abatement of any interference or hazard, at the sole cost and expense of Lessee.

Section 9.06 Ramp Operation and Maintenance. Lessee shall abide by FAA regulations, as they now exist or may hereafter be amended, with respect to the parking and taxiing of aircraft on the Premises. If Lessee constructs a ramp, it shall meet all FAA pavement design criteria and maintain such ramp in a safe and clean condition. Lessee shall not park or leave aircraft on taxiways or on its ramp that causes interference with, or obstructs access to, adjacent hangars. Lessee shall promptly move aircraft, vehicles or other equipment at the direction of the Airport Director upon his reasonable determination that Lessee is in violation of this Section.

Section 9.07 Signage. Lessee is permitted to post three forms of signage on the exterior of the Premises. Lessee shall not erect, paint or maintain any signs whatsoever on the Premises without first securing the prior written consent of the County, which consent shall not be unreasonably withheld or delayed. All signage shall comply with applicable legal requirements, including County zoning requirements.

Section 9.08 Environmental Matters.

- (a) If Lessee or County, its contractors or agents, installs, spills or releases any hazardous or toxic substance or material (including any substance, residue, waste or pollutant that could constitute a hazardous waste or environmental condition) on, near, in or at the Premises and/or Airport (each, an "Incident"), it shall immediately notify the other party and any governmental authority with jurisdiction (such as the Environmental Protection Agency) and shall promptly take all action necessary to remediate the Incident and restore the affected area in accordance with applicable law. The remediation and restoration of any such area must comply with applicable law and shall not adversely affect the maintenance, operations or future development of the Airport. As used in this

Lease, the terms "hazardous waste" and "environmental condition" mean (a) any "hazardous waste" as defined in the Solid Waste Disposal Act (as amended by the Resource Conservation and Recovery Act of 1976, as amended) and the regulations promulgated thereunder; (b) any "hazardous substance" as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, and the regulations promulgated thereunder; (c) any oil, petroleum products or by-products; (d) asbestos or asbestos-containing substances; and (e) any hazardous substance, toxic substance, toxic pollutant, or any substance whose release, disposal, generation, storage or emission is regulated by federal, state or local law.

- (b) To the extent permitted by law, the party causing the release on or contamination of the Premises and/or the Airport with any hazardous waste or environmental condition that violates applicable law shall release, defend and indemnify the other party, its officials, directors, shareholders, employees, officers and agents from any and all fines, suits, claims, losses, demands, penalties, liabilities, costs or expenses (including reasonable attorneys' fees), settlements, remedial action requirements, enforcement actions, administrative proceedings and any other action of any kind or nature, including personal injury, wrongful death or property damage arising out of or in connection with the discovery, remediation or disposal of any hazardous waste or environmental condition existing on, in, under or about the Premises, the Improvements or the Airport but only to the extent actually caused directly or indirectly by an act or omission by the officers, directors, shareholders, managers, employees, agents, contractors, invitees, successors, predecessors, sublessees, or assigns of the party responsible for the release or contamination.
- (c) Lessee has no responsibility, liability or indemnification obligations of any kind or nature for any hazardous waste or environmental conditions existing on, around or under the Premises as of the first day of this Lease or otherwise caused by the Airport, County or any third party (except its contractors and agents) at anytime during and after the Term. Notwithstanding anything contained in this Article 9 or otherwise, Lessee shall not have any indemnification obligation of any kind, or be responsible for or liable for anything covered by this Section 9.08(c).

Section 9.09 Relocation of Premises. If development at the Airport requires that any part of the Premises be employed for a use not in direct competition with Lessee's operations, the County shall have the right, upon 60 days written notice and without cost or expense to Lessee, to relocate all or a portion of the Premises; provided, however, that Lessee shall be responsible for relocation of its personal property. The relocated Premises shall consist of a substantially similar footprint and be as conveniently located on the Airport property as is reasonable, considering all demands for space at the Airport. Lessee's Improvements and fixtures shall, without cost or expense to Lessee, be relocated or replaced on such relocated Premises, and this Lease shall continue in effect with respect to such relocated Premises.

Section 9.10 Construction by the County. From time to time, it may be necessary for the County to carry out extensive programs of construction, reconstruction, expansion, relocation, maintenance and repair to the Airport and its facilities, which programs may inconvenience or temporarily interrupt Lessee's operations at the Airport. The County shall give Lessee seven

days' notice prior to commencement of such construction in the event that such construction must necessarily commence in seven days due to the emergency nature of the situation; in all other cases, the County must give the Lessee not less than thirty days prior notice. Lessee acknowledges and agrees that:

- (a) it shall not hinder or interfere with construction activities of the County; provided that it is not prohibited from exercising its rights to participate in any public discourse or take any legal or equitable action available to it under this Lease or at law or equity;
- (b) the County reserves the right to, but shall not be obligated to (except as may be required by this Lease), carry out any such construction activities; and
- (c) it reserves the right to bring a claim in connection with construction activities that result in personal injury to Lessee or damage to the Premises or its personal property; provided, however, that Lessee shall hold the County, its elected officials, employees and agents harmless from and against any claim or cause of action in connection with construction activities that cause an inconvenience or nuisance to Lessee or its officers, employees, invitees and agents.

Section 9.11 Availability of Governmental Facilities. If the existence, maintenance or operation of air navigation aids or other facilities supplied or operated by the United States or the State of Colorado to the Airport is discontinued, the County shall have no obligation to furnish similar facilities; provided, however, that to the extent that such air navigation aids or other facilities supplied or operated by the United States or the State of Colorado to the Airport are discontinued and such discontinuance renders the Airport unsuitable for use by Lessee's current aircraft fleet, then Lessee may terminate this Lease upon thirty days notice to the County without any further obligations to pay Annual Rent, *provided, however*, that Lessee's right of termination under this Section 9.11 shall be subject to the express condition that Lessee maintain and/or upgrade its aircraft fleet in accordance with then-current industry standards.

## ARTICLE X. MISCELLANEOUS

Section 10.01 Force Majeure. A party shall not be deemed in violation of this Lease if such party is prevented from performing any of its obligations by reason of, boycott, embargo, act of nature, act of God or any other circumstance which is beyond its reasonable control.

Section 10.02 Headings. The Section headings contained in this Lease are for convenience in reference and are not intended to define or limit the scope of any provision.

Section 10.03 Time of Essence. Time is of the essence in this Lease.

Section 10.04 Attorneys' Fees. In the event any action or proceeding is brought to take possession of the Premises or Improvements, breach of any provision of this Lease or to enforce compliance with this Lease for failure to observe any of a party's covenants, the prevailing party shall be awarded reasonable attorney's fees, expenses and costs.

Section 10.05 Waiver. Waiver by a party of, or the failure of a party to insist upon, the strict performance of any provision of this Lease shall not constitute a waiver of such party's right or

prevent such party from requiring the strict performance of any such provision in the future. Any waiver of an obligation, right, term or provision contained in this Lease must be in writing and signed by the party against whom enforcement is sought.

Section 10.06 Limitation of Benefit. There are no third party beneficiaries of this Lease. Without limiting the generality of the preceding sentence, this Lease does not create in or bestow upon any other person or entity not an express party to this Lease any right, privilege or benefit unless expressly provided in this Lease. This Lease does not in any way represent, nor should it be deemed to imply, any standard of conduct to which the parties expect to conform their operations in relation to any person or entity not an express party to this Lease.

Section 10.07 Severability. If any provision of this Lease is held invalid, illegal or unenforceable by a court of competent jurisdiction, such invalidity, illegality or unenforceability shall not affect any other provision of this Lease, and this Lease shall be construed as if such invalid, illegal or unenforceable provision had not been contained in this Lease.

Section 10.08 Successors. The terms and provisions in this Lease shall extend to and bind the permitted successors and assigns of each party.

Section 10.09 Non-Exclusive Right. Nothing contained in this Lease shall be construed to grant or authorize the granting of an exclusive right prohibited by Section 308 of the Federal Aviation Act of 1958, as amended. The County reserves the right to grant to others the privilege and right of conducting aeronautical or non-aeronautical activities on the Airport. The County reserves the right, during the term hereof, to reduce and reallocate space leased for the exclusive use of Lessee in any case where the failure to do so might reasonably constitute the granting by the County to Lessee of an exclusive right. Notwithstanding anything contained herein, this Section 10.09 shall not be construed to permit the interference with Lessee's right to the undisturbed, peaceful and quiet enjoyment of the Premises throughout the Term of this Lease.

Section 10.10 Notices. All notices required under this Lease shall be in writing and delivered personally, by facsimile, by email or by first class certified mail, return receipt. If delivered personally, notice shall be deemed given when actually received. If delivered by facsimile or email, notice shall be deemed given upon full transmission of such notice and confirmation of receipt during regular business hours. If delivered by mail, notice shall be deemed given at the date and time indicated on the return receipt. Notice shall be delivered to:

If to Lessee:

**Pilatus Business Aircraft Ltd**

Attn: Dave Kodey  
11755 Airport Way  
Broomfield, CO 80021  
Fax: (720) 887-8907  
Email: DKodey@pilbal.com

If to the County:

**Rocky Mountain Metropolitan Airport**

Attn: Airport Director  
11755 Airport Way  
Broomfield, CO 80021  
Fax: (303) 271-4875  
Email: bejohnso@flymma.com

with a copy to:

**Jefferson County Attorney's Office**

100 Jefferson County Parkway, Suite 5500  
Golden, CO 80419-5500  
Fax: (303) 271-8901  
Email: CAOcontracts@jeffco.us

or to such other address or addresses as the parties may designate in writing.

Section 10.11 Governing Law; Jurisdiction. This Lease shall be governed by, and construed in accordance with, the laws of the State of Colorado without regard to its conflicts of law provisions. Any action to enforce or interpret the provisions of this Lease shall be brought in a court in and for Jefferson County, Colorado.

Section 10.12 Incorporation of Exhibits, Other Documents. The Exhibits and the Primary Guiding Documents are incorporated by reference into this Lease and made a part of this Lease. In the event of a conflict between this Lease and the Primary Guiding Documents, the Primary Guiding Documents shall control.

Section 10.13 Entire Agreement. This Lease embodies the entire agreement between the parties concerning the subject matter and supersedes all prior written or oral conversations, proposals, negotiations, understandings and agreements. This Lease may not be altered or modified in any manner whatsoever except by a writing signed by the parties.

Section 10.14 Relationship of Parties. Nothing contained in this Lease shall be deemed or construed by the parties as creating a relationship of principal and agent, partners, joint venturers or any other relationship. It is understood and agreed that neither the method of computation of fees, nor any other provision contained herein, nor any act of a party creates a relationship other than the relationship of County and Lessee.

Section 10.15 No Waiver of Immunity. Nothing in this Lease shall be deemed a waiver of any protections available to the County under the Colorado Governmental Immunity Act, or any similar statutory provision.

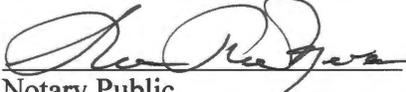
Section 10.16 Counterparts. This Lease may be executed in counterparts, each of which will be deemed an original. Delivery of an executed signature page of this Lease by facsimile or email transmission will constitute effective and binding execution and delivery of this Lease. The

**PILATUS BUSINESS AIRCRAFT, LTD.,  
a Colorado corporation**

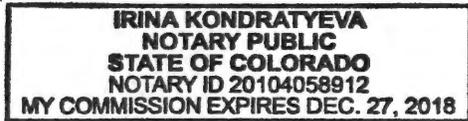
By:   
Thomas Bosshard, Chief Executive Officer

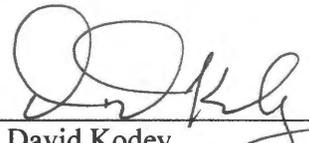
STATE OF COLORADO  
COUNTY OF Jefferson

The foregoing instrument was acknowledged before me this 10 day of May, 2016 by Thomas Bosshard as Chief Executive Officer of Pilatus Business Aircraft, Ltd., a Colorado corporation.

  
Notary Public

12/27/2018  
Commission expiration date



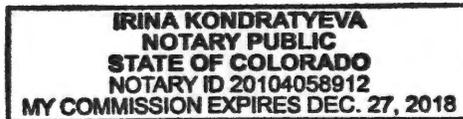
By:   
David Kodey  
Vice President and Chief Financial Officer

STATE OF COLORADO  
COUNTY OF Jefferson

The foregoing instrument was acknowledged before me this 10 day of May, 2016 by David Kodey as Vice President and Chief Financial Officer of Pilatus Business Aircraft, Ltd., a Colorado corporation.

  
Notary Public

12/27/2018  
Commission expiration date



**COUNTY OF JEFFERSON,  
STATE OF COLORADO**

By: \_\_\_\_\_  
Libby Szabo  
Chairman, Board of County Commissioners

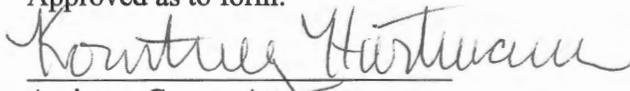
STATE OF COLORADO  
COUNTY OF JEFFERSON

The foregoing instrument was acknowledged before me this \_\_\_\_ day of May, 2016 by Libby Szabo, as Chairman of the Board of County Commissioners of Jefferson County, Colorado.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission expiration date

Approved as to form:

  
\_\_\_\_\_  
Assistant County Attorney

**EXHIBIT 1**  
**DESCRIPTION OF PREMISES**

(See Attached)

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**LEASEHOLD PROPERTY**

A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 5, WHENCE THE NORTHEAST CORNER OF SAID SECTION 5 BEARS N 89°53'11"E A DISTANCE OF 2,638.81 FEET, SAID LINE FORMING THE BASIS OF BEARING FOR THIS DESCRIPTION; THENCE S82°12'42"E, 1114.77 FEET TO THE MOST NORTHERLY CORNER OF SAID PARCEL OF THE LAND AND THE TRUE POINT OF BEGINNING;

THENCE S55°54'05"E, 379.58 FEET;

THENCE S34°05'55"W, 547.00 FEET;

THENCE N55°54'05"W, 468.75 FEET;

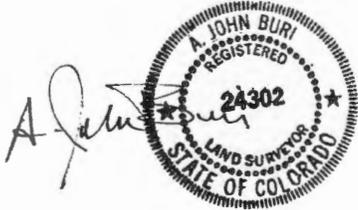
THENCE N34°05'55"E, 408.50 FEET;

THENCE S55°54'05"E, 75.07 FEET;

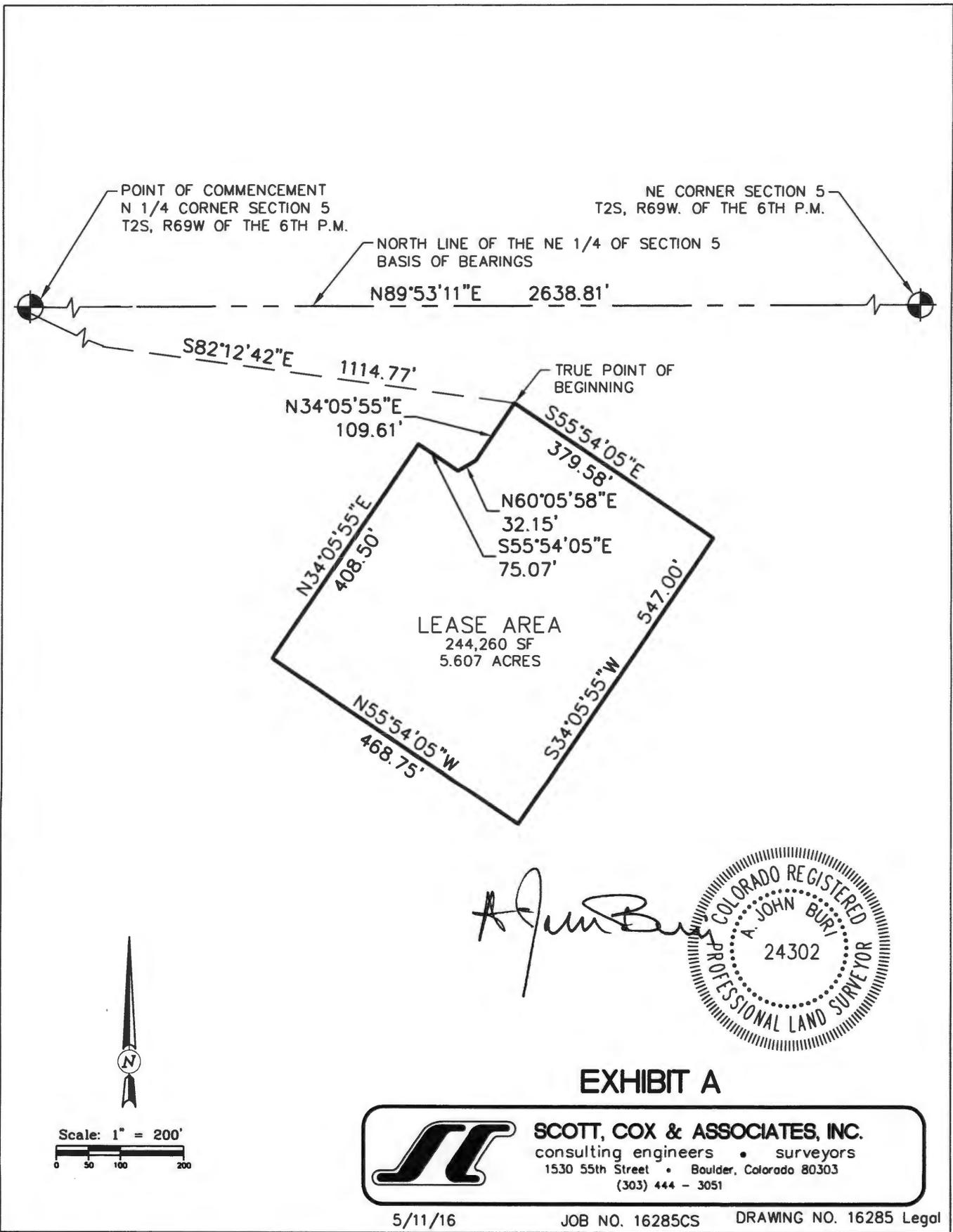
THENCE N60°05'58"E, 32.15 FEET;

THENCE N34°05'55"E, 109.61 FEET TO THE TRUE POINT OF BEGINNING;

SAID PARCEL CONTAINS 244,260 SQUARE FEET OR 5.607 ACRES.



A. JOHN BURI P.L.S. #24302  
FOR AND ON BEHALF OF  
SCOTT, COX & ASSOCIATES, INC.  
1530 55TH STREET  
BOULDER, COLORADO 80303 303-444-3051  
05/11/16 PROJECT NO. 16285



*A. John Buri*



Scale: 1" = 200'

0 50 100 200

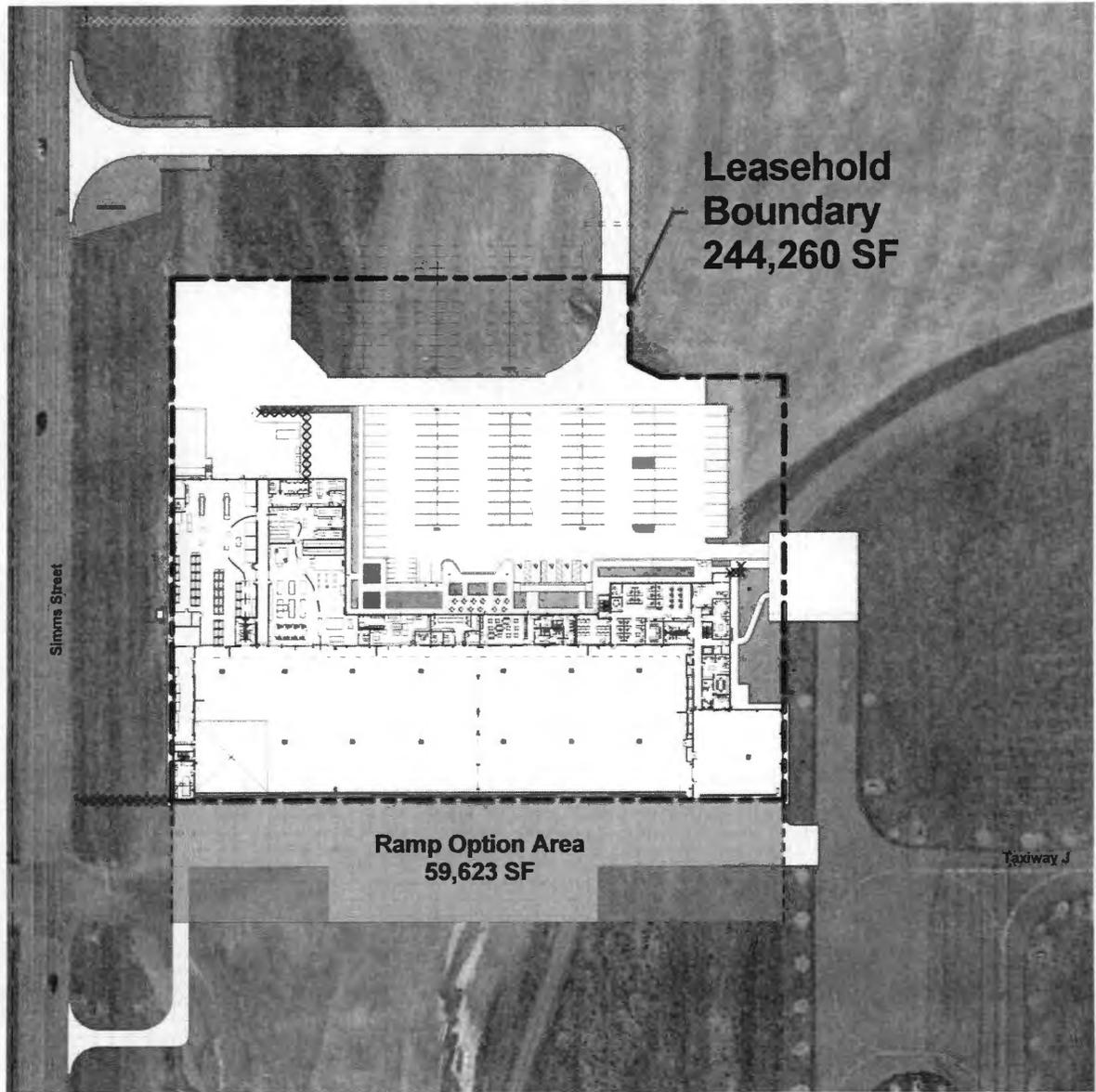
**EXHIBIT A**

**SCOTT, COX & ASSOCIATES, INC.**  
 consulting engineers • surveyors  
 1530 55th Street • Boulder, Colorado 80303  
 (303) 444 - 3051

**EXHIBIT 2**  
**GENERAL PLANS**

(See Attached)





1 Site Plan - Leasehold Area 1  
Scale: 1" = 100'-0"



# Exhibit 2

## Proposed Leasehold Area

Lease Agreement Exhibits  
25008 PIL-BJC, CC  
04/26/16  
Scale: 1" = 100'-0"



Pilatus-Broomfield, Completions Center

Prepared By:



Architecture  
Construction Management  
General Contracting

6695 West 48th Avenue Wheat Ridge, CO 80033 303.403.1228

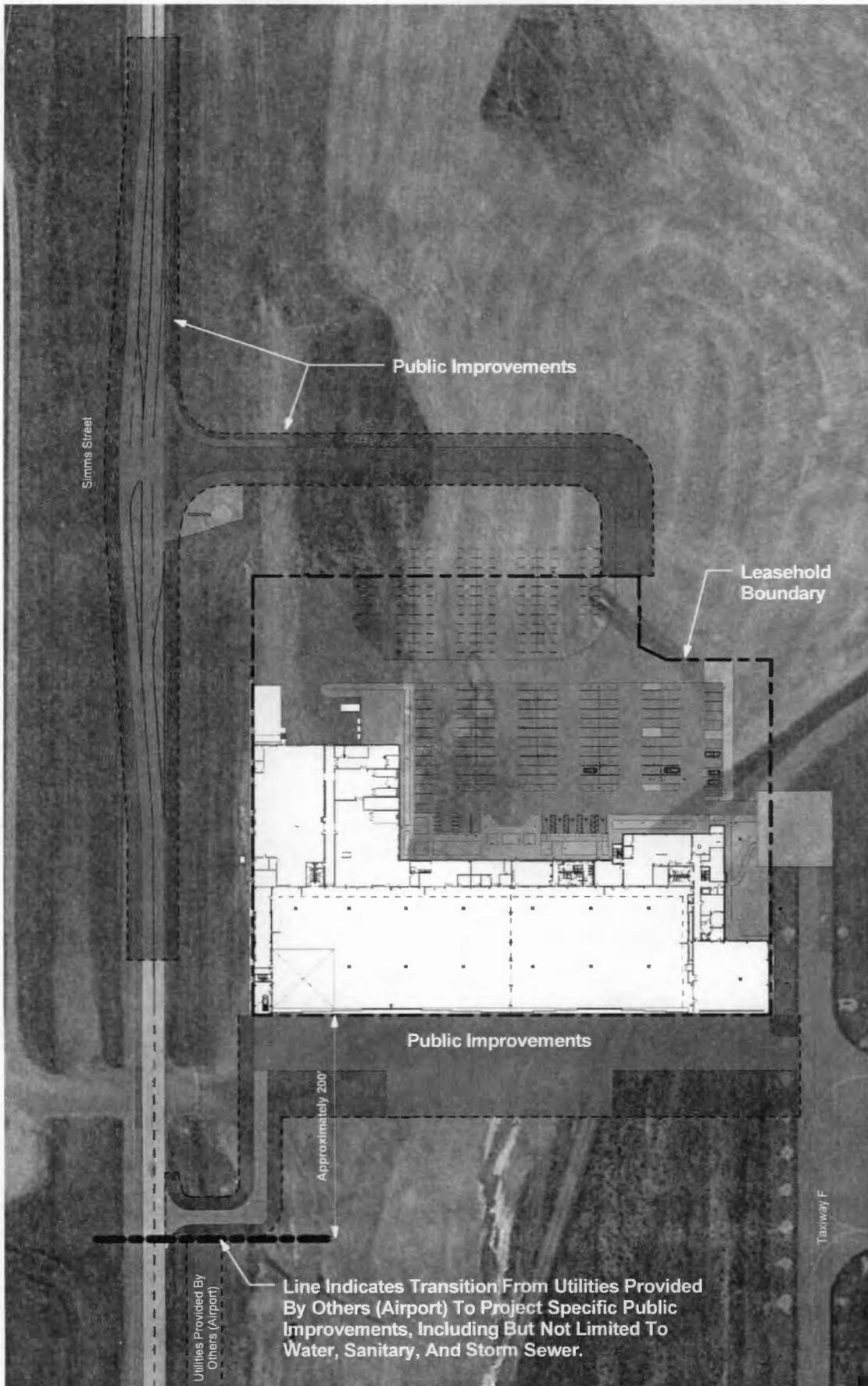
# Exhibit 3

## 17. ATTACHMENT A (MINIMUM INSURANCE REQUIREMENTS)

	Fixed Base Operator	Aircraft Maintenance Operator	Avionics or Instrument Maintenance Operator	Aircraft Rental, Flying Club, or Flight Training Operator	Aircraft Charter or Aircraft Management Operator	Aircraft Sales Operator	Specialized Commercial Aeronautical Operator	Temporary Specialized Aviation Service Operator	Commercial Hangar Developer/Operator	Non-Commercial Hangar Developer/Operator	Scheduled Air Carrier Operator	Non-Commercial Self-Service Fueling Permittee
<b>COMMERCIAL GENERAL LIABILITY (Combined Single Limit)</b>												
Each Occurrence	\$5,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
<b>VEHICLE LIABILITY (Combined Single Limit)</b>												
Each Occurrence	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
<b>HANGAR KEEPER'S LIABILITY (Largest Aircraft Accommodated) – if applicable</b>												
SE Piston Group I	Each Aircraft	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000
	Each Occurrence	\$300,000	\$300,000	\$300,000	\$300,000	\$300,000	\$300,000	\$300,000	\$300,000	\$300,000	\$300,000	\$300,000
ME Piston Group I	Each Aircraft	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000
	Each Occurrence	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
Turboprop Group I	Each Aircraft	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
	Each Occurrence	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000
Turboprop Group II	Each Aircraft	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000
	Each Occurrence	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000
Turbojet Group I	Each Aircraft	\$2,500,000	\$2,500,000	\$2,500,000	\$2,500,000	\$2,500,000	\$2,500,000	\$2,500,000	\$2,500,000	\$2,500,000	\$2,500,000	\$2,500,000
	Each Occurrence	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000
Turbojet Group II	Each Aircraft	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000
	Each Occurrence	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000
Turbojet Group III	Each Aircraft	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000
	Each Occurrence	\$20,000,000	\$20,000,000	\$20,000,000	\$20,000,000	\$20,000,000	\$20,000,000	\$20,000,000	\$20,000,000	\$20,000,000	\$20,000,000	\$20,000,000
<b>AIRCRAFT AND PASSENGER LIABILITY</b>												
SE Piston/Group I					\$1,000,000/\$100,000 sub limit per person							\$300,000,000
ME Piston/Group I					\$1,000,000/\$100,000 sub limit per person							\$300,000,000
Turboprop/Group I					\$5,000,000/\$250,000 sub limit per person							\$300,000,000
Turbojet/Group I					\$5,000,000/250,000 sub limit per person							\$300,000,000
Turbojet/Group II					\$10,000,000							\$300,000,000
Turbojet/Group III					\$10,000,000							\$300,000,000
Student and Renters					\$100,000							\$300,000,000
<b>ENVIRONMENTAL LIABILITY (Combined Single Limit, Each Occurrence)</b>												
Each occurrence	\$1,000,000											\$1,000,000

**EXHIBIT 4**  
**PUBLIC IMPROVEMENTS**

(See Attached)



1 Site Plan - Public Improvements  
Scale: 1" = 100'-0"

# Exhibit 4

## Public Improvements Exhibit

Lease Agreement Exhibits  
25008 PIL-BJC, CC  
04/26/16  
Scale: 1" = 100'-0"



Pilatus-Broomfield, Completions Center

Prepared By:



Architecture  
Construction Management  
General Contracting

6695 West 48th Avenue Wheat Ridge, CO 80033 303.403.1228

## EXHIBIT 6

### MEMORANDUM OF LEASE

This Memorandum of Lease (this "Memorandum") is dated \_\_\_\_\_, 2016 between Jefferson County, Colorado, a body corporate and politic of the State of Colorado on behalf of the Rocky Mountain Metropolitan Airport (the "County"), and Pilatus Business Aircraft, Ltd., a Colorado Corporation ("Lessee").

1. Demise. By that certain Hangar Ground Lease dated May 10, 2016 between the County and Lessee (the "Lease"), the County has leased to Lessee, and Lessee has leased from the County, the premises as further described on Exhibit 1 attached to this Memorandum (the "Premises").
2. Term. The term of the Lease commenced on May 10, 2016 and extends for 10 years from the Rent Commencement Date terminating on June 30, 2026 unless sooner terminated as provided in the Lease.
3. Option to Renew. Upon expiration of the initial term described in Section 2 of this Memorandum, Lessee has the option to renew the Lease for four (4) consecutive 10-year terms. If all options are renewed by Lessee, the Lease term will terminate on June 30, 2066.
4. Option and Right of First Refusal. The Lease also grants the Lessee an option and, separately, a right of first refusal to lease the property as more particularly described on Exhibit 2 attached to this Memorandum (the "Option Property"). If during the term of the Lease or any extended term, and so long as the Lessee is not in default of its obligations, if the County receives a bona fide offer from a third party to lease the Option Property and the County desires to accept such offer, it shall first notify Lessee in writing of such offer and in order to permit Lessee to exercise its right to lease the Option Property.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, the parties have executed this Memorandum of Lease as of the date set forth above.

COUNTY OF JEFFERSON  
STATE OF COLORADO

\_\_\_\_\_  
Name: Libby Szabo  
Title: Chairman, Board of County  
Commissioners

Approved as to form:

\_\_\_\_\_  
Assistant County Attorney

STATE OF COLORADO  
COUNTY OF JEFFERSON

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by Libby Szabo as Chairman of the Board of County Commissioners of Jefferson County, Colorado.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission expiration date

PILATUS BUSINESS AIRCRAFT, LTD.,  
a Colorado corporation

By: \_\_\_\_\_

Name:

Title:

STATE OF COLORADO

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2016 by \_\_\_\_\_ as \_\_\_\_\_ of Pilatus Business Aircraft, Ltd., a  
Colorado corporation.

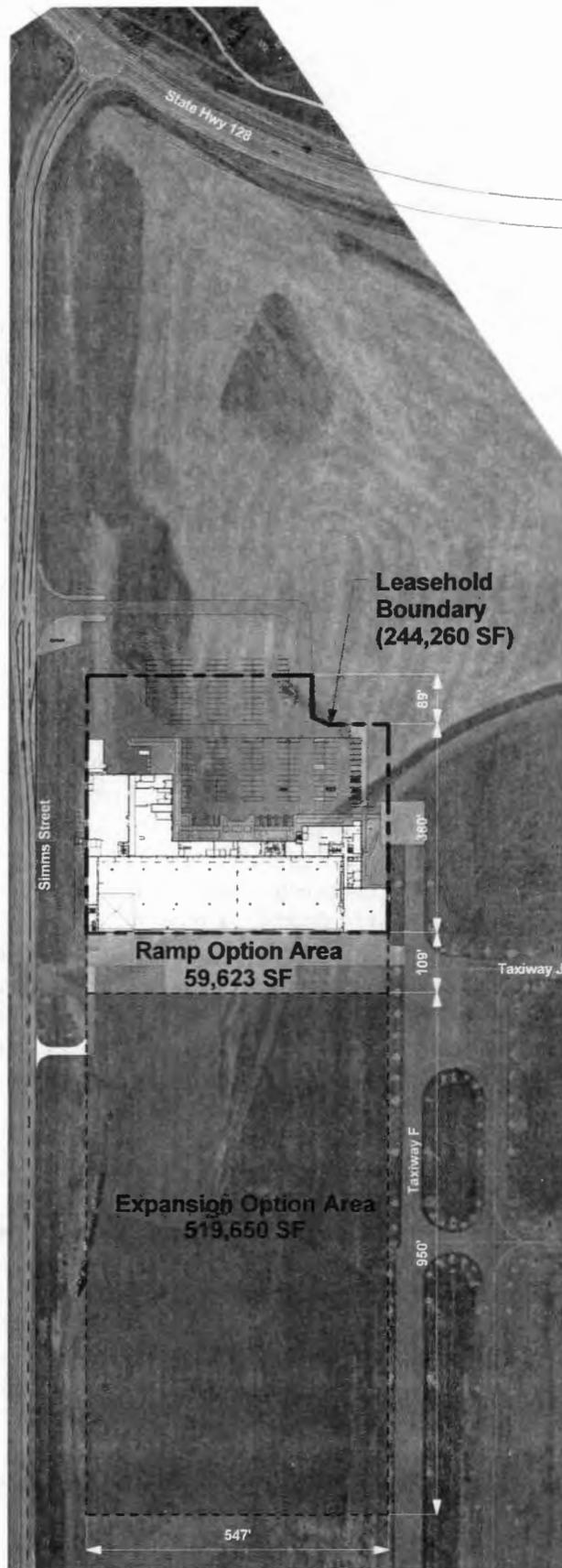
\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission expiration date

EXHIBIT 1

- (A) Description of Ramp Option Area
- (B) Description of Expansion Option Area

See attached.



① Site Plan - Leasehold Area W/ Future Phase  
Scale: 1" = 200'-0"



# Exhibit 1

Lease Agreement Exhibits  
25008 PIL-BJC, CC  
04/26/16  
Scale: 1" = 200'-0"



Pilatus-Broomfield, Completions Center

Prepared By:



Architecture  
Construction Management  
General Contracting

6695 West 48th Avenue Wheat Ridge, CO 80033 303.403.1228

## EXHIBIT 2

### SECTION 4.05

(a) Option. The County grants to Lessee the option to lease any or all of the land, including the Ramp Option Area and the Expansion Option Area (collectively, the "Option Property") identified on Exhibit 1 attached to this Memorandum under the following terms and conditions (the "Option"). The Lessee may elect to lease any portion of the Option Property so long as such area is adjacent to and contiguous with the then-existing Lease Premises. For purposes of clarity, if the Lessee elects to lease any Option area, the Lessee will be required to lease the Ramp Option Area, but the Lessee may elect to lease only the Ramp Option Area as well. The Lessee may exercise the Option to lease the Option Property at one time or the Lessee may lease the Option Property in different phases and exercise the right to lease less than all of the Option Property, so long the Option is exercised as to land that is contiguous to the then-existing Lease Premises as more particularly identified below.

...

(iii) Term of the Option. The Option to lease the Option Property shall remain in effect for the Term and any Extended Term of this Lease. The Option will terminate as to the applicable portion of the Option Property if the Lessee declines or fails to lease the area as described in the Right of First Refusal section below and the County and third party tenant thereupon executes a lease of such property on the terms described in the Right of First Refusal section below. Option Property not so leased shall continue to be subject to Lessee's rights to option and its Right of First Refusal, and the requirement that the portion of the Option Property elected by Lessee be contiguous to the Lease Premises shall be waived if the only reason for a failure of contiguity is the portion of the Option Property leased by such third party. The Option shall terminate if this Lease terminates for any reason.

(b) Right of First Refusal. If and when the County enters into discussions with a third party who is potential tenant of all or any part of the Expansion Option Area that the County believes, in its sole and reasonable judgment, is likely to result in a bona fide offer, the County shall notify the Lessee in writing providing the potential area to be leased by the third party in order to give the Lessee time to consider whether or not it may wish to exercise its Option as provided in this Section 4.05 or the right of first refusal contained herein if such right matures. If the County receives a bona fide offer from a third party to lease all or a part of the Option Property which offer the County desires to accept (an "Offer to Lease"), then the County shall provide written notice to the Lessee of the County's receipt of such offer and the land that is proposed to be leased (the "Notice of Offer").

(i) Exercise by the Lessee. The Lessee shall have thirty (30) days after receipt of a Notice of Offer within which to notify the County of the Lessee's election to exercise Lessee's right of first refusal and lease the subject property on the same terms as set for in Section 4.05(a)(i) regarding exercise of the Option. If the Lessee elects to exercise its right of first refusal by providing notice within the time period set forth above, the County and the Lessee shall proceed with creating an amendment to the Lease with the terms as set forth in this Section 4.05. In the event that the Lessee gives notice it is not exercising its right of first refusal or the Lessee does not provide

the County with notice within thirty (30) days after receipt of the Notice of Offer as set forth above, the County may lease the property to such third party free and clear of the terms of this right of first refusal and of any rights of the Lessee. The Lessee shall, upon request by the County, execute and deliver an instrument in recordable form appropriate to evidence the Lessee's relinquishment of its rights under this right of first refusal with respect to such transaction. Notwithstanding any such relinquishment, the Lessee's rights under this Section shall remain in effect with respect to any part of the Option Property not covered by the Offer to Lease, and if the transaction contemplated by the Offer to Lease fails for any reason to close, with respect to any subsequent offer to lease all or any part of the Option Property.

- (ii) Term. The right of first refusal to lease the Option Property shall remain in effect for the Term and any Extended Term of this Lease, so long as the Lessee is not in default of any of its obligations under the Lease. The right of first refusal shall terminate if this Lease terminates for any reason.

## CASE SUMMARY Consent Agenda

**PC Hearing Date:** April 27, 2016

**BCC Hearing Date:** May 17, 2016

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**16-103558RZ** Rezoning

**Case Name:** 604 Loveland Street

**Owner/Applicant:** Kurt Ulrich and Danielle Ulrich

**Location:** 604 Loveland Street  
Section 1, Township 4 South, Range 70 West

**Approximate Area:** 0.39 acres

**Purpose:** **To rezone from Residential-Two (R-2) to Residential-One B (R-1B) to allow for the subdivision of the property into two (2) lots for single-family detached units.**

**Case Manager:** Mike Madrid

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**Issues:**

- None

**Recommendations:**

- **Staff:** Recommends APPROVAL
- **Planning Commission:** Recommends APPROVAL

**Interested Parties:**

- None

**Level of Community Interest:** Low

**Representative for Applicant:** None

**General Location:** Loveland Street & W 6<sup>th</sup> Avenue

**Case Manager Information:** Phone: 303-271-8767 e-mail: mmadrid@jeffco.us

It was moved by Commissioner **MOORE** that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION  
COUNTY OF JEFFERSON  
STATE OF COLORADO

**April 27, 2016**

**RESOLUTION**

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<b><u>16-103558RZ</u></b>	<b>Rezoning</b>
<b>Case Name:</b>	604 Loveland Street
<b>Owner/Applicant:</b>	Kurt Ulrich and Danielle Ulrich
<b>Location:</b>	604 Loveland Street Section 1, Township 4 South, Range 70 West
<b>Approximate Area:</b>	0.39 acres
<b>Purpose:</b>	<b>To rezone from Residential-Two (R-2) to Residential-One B (R-1B) to allow for the subdivision of the property into two (2) lots for single-family detached units.</b>
<b>Case Manager:</b>	Mike Madrid

The Jefferson County Planning Commission hereby recommends **APPROVAL** of the above application on the basis of the following facts:

1. That the factors upon which this decision is based include evidence and testimony and staff findings presented in this case.
2. The Planning Commission finds that:
  - A. The proposal is in general conformance with the Comprehensive Master Plan because it meets all applicable sections of the Plan policies.
  - B. The proposed land uses are compatible with existing and allowable land uses in the surrounding area because the proposed residential use is the same as the uses already permitted in the area.
  - C. The proposed land use would not result in significant impacts to the health, safety, and welfare of the residents and landowners in the surrounding area.

Commissioner **HATTON** seconded the adoption of the foregoing Resolution,

Jefferson County Planning Commission Resolution  
Case # 16-103558RZ  
April 27, 2016  
2 of 2

and upon a vote of the Planning Commission as follows:

Commissioner	<b>Rogers</b>	<b>Aye</b>
Commissioner	<b>Moore</b>	<b>Aye</b>
Commissioner	<b>Harris</b>	<b>Aye</b>
Commissioner	<b>Hatton</b>	<b>Aye</b>
Commissioner	<b>Burke</b>	<b>Aye</b>
Commissioner	<b>Spencer</b>	<b>Aye</b>
Commissioner	<b>Schiche</b>	<b>Aye</b>

The Resolution was adopted by **unanimous** vote of the Planning Commission of the County of Jefferson, State of Colorado.

I, Bonnie Benedik, Administrative Assistant for the Jefferson County Planning Commission, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Jefferson County Planning Commission at a regular hearing held in Jefferson County, Colorado, April 27, 2016.



Bonnie Benedik  
Administrative Assistant

**Staff Report**

**PC Hearing Date:** April 27, 2016

**BCC Hearing Date:** May 17, 2016

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**16-103558RZ** Rezoning

**Case Name:** 604 Loveland Street

**Owner/Applicant:** Kurt Ulrich and Danielle Ulrich

**Location:** 604 Loveland Street  
Section 1, Township 4 South, Range 70 West

**Approximate Area:** 0.39 Acres

**Purpose:** **To rezone from Residential-Two (R-2) to Residential-One B (R-1B) to allow for the subdivision of the property into two (2) lots for single-family detached units.**

**Case Manager:** Mike Madrid

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**Representative:** Kurt Ulrich, Ulrich Construction

**Existing Use:** Vacant Land

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**BACKGROUND/UNIQUE INFORMATION:**

This is a request to rezone from Residential-Two (R-2) to Residential-One B (R-1B) to allow for the subdivision of the property into two (2) lots for single-family detached units. The applicant is requesting this rezoning to reduce the required lot size from the 9,000 square feet required by the R-2 zone district to 7,500 square feet, which is the minimum lot size required to construct a single-family dwelling in the R-1B zone district. This rezoning would allow the applicant to subdivide the property into two lots in order to construct two single-family dwellings on the land instead of one.

The subject property is a 16,836 square foot parcel according to the Assessor's Office, and is presently vacant. This parcel is in an established residential neighborhood and is directly adjacent to RTD's West Line. The property is the southernmost parcel on the street that dead ends where RTD's light rail runs. Because of this, a cul-de-sac will be installed as part of the platting process to allow the fire district to turnaround as well as facilitating road maintenance and drainage in the area.

**SURROUNDING ZONING/LAND USE:**

	<b>Adjacent Zoning</b>	<b>Land Use</b>
<b>North:</b>	R-2	Single Family Residential
<b>South:</b>	R-2	ROW / Light Rail
<b>East:</b>	R-2	Single Family Residential
<b>West:</b>	R-2	Single Family Residential

**NOTIFICATION:**

A community meeting was held for this rezoning application on February 9, 2016. Six citizens signed in at

the community meeting. Primary concerns expressed were in regard to drainage and whether two duplexes were going to be constructed rather than the two proposed single-family dwellings. Because the R-1B zone district does not allow duplexes or two-family dwellings as a permitted use, building a duplex on this property if the rezoning is approved would not be allowed.

As a requirement of the Jefferson County Zoning Resolution, the following notice was provided for this proposal:

1. Notification of this proposed development was mailed to property owners within a 500 foot radius of the site and to Homeowners' Associations and Umbrella Groups located within a one-mile radius of the site. The initial notification was mailed at the time of the 1<sup>st</sup> referral. Additional notification was mailed 14 days prior to the Planning Commission Hearing identifying the scheduled hearings dates for both the Planning Commission Hearing and the Board of County Commissioners Hearing.
2. Sign(s), identifying the dates of both the Planning Commission Hearing and the Board of County Commissioners Hearing, were provided to the applicant for posting on the site. The sign(s) were provided to the applicant with instructions that the site be posted 14 days prior to the Planning Commission Hearing.
3. Notification of the hearings before the Planning Commission and the Board of County Commissioners was published in the Denver Post – Golden / Foothills Hub.

The Homeowners' Associations and Umbrella Groups that received notification are as follows:

- Amberwick
- Applewood POA
- Daniels-Welchster HOA
- Jefferson County Horsemen's Association
- Mesa View Estates
- Rolling Hills East HOA
- Saddlecreek HOA
- Save the Mesas Inc
- Sixth Avenue West
- Sixth Avenue West Estates
- Sixth Avenue West Townhome One Association
- Sixth Avenue West Townhouses II

During the processing of the application, Staff has received no objection from any citizens or HOAs listed above.

**COMPREHENSIVE MASTER PLAN ASSESSMENT:  
Area Plan: Central Plains Area Plan**

	Land Use	Physical Constraints	Community Resources	Infrastructure, Water and Services
<b>Conformance</b>	X (1)	X (2)	X (3)	X (4)
<b>Non-Conformance</b>				

**Services:** Pleasant View Metropolitan District Fire Department  
Pleasant View Water and Sanitation District

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**ANALYSIS OF PLAN:**

**1. Land Use:**

**Areas of Conformance:**

**a. All Development:**

The Comprehensive Master Plan discusses encouraging development that is appropriate to the area, ensuring that there are unique and diverse communities in which to live, work, and enjoy outdoor recreation. It encourages economic development and infill and redevelopment projects. New developments should be evaluated for the impacts on the health of a community, and new development should strive to properly and reasonably mitigate the harmful effects, if any, on existing and entitled uses on adjacent parcels.

*The subject property is located in land use Area 18 and recommended as a Transition Area. This could mean transitioning from a single family area to a more diversified area that would accommodate single family and multi-family housing, with a range of uses including limited commercial, office and light industrial, mixed use, community uses and mixed use buildings. A variety of housing types already exist in the Central Plains Area. This mix of housing is important to ensure economic and social diversity. New housing or redevelopment of existing housing types will be compatible with the surrounding land uses as single-family dwellings.*

*The property lies within an established residential neighborhood. It is Staff's opinion that the proposed additional single-family dwellings continue and expand the residential uses of this Transition Area.*

**b. Housing**

The Plan prioritizes providing a variety of housing options which complement the existing community character and utilize excellent design and materials.

*The Comprehensive Master Plan puts a significant emphasis on varying surrounding densities and types of housing. The proposed single-family dwellings would be going into an established residential neighborhood with an already diverse mixture of housing types and densities. The existing R-2 zone district allows for single-family dwellings as well as duplexes and two-family homes, all of which exist in this neighborhood. The proposed rezoning would allow similar uses and densities to those already existing; however, it would only permit single-family detached dwellings (on smaller lots than in the R-2 Zone District) and not duplexes and two-family dwellings.*

**c. Site Design**

The Plan emphasizes integration of new projects into existing communities through various aspects of design including architecture, massing and façade treatments.

*The Comprehensive Master Plan accentuates having compatible design to fit in with the existing built environment in terms of building materials and façade treatments. These aspects of design are not expressly covered in residential development by the Zoning Resolution, while the massing, spacing and height are addressed. While the differences between R-2 and R-1B are not significant, it allows the future homes to vary slightly in terms of setbacks while integrating into the existing neighborhood seamlessly.*

**d. Area/Community Plan Recommendation**

*The Central Plains Area Plan recommends this property as a Transition Area. As mentioned above, residential uses may be continued and expanded in this area.*

**Summary of Analysis:** *The applicant's proposal to rezone to allow for the existing residential uses would substantially conform of the Plan's recommended land use for this area.*

2. **Physical Constraints:** The Comprehensive Master Plan describes physical constraints as those physical features that due to safety concerns may potentially restrict where and how development

occurs. Physical Constraints include geologic hazards and constraints, floodplains, wetlands, wildfire, radiation, landfills, abandoned mines, and wildlife habitat.

**Areas of Conformance:**

**a. Geologic Hazards & Constraints**

The Plan discourages development in geologic hazard areas. Development proposals should address how geologic constraint areas will be mitigated.

*This rezoning application was referred to the County Geologist, who responded that the site is not located within a zoned or unzoned geologic hazard area.*

**b. Floodplains:**

The Plan prioritizes ensuring development activities in or around Floodplains mitigates impacts to life and property.

*The subject property is not within a floodplain, but it is just south of a Jefferson County Zoned Floodplain area. The floodplain will not have any impact on this development.*

**Summary of Analysis:** *The proposed development would not aggravate, accelerate, or increase the level of risk from natural or man-made hazards.*

3. **Community Resources:** The Community Resources chapter contains policies that relate to historic structures or sites, scenic corridors, natural features, air quality, light, odor and noise pollution, open space and trails.

**Areas of Conformance:**

**a. Visual Resources**

The Plan recommends protecting the visual resources of the County, mitigating the visual impact of new development in visually sensitive areas, maintaining key views to the mountains, and integrating development into the natural environment.

*The maximum height allowed by R-1B zoning is 35 feet, which is the same as R-2 zoning's maximum allowed height. Because the proposed use will have substantially the same restrictions as the immediate surrounding area (with slight modifications to lot size and setbacks), the change to potential visual impacts will be extremely minimal.*

**Summary of Analysis:** *Staff is of the opinion that impacts to Community Resources will be minimal if at all, since the proposed residential use of the property will be the same as before with a few small modifications to the lot and building standards and the restriction of duplexes or two-family homes on the subject property.*

4. **Infrastructure, Water & Services:** The applicable elements of this chapter include Transportation, Water and Wastewater, and Services.

**Areas of Conformance:**

**a. Transportation**

A goal of the CMP is to ensure that the Transportation System will have the capacity to support future population growth while maintaining an acceptable level of service.

*Loveland Street from West 7<sup>th</sup> Avenue is a dead end road. At the time of platting, the subject property will be required to provide street improvements in the form of an attached sidewalk and an offset cul-de-sac turn-around directly in front of and partially within the existing parcel. These improvements currently do not exist on Loveland Street, and will aid in a proper turn-around for fire*



**AND;**

**Staff recommends that the Board of County Commissioners APPROVE Case No. 16-103558RZ.**

COMMENTS PREPARED BY:



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Mike Madrid, Planner  
May 17, 2016

**Jefferson County Land Use Case Management  
CASE DATES SUMMARY**

Date Prepared: **March 30, 2016**

Case Number: **16-103558RZ**

Case Type: **Rezoning**

Pre-application Meeting Date: **January 14, 2016**

Community Meeting Date: **February 9, 2016**

Applicant Makes Complete Submittal: **February 24, 2016**

Case Sent on First Referral: **February 24, 2016**

All Responses Provided to Applicant: **March 28, 2016**

Determination That Case Should Proceed to Hearing: **March 29, 2016**

County Staff Determination: **X**      Applicant's Request: **X**

## Section 21: Residential District

(orig. 3-26-13)

### A. Intent and Purpose

1. The Residential Districts are intended to provide areas for residential development and includes single-family dwellings, two-family dwellings, duplexes, townhomes and multi-family dwellings, where allowed. (orig. 3-26-13)
2. Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks) and other general requirements for each specific residential zone district. (3-26-13)
3. The Residential Zone Districts are divided as follows: (orig. 3-26-13)
  - a. Residential-One (R-1)
  - b. Restricted Residential (RR)
    - (1) Restricted Residential Quarter Acre (RR-1/4)
    - (2) Restricted Residential One Half Acre (RR-1/2)
    - (3) Restricted Residential One Acre (RR-1)
    - (4) Restricted Residential Two Acre (RR-2)
    - (5) Restricted Residential Five Acre (RR-5)
    - (6) Restricted Residential Ten Acre (RR-10)
  - c. Residential-One A (R-1A)
  - d. Residential-One B (R-1B)
  - e. Residential-One C (R-1C)
  - f. Residential-Two (R-2)
  - g. Residential-Three (R-3)
  - h. Residential-Three A (R-3A)
  - i. Residential-Four (R-4)

### B. Permitted Uses (orig.3-26-13)

Use	R-1	RR	R-1A	R-1B	R-1C	R-2	R-3	R-3A	R-4
Single-family dwelling	X	X	X	X	X	X	X		
Two-family dwelling or duplex						X	X	X	
Multi-family dwelling or townhome							X	X	
Multi-family dwelling (20 dwelling units to 50 dwelling units per acre).									X
Religious Assemblies and related uses, parish house and/or parsonage.							X	X	X
Private nonprofit museum							X	X	X
Parochial or private schools. Not included are private vocational, trade or professional schools, schools of art, music or dance and schools for subnormal or mentally disturbed adults.							X	X	X
Colleges; not included are private vocational, trade or professional schools, schools of art, music or dance and schools for subnormal or mentally disturbed adults.									X

Use	R-1	RR	R-1A	R-1B	R-1C	R-2	R-3	R-3A	R-4
State licensed daycare or large day –care home or preschool or nursery.							X	X	X
Group Home for up to 8 aged persons not located with 750 of another such group home; state licensed group home for up to 8 developmentally disabled persons not located with 750 of another such group home; state licensed group home for up to 8 mentally ill persons not located with 750 of another such group home or group home for the aged or developmentally disabled persons.	X	X	X	X	X	X	X	X	X
Public park, Class I and Class II public recreation facilities.	X	X	X	X	X	X	X	X	X
Homes for the aged and nursing homes								X	X
Hospital, nursing homes and clinics but not including institutions exclusively for the mentally disturbed, mental defectives, or for contagious or infectious diseases.									X
Telecommunications Land Uses shall comply with the provisions of the Telecommunications Uses Section of this Zoning Resolution.	X	X	X	X	X	X	X	X	X
Energy Conversion Systems (ECS) land uses shall comply with the provisions of the Alternative Energy Resources Section of the Zoning Resolution.	X	X	X	X	X	X	X	X	X

**C. Accessory Uses** (orig.3-26-13)

Use	R-1	RR	R-1A	R-1B	R-1C	R-2	R-3	R-3A	R-4
Private garage, mini structure, storage shed	X	X	X	X	X	X	X	X	X
Private greenhouse and nursery, noncommercial conservatory for plants and flowers.	X								
Private poultry house and pigeon coop with no more than 400 square feet of floor area; private rabbit and chinchilla hut with no more than 100 square feet of floor area.	X								
Private building or kennel for housing dogs, cats and similar domestic pets. <sup>1</sup>	X	X	X	X	X	X	X	X	
Private stable and/or barn for keeping horses, cattle, sheep, goats or other similar domesticated animals. See general requirements below.	X								
Home Occupations provided the requirements and conditions of the Board of Adjustment or the Home Occupation Section of the Zoning Resolution have been met.	X	X	X	X	X	X	X		

Use	R-1	RR	R-1A	R-1B	R-1C	R-2	R-3	R-3A	R-4
Accessory Uses per the Accessory Use Section of the Zoning Resolution.	X	X	X	X	X	X	X	X	X
Commercial service activities, which are accessory to the main use of the building <sup>2</sup>									X

<sup>1</sup> But not including horses, cattle, sheep, goats, chickens, ducks, geese or other fowl. The maximum total number of dogs, cats and similar domestic pets which may be kept shall be 3. Litters of puppies or kittens may be kept until weaned.

<sup>2</sup> May be conducted, provided said use is contained within the main building. Cafeterias, offices, studios and personal services such as beauty parlors, barber shops, laundry pick-up stations and pharmacies may be conducted. However, the sum total of commercial uses may not exceed more than 10 percent of the floor area of any single building or structure. The entrance to any such accessory business will be from inside the building and no advertising said business activity shall be visible from outside the building. Such accessory use is one which:

- a. Is subordinate to and serves the principal building or principal use.
- b. Is subordinate in area, extent, or purpose to the principal building or principal use served.
- c. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served.
- d. Is located on the same lot as the principal building or principal use served.

**D. Special Uses (3-26-13)**

The following uses shall be permitted only upon review by the Planning Commission and approval by Board of County Commissioners: (orig. 3-26-13)

Use	R-1	RR	R-1A	R-1B	R-1C	R-2	R-3	R-3A	R-4
Religious Assemblies and related uses, parish house and/or parsonage.	X	X	X	X		X			
Private nonprofit museum	X	X	X	X		X			
Cable Television reception station	X	X	X	X	X	X	X	X	X
Water supply reservoir and irrigation canal	X	X	X	X	X	X	X	X	
A group living facility, other than homes for social rehabilitation, or a home where up to 6 unrelated individuals are living together, that is occupied by more than one registered sex offender.	X	X	X	X	X	X	X	X	X
Group, foster or communal home, residential treatment center, community residential home, home for social rehabilitation, assisted living residence, personal case boarding home, specialized group facility, receiving home for more than 4 foster home residents, residential child care facility or shelter from domestic violence, licensed or certified by state if applicable, in which 7 or more residents who are not legally related live and cook together as a single housekeeper unit not located within 750 of another similar type home or shelter.	X	X	X	X	X	X	X	X	X

Use	R-1	RR	R-1A	R-1B	R-1C	R-2	R-3	R-3A	R-4
Group home for the aged, group home for the developmentally disabled, group home for the mentally ill persons, licensed or certified by the state if applicable, in which 9 or more residents who are not legally related live and cook together as a single housekeeper unit, where such home is not located within 750 of another similar type home, licensed or certified by the state if applicable.	X		X	X	X	X	X	X	X
State licensed daycare center or preschool or nursery	X	X	X	X	X	X			
Parochial or private schools. Not included are private vocational, trade or professional schools, schools of art, music or dance and schools for subnormal or mentally disturbed adults. Exceptions listed above shall not preclude home occupations authorized by the Board of Adjustment or the Home Occupations Section of this Zoning Resolution.	X	X	X	X	X	X			
Home for social rehabilitation or adjustment for up to 10 residents plus staff, not located within 750 ft. of another similar facility.							X		
Oil and gas drilling and production subject to the Drilling and Production of Oil and Gas Section of this Zoning Resolution, except where located within a subdivision platted and recorded in the records of the Clerk and Recorder.	X	X	X	X		X	X	X	X
Class I or II commercial recreational facility. Class II public recreational facility.	X	X	X	X		X	X	X	X

**E. Lot and Building Standards (orig. 3-26-13)**

Districts	Front Setback		
	Primary Structure/Garage	Adjacent to Arterial	All Other Accessory Structures
<b>R-1</b>	20 ft.	30 ft.	Housing Animals – 100 ft. All Other Accessory Structure – 50 ft.
<b>R-1A</b>	20 ft.	30 ft.	50 ft.
<b>R-1B</b>	20 ft.	30 ft.	50 ft.
<b>R-1C</b>	12 ft. (living space) 20 ft. (garage)	18 ft. (living space) 30 ft. (garage)	30 ft.
<b>R-2</b>	20 ft.	30 ft.	20 ft.

Districts	Front Setback		
	Primary Structure/Garage	Adjacent to Arterial	All Other Accessory Structures
R-3	20 ft.	30 ft.	50 ft.
R-3A	20 ft.	30 ft.	50 ft.
R-4	40 ft.	40 ft.	40 ft.
RR-1/4	20 ft.	20 ft.	20 ft.
RR-1/2	30 ft.	30 ft.	30 ft.
RR-1	30 ft.	30 ft.	30 ft.
RR-2	30 ft.	30 ft.	30 ft.
RR-5	50 ft.	50 ft.	50 ft.
RR-10	75 ft.	75 ft.	75 ft.

Districts	Side Setback <sup>1</sup>		
	Main Structure	Adjacent to local/collector	Adjacent to arterial
R-1	15 ft.	20 ft.	30 ft.
R-1A	5 ft. min (15 ft. total)	20 ft.	30 ft.
R-1B	5 ft.	20 ft.	30 ft.
R-1C	5 ft.	15 ft.	20 ft.
R-2	5 ft. in (15 ft. total)	20 ft.	30 ft.
R-3	5 ft. <sup>2</sup>	20 ft.	30 ft.
R-3A	5 ft. <sup>2</sup>	20 ft.	30 ft.
R-4	30 ft.	30 ft.	30ft.
RR-1/4	10 ft.	20 ft.	20 ft.
RR-1/2	20 ft.	30 ft.	30 ft.
RR-1	30 ft.	30 ft.	30 ft.
RR-2	30 ft.	30 ft.	30 ft.
RR-5	50 ft.	50 ft.	50 ft.
RR-10	50 ft.	75 ft.	75 ft.

<sup>1</sup> For a two-family dwelling, no side setback shall be required where there is a common wall shared between buildings on adjacent lots.

<sup>2</sup> The minimum side setback for a single-family dwelling, two-family dwelling, duplex, townhome, or multi-family dwelling with 1 story, shall be 5 feet on each side. The minimum side setback for any other main building shall be 10 feet on each side.

Districts	Rear Setback					
	Single-Family	Two-Family or Duplex	Townhome	Multi-Family	Other Main Building	Garage or Other Accessory Structure
<b>R-1</b>	5 ft.	n/a	n/a	n/a	5 ft.	5 ft.
<b>R-1A</b>	20 ft.	n/a	n/a	n/a	20 ft.	5 ft.
<b>R-1B</b>	20 ft.	n/a	n/a	n/a	20ft.	5 ft.
<b>R-1C</b>	10 ft.	n/a	n/a	n/a	10 ft.	3 ft.
<b>R-2</b>	5 ft.	5 ft.	n/a	n/a	5 ft.	5 ft.
<b>R-3</b>	5 ft.	5 ft.	10 ft	10 ft.	10 ft.	5 ft.
<b>R-3A</b>	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
<b>R-4</b>	n/a	n/a	n/a	30 ft.	30 ft.	30 ft.
<b>RR-1/4</b>	20 ft	n/a	n/a	n/a	20 ft	20 ft
<b>RR-1/2</b>	20 ft.	n/a	n/a	n/a	20 ft.	20 ft.
<b>RR-1</b>	20 ft.	n/a	n/a	n/a	20 ft.	20 ft.
<b>RR-2</b>	30 ft.	n/a	n/a	n/a	30 ft.	30 ft.
<b>RR-5</b>	50 ft.	n/a	n/a	n/a	50 ft.	50 ft.
<b>RR-10</b>	50 ft.	n/a	n/a	n/a	50 ft.	50 ft.

Districts	Building Separation		Building Height		
	Between Townhome or Multi-family Groups	From Building on Adjacent Lot	Primary Structure	Multi-Family Structure	All Other Accessory Structure <sup>1</sup>
R-1	n/a	n/a	35 ft.	n/a	25 ft.
R-1A	n/a	15 ft.	35 ft.	n/a	25 ft.
R-1B	n/a	n/a	35 ft.	n/a	25 ft.
R-1C	n/a	n/a	30 ft.	n/a	25 ft.
R-2	n/a	15 ft.	35 ft.	n/a	25 ft.
R-3	25 ft.	n/a	35 ft.	45 ft.	25 ft.
R-3A	25 ft.	n/a	35 ft.	45 ft.	25 ft.
R-4	30 ft. <sup>2</sup>	n/a	80 ft.	80 ft.	25 ft.
RR-1/4	n/a	n/a	35 ft.	n/a	25 ft.
RR-1/2	n/a	n/a	35ft	n/a	25 ft.
RR-1	n/a	n/a	35 ft.	n/a	25 ft.
RR-2	n/a	n/a	35 ft.	n/a	25 ft.
RR-5	n/a	n/a	35 ft.	n/a	25 ft.
RR-10	n/a	n/a	35 ft.	n/a	25 ft.

<sup>1</sup> No such building shall exceed the lesser of the height indicated or the height of the primary structure.

Districts	Lot Size				
	Single-Family Dwelling	Two-Family Dwelling	Duplex	Townhome	Multi-Family
R-1	12,500 s.f.	n/a	n/a	n/a	n/a
R-1A	9,000 s.f.	n/a	n/a	n/a	n/a
R-1B	7,500 s.f.	n/a	n/a	n/a	n/a
R-1C	4,500 s.f.	n/a	n/a	n/a	n/a
R-2	9,000 s.f.	12,500 s.f. min. develop area and 5,000 s.f. min lot area per unit	12,500 s.f.	n/a	n/a

Districts	Lot Size				
	Single-Family Dwelling	Two-Family Dwelling	Duplex	Townhome	Multi-Family
<b>R-3</b>	7,500 s.f.	3,000 s.f. min. develop area and 1,500 s.f. min lot area per unit	9,000 s.f.	12,500 s.f. min. develop area and 2,000 s.f. min lot area per unit	12,500 s.f. min. develop area and 2,000 s.f. min lot area per unit
<b>R-3A</b>	n/a	4,000 s.f. min. develop area and 2,000 s.f. Min lot area per unit	12,500 s.f.	4,000 s.f. min. develop area and 2,000 s.f. Min lot area per unit	12,500 s.f. min. develop area and 3,000 s.f. min lot area per unit
<b>R-4</b>	n/a	n/a	n/a	n/a	1 acre min develop area and 850 s.f. Min lot area per unit
<b>RR-1/4</b>	¼ acre (10,890 s.f.)	n/a	n/a	n/a	n/a
<b>RR-1/2</b>	½ acre (27,180 s.f.)	n/a	n/a	n/a	n/a
<b>RR-1</b>	1 acre (43,560 s.f.)	n/a	n/a	n/a	n/a
<b>RR-2</b>	2 acres (87,120 s.f.)	n/a	n/a	n/a	n/a
<b>RR-5</b>	5 acres (217,800 s.f.)	n/a	n/a	n/a	n/a
<b>RR-10</b>	10 acres (435,600 s.f.)	n/a	n/a	n/a	n/a

**F. Fences**

1. Maximum fence height: 6 feet. (orig. 3-26-13)
2. Fence permits are required for any fence over 42 inches in height. (orig. 3-26-13)
3. No fence more than 42 inches in height of any type shall be permitted within the front setback line and the front lot line. (orig. 3-26-13)
4. No barbed wired or electric fence shall be permitted in this zone district. (orig. 3-26-13)
5. Fences on corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution. (orig. 3-26-13)
6. On adjacent lots where allowed fence heights differ, the lower height restriction shall govern. (orig. 3-26-13)

**G. General Requirements**

1. All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs and fireplaces may protrude 24 inches into the setback. (orig. 3-26-13)
2. Corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution. (orig. 3-26-13)
3. The placement of improvements on any such zoned property may be further restricted by plat notes approved by the Board of County Commissioners in conjunction with an approved Plat, Exemption from Platting, or other process subject to the Land Development Regulations. (orig. 3-26-13)
4. No structure may be erected, placed upon or extend over any easement unless approved in writing by the agency or agencies having jurisdiction over such easement. (orig. 3-26-13)

5. Manure shall not be allowed to accumulate so as to cause a hazard to the health, safety or welfare of humans and/or animals. The outside storage of manure in piles shall not be permitted within 100 feet of the front lot line and shall conform to the side and rear setback requirements of a dwelling. (orig. 3-26-13)
6. Stallions and bulls shall be kept in a pen, corral or run area enclosed by a 6 foot chain link fence, or material equal or greater in strength, except when it is necessary to remove them for training, breeding or other similar purposes. (orig. 3-26-13)
7. Where allowed the keeping of horses, cattle, sheep, goats, or other similar domesticated animals shall be kept in a fenced area. The total number of animals, listed above, is limited as follows. (orig. 3-26-13)

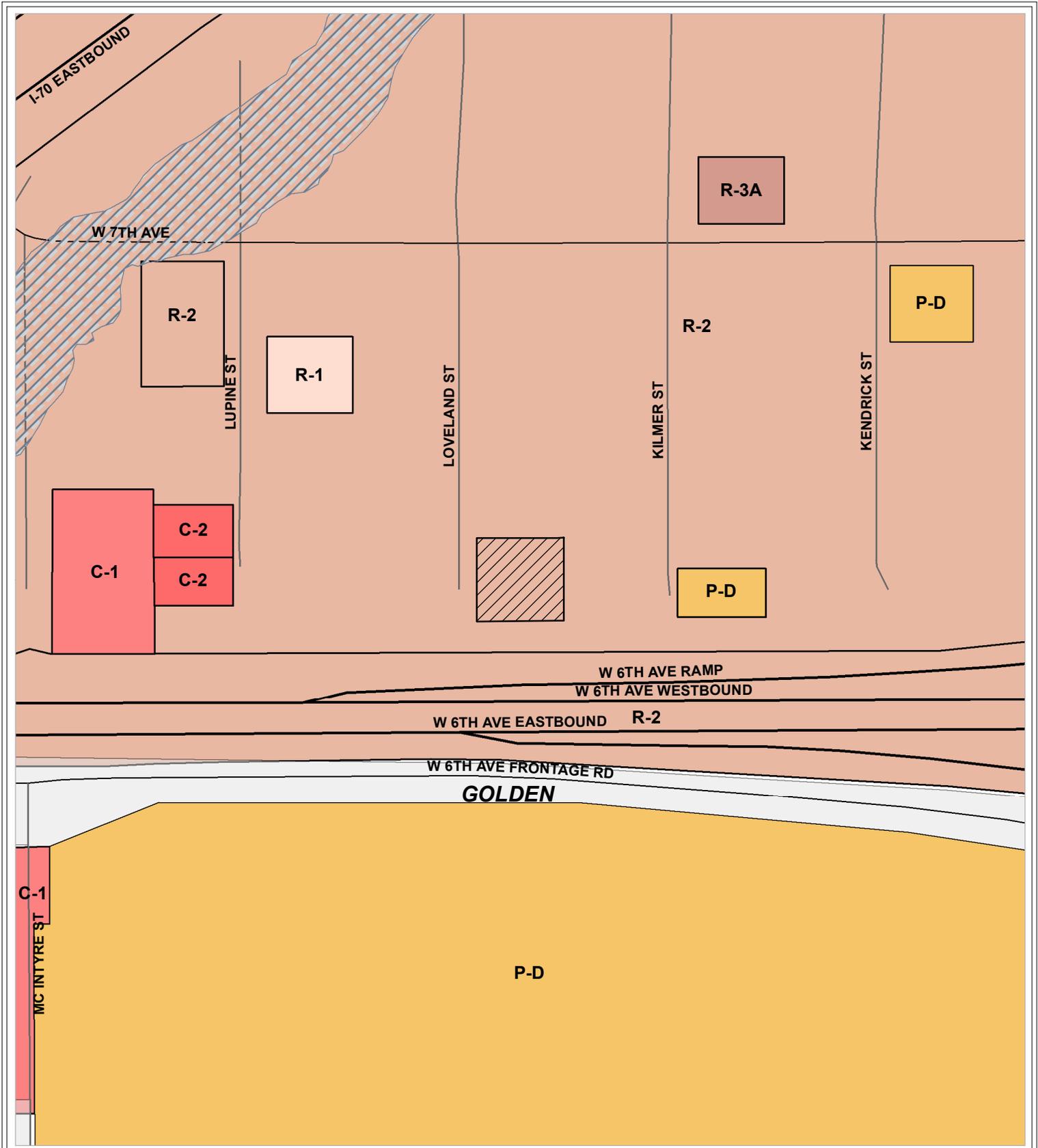
The minimum square footage of open lot area, not including the dwelling, shall be 9,000 square feet for the first animal and 6,000 square feet for each additional animal. The total number of such animals that may be kept shall not exceed 4 per 1 acre; except that offspring of animals on the property may be kept until weaned. (orig. 3-26-13)



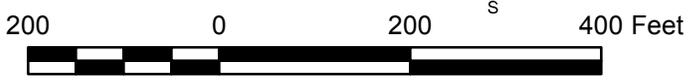
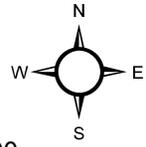
**Case Number: 16-103558RZ**  
**Location: Section 1, T4S, R70W**



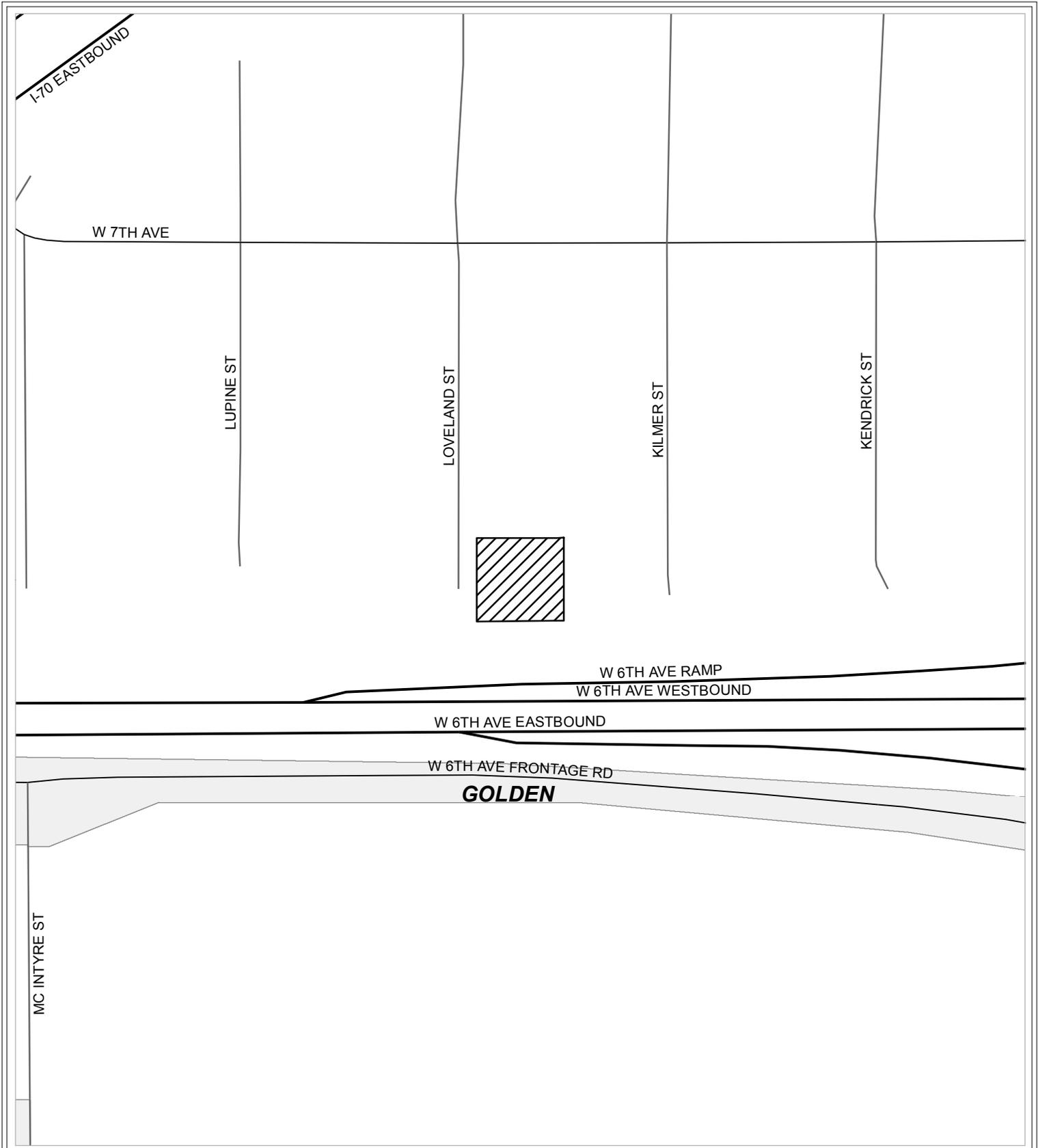
This product has been developed for internal use only. The Planning and Zoning Division makes no warranties or guarantees, either expressed or implied, as to the completeness, accuracy or correctness of such products, nor accepts any liability arising from any incorrect, incomplete or misleading information contained therein.



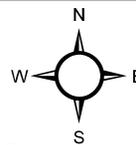
**Case Number: 16-103558RZ**  
**Location: Section 1, T4S, R70W**



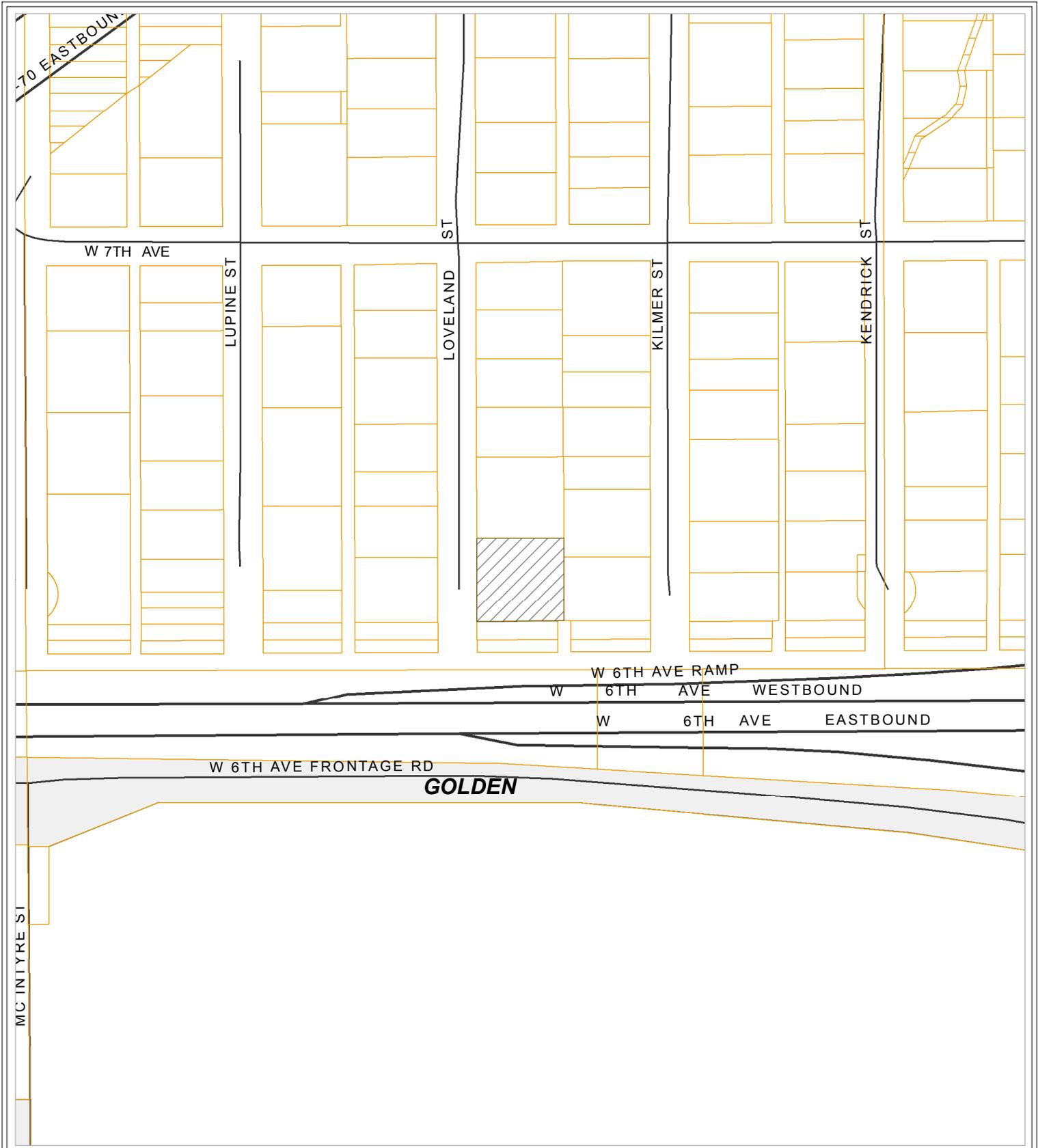
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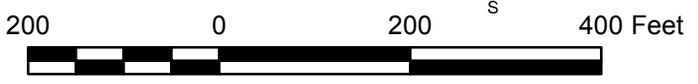
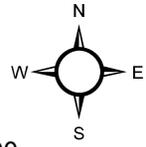
**Case Number: 16-103558RZ**  
**Location: Section 1, T4S, R70W**



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**Case Number: 16-103558RZ**  
**Location: Section 1, T4S, R70W**



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Case No. 16-103558RZ

Legal Description

Street Location of Property 604 Loveland Street

Is there an existing structure at this address?

Yes \_\_\_\_\_ No X

Type the legal description and address below.

Lots 18, 19, 20, 21 and 22,  
Block 19,  
Pleasant View, Second Filing,  
Together with the West 1/2 of vacated alley lying adjacent to said lots pursuant to  
Resolution V12-5-78 recorded February 6, 1980 at Reception Number 80009654,  
County of Jefferson, State of Colorado.

Advise of Ortho Map No. 16 Section 1 Township 4 S. Range 70 W.

Calculated Acreage 0.39 Acres Checked by: Ben Hasten

Address Assigned (or verified) 604 Loveland Street

SUBJECT LINE: 16-103558RZ 1ST ELECTRONIC REFERRAL FOR REZONING

## ELECTRONIC REFERRAL

### JEFFERSON COUNTY, COLORADO

Documents related to a Rezoning have been submitted to Jefferson County Planning and Zoning. This case is beginning the first referral part of the process and your agency's comments are requested. Please review the specific electronic documents related to the first referral found **here**. Comments should be submitted via e-mail to the case manager by the due date below. This property will also submit for a subsequent subdivision plat related to the rezoning request.

Case Number: **16-103558RZ**

Case Name: **604 Loveland Street**

General Location: **NE Corner of Loveland Street and West 6<sup>th</sup> Avenue.**

Case Type: **Rezoning**

Type of Application: Rezoning from Residential-Two (R-2) to Residential-One B (R-1B) to allow for future subdivision of the site for two single-family homes.

Case Manager: **Mike Madrid**

**Comments Due: March 16, 2016**

Case Manager Contact Information: **mmadrid@jeffco.us      303-271-8767**

Additional information related to this case can be viewed **here**. Some of the links on this page that may be helpful are the links to the case file (public documents), to the Jeffco mapping system (jMap) and to the case tracking system (general application details).

<u>Jeffco:</u> Building Safety Open Space Cartography Addressing Geologist T&E Public Health Zoning Administration Planning Engineering Long Range Road and Bridge 1 Assessor's Office Weed and Pest Jeffco Historical Commission	<u>External:</u> Xcel Comcast CenturyLink Post Office Colorado Dept. of Public Health Colorado Historical Society Division of Wildlife Soils Conservation District Colorado Geological Survey Division of Water Resources, State Engineer's Office Pleasant View Water and Sanitation District West Metro Fire Protection Dist RTD Urban Drainage	<u>HOA:</u> Applewood POA 757291 Jeffco Horsemens Assn 757337 Sixth Ave West HOA 757363 Sixth Ave West Estates 757364 Sixth Ave West Townhome One Assn 757365 Daniels-Welchster HOA 757435 Sixth Ave West Townhouses II 757454 Rolling Hills East HOA 757470 Save the Mesas Inc 757475 Saddlecreek HOA 757479 Amberwick / C/O Colorado Assn Services 757505 Mesa View Estates 757542
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## ADDRESSING

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# MEMO

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To: Michael Madrid  
FROM: Philip Taylor  
SUBJECT: 16-103558RZ 604 Loveland Street  
DATE: 2/2/2016

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Addressing offers the following comments on this proposal:

1. The purpose of this Rezoning is to rezone from Residential-2 (R-2) to Residential-1 (R-1B) to allow for future subdivision of the site for two single family homes.
2. Access is off of Loveland Street. This access will not change.
3. There is a valid existing address in the addressing database, 604 Loveland Street. This address may change in order to coincide with other addresses on Loveland Street.

Please let me know if you have any questions.

# Memorandum

**To:** Mike Madrid  
Planner

**From:** Patrick O'Connell  
Geologist

**Date:** February 29, 2016

**Re:** 604 Loveland St, Case No. 16-103558RZ

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The intent of the application is to rezone to allow for R1B. I have the following comment.

1. The site is not within a zoned or unzoned geologic hazard area and reports are not required with the rezoning process.



February 29, 2016

Jefferson County Planning and Zoning Department  
Mr. Mike Madrid  
100 Jefferson County Parkway, Suite 3550  
Golden, Colorado 80419-3550

Re: Case Number 16-103558RZ – 604 Loveland Street

Dear Mr. Madrid:

This letter will acknowledge receipt of your submittal regarding the above referenced property.

Please be advised that the above referenced property is in an area served by The Consolidated Mutual Water Company (Company) and is subject to compliance with the Company's rules, regulations and requirements. Also be advised that the above referenced property lies within the service area of the Pleasant View Water and Sanitation District and is also subject to the District's rules, regulations and requirements.

The Company's rules, regulations and requirements require that each **separate structure be served by a separate tap and meter**, and in order to receive domestic water service, **the properties must also front a Company main**.

Fire protection requirements should be obtained from Pleasant View Department and those requirements forwarded to this office by the Fire District at the earliest possible time. We can then determine if additional system improvements would be required to meet the demands set forth by the Fire District.

If you should have any questions or comments regarding this correspondence, please contact this office.

Sincerely,

Andy Rogers  
Project Engineer

cc: Chris P. Malmgren, Pleasant View Fire Department  
David Councilman, Pleasant View Water and Sanitation District  
Michael E. Queen, CMWCo President  
Zach Queen, CMWCo Superintendent of Distribution  
Kim M. Medina, Stocks Record/Tap Administrator

**THE CONSOLIDATED MUTUAL WATER COMPANY**  
12700 West 27th Avenue • P.O. Box 150068 • Lakewood, Colorado 80215  
Telephone (303)238-0451 • Fax (303)237-5560



**Right of Way & Permits**

1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: **303.571.3306**  
Facsimile: 303. 571.3284  
donna.l.george@xcelenergy.com

March 14, 2016

Jefferson County Planning and Zoning  
100 Jefferson County Parkway, Suite 3550  
Golden, CO 80419

Attn: Mike Madrid

**Re: 604 Loveland Street Rezone, Case # 16-103558RZ**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the request for the **604 Loveland Street Rezone**. Public Service Company has no objection to this proposed rezone, contingent upon PSCo's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities.

If you have any questions about this referral response, please contact me at (303) 571-3306.

Donna George  
Contract Right of Way Referral Processor  
Public Service Company of Colorado

## Michael Madrid

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**From:** David Councilman [pvwsd.David@comcast.net]  
**Sent:** Monday, February 29, 2016 9:23 AM  
**To:** Michael Madrid  
**Subject:** RE: 16-103558RZ - Electronic Referral

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

We have no issues with this case

David Councilman  
District Manager  
Pleasant View Water & Sanitation District  
303-278-1035

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**From:** Bonnie Benedik [<mailto:bbenedik@co.jefferson.co.us>]  
**Sent:** Friday, February 26, 2016 9:47 AM  
**To:** Undisclosed recipients:  
**Subject:** 16-103558RZ - Electronic Referral

## ELECTRONIC REFERRAL

### JEFFERSON COUNTY, COLORADO

Documents related to a Rezoning have been submitted to Jefferson County Planning and Zoning. This case is beginning the first referral part of the process and your agency's comments are requested. Please review the specific electronic documents related to the first referral found here. Comments should be submitted via e-mail to the case manager by the due date below. This property will also submit for a subsequent subdivision plat related to the rezoning request.

Case Number: **16-103558RZ**

Case Name: **604 Loveland Street**

General Location: **NE Corner of Loveland Street and West 6<sup>th</sup> Avenue.**

Case Type: **Rezoning**

Type of Application: Rezoning from Residential-Two (R-2) to Residential-One B (R-1B) to allow for future subdivision of the site for two single-family homes.

Case Manager: **Mike Madrid**

**Comments Due: March 16, 2016**

Case Manager Contact Information: [mmadrid@jeffco.us](mailto:mmadrid@jeffco.us) 303-271-8767

Additional information related to this case can be viewed here. Some of the links on this page that may be helpful are the links to the case file (public documents), to the Jeffco mapping system (jMap) and to the case tracking system (general application details).

<b>Jeffco:</b> Building Safety Open Space Cartography Addressing Geologist T&E Public Health Zoning Administration Planning Engineering	<b>External:</b> Xcel Comcast CenturyLink Post Office Colorado Dept. of Public Health Colorado Historical Society Division of Wildlife Soils Conservation District Colorado Geological Survey	<b>HOA:</b> Applewood POA 757291 Jeffco Horsemens Assn 757337 Sixth Ave West HOA 757363 Sixth Ave West Estates 757364 Sixth Ave West Townhome One Assn 757365 Daniels-Welcheste HOA 757435 Sixth Ave West Townhouses II 757454 Rolling Hills East HOA 757470 Save the Mesas Inc 757475
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Long Range Road and Bridge 1 Assessor's Office Weed and Pest Jeffco Historical Commission	Division of Water Resources, State Engineer's Office Pleasant View Water and Sanitation District West Metro Fire Protection Dist RTD Urban Drainage	Saddlecreek HOA 757479 Amberwick / C/O Colorado Assn Services 757505 Mesa View Estates 757542
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**COLORADO**  
Division of Water Resources  
Department of Natural Resources

1313 Sherman Street, Room 821  
Denver, CO 80203

March 8, 2016

Mike Madrid  
Jefferson County Planning and Zoning Department  
Transmitted via email:  
[mmadrid@jeffco.us](mailto:mmadrid@jeffco.us)

**RE: 604 Loveland Street, Golden  
Case no. 16-103558RZ  
SW1/4 SE1/4 of Section 1, T4S, R70W, 6<sup>th</sup> P.M.  
Water Division 1, Water District 7**

Dear Mr. Madrid:

We have reviewed the information provided on March 2, 2016 concerning the above referenced proposal to rezone Lots 18 through 22, Block 19, Pleasant View Filing 2 Subdivision from Residential-Two (R-2) to Residential-One B (R-1B) in order to allow for future subdivision of the site for two single-family residential lots.

**Water Supply Demand**

A Water Supply Information Summary Sheet was not submitted therefore, the water supply demand for this subdivision is unknown.

**Source of Water Supply and Detention facility**

The proposed water source is the Consolidated Mutual Water Company (“Water Company”). A letter of commitment for service was not provided with the referral material. However, in the Jefferson County Public Health Certificate of water and sewer availability and the Central Water Supply Report, the Water Company indicated that water service is available subject to compliance with the Company Rules, Regulations and Requirements for such service. According to our records, the Water Company obtains its water supply through a distributor’s agreement with the Denver Water Department. The Denver Water Department is considered to be a reliable water source. Sewage treatment will be provided by the Pleasant View Water and Sanitation District.

**State Engineer’s Office Opinion**

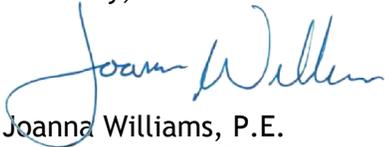
Based upon the above and pursuant to Section 30-28-136(1)(h)(I) and Section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights as long as the Water Company commits to provide water taps to the proposed lots.



604 Loveland Street, Golden  
March 9, 2016  
Page 2 of 2

Should you or the Applicant have any questions, please contact Ioana Comaniciu of this office.

Sincerely,



Joanna Williams, P.E.  
Water Resource Engineer

cc: Subdivision file: 23776



## Michael Madrid

---

**From:** Kuster - CDPHE, Kent [kent.kuster@state.co.us]  
**Sent:** Tuesday, March 01, 2016 6:11 AM  
**To:** Michael Madrid  
**Subject:** Referral 16-103558RZ

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

March 1, 2016

Dear Mike Madrid,

The Colorado Department of Public Health and Environment has no comment on the request for a rezoning Case No. 16-103558RZ located at 604 Loveland Street in Jefferson County. We do suggest that the applicant comply with all state and federal environmental rules and regulations. This may require the applicant or its contractor to obtain a permit for certain regulated activities before emitting or discharging a pollutant into the air or water, dispose of hazardous waste or engaging in certain regulated activities.

Please contact Kent Kuster at 303-692-3662 with any questions.

Sincerely,

Kent Kuster

Environmental Specialist

Colorado Department of Public Health and Environment

--

Kent Kuster

Environmental Protection Specialist

Colorado Department of Public Health and Environment

4300 Cherry Creek Drive South

Denver, CO 80246-1530

303-692-3662 | [kent.kuster@state.co.us](mailto:kent.kuster@state.co.us)

**MEMO**

**TO:** Michael Madrid  
Jefferson County Planning and Zoning Division

**FROM:** Tracy Volkman  
Jefferson County Environmental Health Services Division

**DATE:** February 29, 2016

**SUBJECT:** Case #16-103558 RZ  
Kurt Ulrich  
604 Loveland St

The applicant has met the public health requirements for the proposed rezoning of this property.

**PROPOSAL SUMMARY**

Rezoning from Residential-Two (R-2) to Residential-One B (R-1B) to allow for future subdivision of the site for two single-family homes

**COMMENTS**

Jefferson County Public Health (JCPH) provided comments on January 11, 2016 regarding the pre-application process for this planning case. We have reviewed the documents submitted by the applicant for the proposed rezoning of this property and have the following comments:

The applicant must submit the following documents or take the following actions prior to a ruling on the proposed rezoning of this property. NOTE: Items marked with a “✓” indicate that the document has been submitted or action has been taken. **Please read entire document for requirements and information. Please note additional documentation may be required.**

✓	Date Reviewed	Required Documentation/Actions	Refer to Sections
✓	02-29-2016	Submit a will serve letter from the Water and Sanitation District indicating public water and sewer can be provided to the proposed development in accordance with the Land Development Regulation (LDR) 21 and 22.	Water/Wastewater

**WATER/WASTEWATER**

The Consolidated Mutual Water District will provide the water services for the proposed development according to the signed Jefferson County Certificate of Water and Sewer Service Availability form.

The Pleasant View Water and Sanitation District signed a Jefferson County Certificate of Water and Sewer Service Availability form stating that public sewer is available for the property located at 604 Loveland Street.

**AIR**

A fugitive dust permit is not required for the development of this site. However, the developer must use sufficient control measures and have a dust control plan in place to minimize any dust emissions during demolition, land clearing and construction activities. This department will investigate any reports of fugitive dust emissions from the project site. If confirmed, a notice of violation will be issued with appropriate enforcement action taken by the State.

**RADON**

It is highly recommended to design all new dwelling units in Jefferson County with radon resistant construction according to the Environmental Protection Agencies Model Standards and Techniques for Control of Radon in New Residential Buildings, March 1994.



Jefferson County, Colorado  
Transportation & Engineering Division

100 Jefferson County Parkway, Suite 3500, Golden, Colorado 80419-3500  
☎ 303.271.8459 • Fax 303.271.8490 • http://jeffco.us/highways

# P&Z REFERRAL T&E RESPONSE

To:  *P&Z Case Manager* From:

Case #:  Due Date:

Property Address or PIN:

- Amanda Attempt Result & Attachments:**
- Comments Sent = T&E wants 2nd referral
  - Complete = Do Not send further referrals
  - No Comments = Do Not send further referrals
  - Additional information, plans, etc are also attached in Amanda

## Drainage

T&E is currently working on a project in the area. See attached information.

Other Notes:

No Concerns

## Right-of-Way / Roadway Corridor Expansion Projects

Land owner will need to refund County \$  for ROW purchased in  for  
This amount **must** be paid before plat is recorded and/or plans are approved and released for construction.

Documentation attached in Amanda  Documentation to follow

Additional ROW needed for upcoming T&E project. Plan sheet attached with required width/area.

Fee-in-lieu of adjacent roadway construction preferred, due to planned construction by the County. Please have the applicant submit a cost estimate.

Other Notes:

No Concerns

## Traffic Operations / Transportation Planning

	Included in referral	Reviewed		Comments
		No	Yes	
Traffic study	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	At the time of site development plan, the following may be requested: - Local Street Standard updates (sidewalk, curb, gutter, drainage) to Loveland St adjacent to the properties
Signage & striping plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Signal plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Trails or sidewalks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Street road plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> No Concerns				

Derek Schuler - Traffic/Trans Engineer   
Yelena Onnen -Transportation Planning

## Additional Comments

Comments

Name

# COLORADO GEOLOGICAL SURVEY

1801 19<sup>th</sup> Street  
Golden, Colorado 80401



March 16, 2016

Karen Berry  
State Geologist

Mike Madrid  
Jefferson County Planning and Zoning  
100 Jefferson County Parkway, Suite 3550  
Golden, CO 80419

**Location:**  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 1,  
T4S, R70W of the 6<sup>th</sup> P.M.  
39.7257, -105.1722

**Subject: 604 Loveland Street – Rezoning**  
**Case Number 16-103558RZ; Jefferson County, CO; CGS Unique No. JR-16-0012**

Dear Mr. Madrid:

Colorado Geological Survey has reviewed the 604 Loveland Street rezoning referral. I understand the applicant proposes to rezone approximately 0.4 acres located at 604 Loveland Street, Golden, to allow for future subdivision of the site for two single-family lots. The property is currently undeveloped.

The site does not contain steep slopes, is not undermined, is not located within Jefferson County's Designated Dipping Bedrock Area (DDBA), and does not contain, nor is it exposed to, any identified geologic hazards or geotechnical constraints that would preclude the proposed residential use and slight increase in density. **CGS therefore has no objection to approval of the rezoning as proposed.**

**Geology and soil/bedrock engineering properties.** According to available geologic mapping, the site is underlain by Piney Creek and Broadway alluvium, consisting of river-deposited clayey silt and sand with layers of pebbles. Depending on the fines (silt and clay) and organics content, the site soils may exhibit low density, low strength, and collapse under wetting and loading. Clayey layers, lenses and pockets can exhibit high swell when wetted and can cause damage to foundations and improvements if not properly identified and mitigated. Soil Survey data indicates that the site soils are "very limited" in suitability for dwellings due to shrink-swell.

Site-specific geotechnical investigations will be needed, once building locations are finalized, to determine depth to bedrock and seasonal groundwater levels, to characterize soil and bedrock engineering properties such as density, strength, water content, and allowable bearing pressures, and to identify potentially moisture-sensitive (expansive and collapsible) soils and expansive claystone bedrock. This information is needed to determine subgrade preparation requirements, to design individual foundations, floor systems, subsurface drainage, pavements, etc., and to determine the site's suitability for full-depth basements, if planned.

**Corrosive soils.** Soil Survey data indicates that the site soils are highly corrosive to steel. The need for corrosion protection should be evaluated as part of the geotechnical investigation. Epoxy-coated, plastic/composite, concrete, or otherwise corrosion-resistant or corrosion-proof basement window wells are recommended, rather than the standard uncoated galvanized steel, if basements are planned and are determined to be feasible.

Mike Madrid  
March 16, 2016  
Page 2 of 2

Thank you for the opportunity to review and comment on this project. If you have questions or require further review, please call me at (303) 384-2643, or e-mail [carlson@mines.edu](mailto:carlson@mines.edu).

Sincerely,

A handwritten signature in black ink, appearing to read "Jill Carlson". The signature is fluid and cursive, with a large initial "J" and "C".

Jill Carlson, C.E.G.  
Engineering Geologist

Date: April 27, 2016

From: John Doom & Jill Kannenberg-Doom

623 Loveland St., Golden CO 80401

Re: Public Comment Regarding 604 Loveland St. Rezoning Application

Case Number: 16-103558RZ

Our main concern (and possible objection) to the rezoning application is the problem of inadequate drainage of storm water on that side of the street (east side of Loveland St).

The reasons for our concern are:

1. The building of two properties and two driveways, along with the square footage of both of those houses and the driveways, will reduce water absorption on that property, which will then put a greater amount of water flowing onto the street. We already have a storm water drainage problem (flooding) on our street that was a result of Light Rail and the Animal Shelter being built that have been previously reported and can be verified through Pat O'Connell in Planning and Zoning and also can be verified through Gene Bennetts of Jefferson County Transportation and Construction Division, and Carlos Atencio of Road and Bridge of Jefferson County.
2. Regardless of what type of development occurs on that property, which has an elevation that is 6' higher than any other properties on Loveland Street, there is definitely going to be a greater amount of storm water runoff flowing onto Loveland St. We request that part of the development plans be that the developer is required to have a continuous storm drainage ditch on his property (on the east side of Loveland St.) that runs parallel from the beginning to the end of his property and connects to the existing ditch on the east side of Loveland and which stays on the east side of Loveland St. and is not connected or redirected to the west side. An idea would be to perhaps have cattle crates at the end of his driveways so that the water does not come onto Loveland St.

## CASE SUMMARY Consent Agenda

**PC Hearing Date:** April 27, 2016

**BCC Hearing Date:** May 17, 2016

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**16-103562RZ** Rezoning

**Case Name:** Sugarbush Mixed-Use

**Owner/Applicant:** Associated Bodywork & Massage Professionals, Inc.

**Location:** 1271 Sugarbush Drive  
Section 20, Township 4 South, Range 71 West

**Approximate Area:** 2 Acres

**Purpose:** **To rezone from Planned Development (PD) to Planned Development (PD) to allow six (6) residential units in an existing office building.**

**Case Manager:** Justin Montgomery

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**Issues:**

- None

**Recommendations:**

- **Staff:** Recommends APPROVAL subject to conditions
- **Planning Commission:** Recommends APPROVAL subject to conditions

**Interested Parties:**

- None

**Level of Community Interest:** Low

**Representative for Applicant:** Brett Champine

**General Location:** SW corner of Stone Canyon Road & Sugarbush Drive

**Case Manager Information:** Justin Montgomery Phone: 303-271-8792 e-mail: jmontgom@jeffco.us

It was moved by Commissioner **MOORE** that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION  
COUNTY OF JEFFERSON  
STATE OF COLORADO

**April 27, 2016**

**RESOLUTION**

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**16-103562RZ**                      **Rezoning**  
**Case Name:**                      Sugarbush Mixed-use  
**Owner/Applicant:**                Associated Bodywork & Massage Professionals, Inc.  
**Location:**                            1271 Sugarbush Drive  
    Section 20, Township 4 South, Range 71 West  
**Approximate Area:**                2 Acres  
**Purpose:**                                **To rezone from Planned Development (PD) to  
Planned Development (PD) to allow six (6)  
residential units in an existing office building.**  
**Case Manager:**                      Justin Montgomery

The Jefferson County Planning Commission hereby recommends **APPROVAL WITH CONDITIONS** of the above application on the basis of the following facts:

1. That the factors upon which this decision is based include evidence and testimony and staff findings presented in this case.
2. The Planning Commission finds that:
  - A. The proposal is in general conformance with the Comprehensive Master Plan because it meets all applicable sections of the Plan policies.
  - B. The proposed land uses are compatible with existing and allowable land uses in the surrounding area because the property is within an Activity Center comprised of a mixture of land uses, all of the commercial entitlements are already established, and the residential component proposed by this rezoning is encouraged by the Plan.
  - C. The proposed land use will not result in significant impacts to the health, safety, and welfare of the residents and landowners in

the surrounding area.

3. The following is a condition of approval:
  - A. Recordation of a revised Official Development Plan in accordance with the red-marked print dated April 27, 2016.

Commissioner **SPENCER** seconded the adoption of the foregoing Resolution, and upon a vote of the Planning Commission as follows:

Commissioner	<b>Rogers</b>	<b>Aye</b>
Commissioner	<b>Moore</b>	<b>Aye</b>
Commissioner	<b>Harris</b>	<b>Aye</b>
Commissioner	<b>Hatton</b>	<b>Aye</b>
Commissioner	<b>Burke</b>	<b>Aye</b>
Commissioner	<b>Spencer</b>	<b>Aye</b>
Commissioner	<b>Schiche</b>	<b>Aye</b>

The Resolution was adopted by **unanimous** vote of the Planning Commission of the County of Jefferson, State of Colorado.

I, Bonnie Benedik, Administrative Assistant for the Jefferson County Planning Commission, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Jefferson County Planning Commission at a regular hearing held in Jefferson County, Colorado, April 27, 2016.



Bonnie Benedik  
Administrative Assistant

## Staff Report

**PC Hearing Date:** April 27, 2016

**BCC Hearing Date:** May 17, 2016

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**16-103562RZ** Rezoning

**Case Name:** Sugarbush Mixed-Use

**Owner/Applicant:** Associated Bodywork & Massage Professionals, Inc.

**Location:** 1271 Sugarbush Drive  
Section 20, Township 4 South, Range 71 West

**Approximate Area:** 2 Acres

**Purpose:** **To rezone from Planned Development (PD) to Planned Development (PD) to allow six (6) residential units in an existing office building.**

**Case Manager:** Justin Montgomery

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**Representative:** Brett A. Champine

**Existing Use** Office Building

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### **BACKGROUND/UNIQUE INFORMATION:**

This rezoning proposes to amend an existing Planned Development to allow six (6) residential units in an existing office building, with at least 50% of the ground floor area reserved for commercial uses.

The subject property is a two (2) acre parcel approximately 920 feet south of the Evergreen Parkway & Bergen Parkway intersection. It is located in the Bergen Park Activity Center, surrounded by multi-family residential uses (The Lodges II – Luxury Condominiums) to the north, single family residential uses to the south and east, and the Bergen Village Shopping Center comprised of commercial and office uses to the west. The property is on the south side of Sugarbush Drive, which is a County maintained public right-of-way.

The site is in parcel 11 of The Ridge at Hiwan Official Development Plan, which was recorded on May 3, 1984. The current zoning permits several commercial and offices uses, which will not change with this request. Construction of the existing building, The Lodges, was completed in 2000 (Permit No. 99-002311BP). There are no additions or changes to the exterior of the building associated with this request.

In addition to the residential units, this rezoning would allow one (1) detached garage with six (6) bays, not to exceed 1,600 sq. ft., as an accessory use. If this rezoning is approved, a Site Development Plan is required prior to the issuance of building permits for the interior remodeling and construction of the accessory garage. The applicant stated that the garage will match the architecture of the garages across the street at The Lodges II. The architectural elevations will be reviewed with the SDP.

**SURROUNDING ZONING/LAND USE:**

	<b>Adjacent Zoning</b>	<b>Land Use</b>
<b>North:</b>	Planned Development (PD)	Multi-family Residential
<b>South:</b>	Planned Development (PD)	Single Family Residential
<b>East:</b>	Agriculture - Two (A-2) and Planned Development (PD)	Single Family Residential
<b>West:</b>	Commercial-One (C-1)	Office and Commercial

**NOTIFICATION:**

A community meeting was held for this rezoning application on February 11, 2016. There were 6 citizens in attendance. Those in attendance asked several questions related to the layout of the building, size of the units, parking, lighting, and trash management. There was also a brief discussion about removing an undesirable permitted use (storage parking for autos, boats, campers, and recreational vehicles) from the original ODP. The applicant did not ask to remove that permitted use with the subject rezoning.

As a requirement of the Jefferson County Zoning Resolution, the following notice was provided for this proposal:

1. Notification of this proposed development was mailed to property owners within a 500 foot radius of the site and to Homeowners’ Associations and Umbrella Groups located within a two-mile radius of the site. In accordance with the Zoning Resolution, the mailing to property owners was reduced from a 1,320 foot (1/4 mile) radius to a 500 foot radius due to the unusually high density (more than 50 individual property owners within a 1,320 foot radius) in the vicinity of the proposed development. The initial notification was mailed at the time of the 1<sup>st</sup> referral. Additional notification was mailed 14 days prior to the Planning Commission Hearing identifying the scheduled hearings dates for both the Planning Commission Hearing and the Board of County Commissioners Hearing.
2. A sign, identifying the dates of both the Planning Commission Hearing and the Board of County Commissioners Hearing, were provided to the applicant for posting on the site. The sign was provided to the applicant with instructions that the site be posted 14 days prior to the Planning Commission Hearing.
3. Notification of the hearing before the Planning Commission and the Board of County Commissioners was published in the Denver Post – Golden/Foothills Hub.

The Homeowners’ Associations and Umbrella Groups that received notification are as follows:

- Care
- Enable
- Hiwan 6<sup>th</sup> Filing – The Island
- Hiwan Golf Club
- Hiwan HOA
- Jefferson County Horsemen Assn.
- Lookout Mountain Water District
- Nob Hill Subdivision HOA
- Promontory at Soda Creek
- Rocky Mountain Village Estates Condo Assn.
- Silver Rock HOA
- Soda Creek POA
- Spring Ranch POA
- Sun Creek Condo Assn
- The Lodges HOA
- The Ridge Assn
- The Trails at Hiwan

During the processing of the application, Staff received **no comments** regarding this proposed rezoning.

**COMPREHENSIVE MASTER PLAN ASSESSMENT:  
Area Plan: Evergreen Area**

	Land Use	Physical Constraints	Community Resources	Infrastructure, Water and Services
Conformance	X(1)	X (2)	X (3)	X (4)
Non-Conformance				

**Services:** Evergreen Fire Protection District  
Evergreen Metropolitan District (water)  
West Jefferson County Metropolitan District (sewer)

\*\*\*\*\*

**ANALYSIS OF PLAN:**

- 1. Land Use:** The Comprehensive Master Plan encourages development that is appropriate to the area, promotes active lifestyles, economic development by promoting a variety of land uses, and redevelopment projects.

**Areas of Conformance:**

**a. General:**

The Plan strives to accommodate the development and redevelopment of a balance of land uses, and it encourages land uses that support Active Living and enhance public health.

*This rezoning proposal would allow for a mixed use of residential and commercial uses. As this is an activity center characterized by commercial and residential uses, it would be an appropriate use that would add to the balance of land uses while still requiring a minimum amount commercial uses. The proposed land use supports Active Living and enhances public health by promoting multiple options of transportation such as, walking, bicycling and mass transit use which improves health and air quality by reducing vehicle trips and emissions, with residential uses in close proximity to commercial uses.*

**b. Infill and Redevelopment**

The Plan encourages the Adaptive Reuse of structures and Office or Light Industrial uses where the property abuts an arterial or higher road. If these uses are not feasible, then the site should be redeveloped with uses that are most compatible with the surrounding land uses.

*This property is adjacent to Sugarbush Drive, which is a local road. This proposed Planned Development requires commercial uses comprised of at least 50% of the ground floor area with residential uses allowed on and above the ground floor. This adaptive reuse of an existing structure that is mostly vacant would be compatible with the surrounding mixture of uses in the Bergen Park Activity Center.*

**c. Compatibility**

Ensure compatibility of new development with the surrounding existing and allowable land uses.

*Allowing the addition of a residential use within an existing office building would be compatible with the surrounding residential and commercial uses.*

**e. Housing**

A Goal of the Plan is to provide a variety of housing options, which complement the existing community character and utilizes excellent design and materials.

*Allowing residential units on and above ground floor commercial is a unique and highly desirable type of residential use that is underserved in Jefferson County. This mixed use development complements the existing community character of the Bergen Park Activity Center.*

#### **f. Mixed-Use**

A Goal of the Plan is to promote development of economically sustainable mixed-use neighborhoods.

*The proposed rezoning would permit a mixed-use development inside an existing building that is within a mixed-use Activity Center.*

#### **g. Area Plan Recommendation**

The subject property is within the Bergen Park Activity Center which is recommended as a mixed-use center with retail, office, residential, community, and open space uses. In this area the Plan notes, "In areas zoned or recommended for office, retail, or service commercial uses, dwelling units above the ground level floor of the structure should be encouraged."

##### **1. All Activity Centers**

Within all Activity Centers, the following general policies are recommended:

- a. General: Uses designated within each Activity Center should be allowed only when water and sanitation from a public district is available to the property.

*The Evergreen Metropolitan District (water) and the West Jefferson County Metropolitan District (sewer) will serve this property.*

- b. Village Atmosphere: A village atmosphere should be encouraged. When rezoning for development occurs, mixed use should be encouraged, especially for workforce or senior housing. Mixed use is defined as residential units above retail, office, light industrial uses, or parking.

*The proposed Planned Development would result in an office/commercial building, with the allowance for residential units above the commercial uses and in no more than 50% of ground floor area on the main level.*

- c. Open Space: Each development project should have a minimum of 25 percent open space, but preferably 50 percent or more, depending on the quality of the site design. Paved areas should not be counted as open space.

*The site is already developed, as this rezoning will only add residential uses to the interior of the existing office building. The proposed garages are likely to be sited on existing impervious surface on the southeast corner of the existing parking lot. More than 50% of the site is planned to remain undeveloped, since the property slopes upward behind the building to the south and is not ideal for development.*

- d. Transition of Intensity/Density: The most intense land uses, i.e., those generating the most traffic and having multiple story buildings, large parking lots, etc., should be located near the center of each activity center. The intensity of development should decrease toward the edges of the activity center, to blend with the land uses of adjacent properties.

*The subject property is located closer to the periphery of the Activity Center. As this building is proposed for mixed-use, this would be an appropriate transition of intensity between more intensive commercial uses to west and the surrounding residential uses to the north, south, and east. The proposed use is anticipated to generate less traffic than the current zoning of the property.*

- e. Redevelopment: During redevelopment of a retail, office, or light industrial site, housing above these uses should be considered.

*This rezoning proposal would allow housing above commercial.*

- f. Multifamily Housing in Activity Centers: Multifamily housing, including apartments, condominiums, and townhomes, should be allowed only within Activity Centers. It should be close to public transportation and to arterial roads, should be physically compatible with adjacent land uses in scale, design, intensity and other considerations, and may be in the form of mixed use where compatible. It should emphasize pedestrian access to adjacent goods and services. It should buffer nearby lower density residential housing, should be served by public water and sewer, maintain a minimum of 30 percent of the site in open space, and should be located close to community services, shopping areas, medical facilities, etc., or should be developed above commercial shops and offices.

*As mentioned above, this is a proposal to create a mixed use development with residential and commercial uses within an existing building in the Bergen Park Activity Center. It is close to Evergreen Parkway and nearby Park & Ride facilities, and is walking distance to community shopping areas. The existing building is physically compatible with adjacent land uses in scale, design, and intensity, and more than 50% of the site is undeveloped.*

**Summary of Analysis:** *The proposed development would allow a mixed use development of residential and commercial uses in a developed Activity Center, on a property with site improvements already developed, and surrounded by a compatible mixture of uses. The proposed residential units are appropriate in an Activity Center. The proposal complies with this section of the Plan.*

- 2. **Physical Constraints:** The Comprehensive Master Plan describes physical constraints as those physical features that, due to safety concerns, may potentially restrict where and how development occurs. Physical Constraints include geologic hazards and constraints, floodplains, wetlands, wildfire, radiation, landfills, abandoned mines, and wildlife habitat.

**Areas of Conformance:**

**a. General**

The Plan notes that development should not aggravate, accelerate, or increase the level of risk from natural hazards.

*According to the Evergreen Area Community Plan's "Wildfire Map", the subject site is in a Low to Medium Wildfire Hazard Area. The building is already constructed, and staff does not anticipate any increased wildfire risk. A defensible space permit from Planning & Zoning must be obtained prior to the issuance of a building permit for the residential units. Additionally, there are several existing fire hydrants near the subject property and the site is served by the Evergreen Fire Protection District. The subject property is not within a floodplain or geologic hazard area.*

**Summary of Analysis:** *The proposal complies with this section of the Plan.*

- 3. **Community Resources:** The Community Resources chapter contains policies that relate to historic structures or sites, scenic corridors, air quality, light, odor and noise pollution, open space and trails.

**Areas of Conformance:**

**a. Visual Resources**

The Plan strives to protect the Visual Resources and unique natural features of the County.

*The Evergreen Area Community Plan's Visibility Analysis Map indicates the site is within a "visible area" on one of four viewshed analysis maps (Evergreen Parkway Viewshed). Before the issuance of a building permit for the residential units or accessory detached garage, a Site Development Plan will be required and any new construction must meet the minimum requirements of the Architectural*

Section of the Zoning Resolution. This would include earth tone materials, 360 architecture, materials and colors similar to the character of the surrounding landscape, and architecture that improves upon existing community character.

**b. Air, Light, Odor, and Noise**

The Plan encourages the effective management of air quality and the impacts of light, odor, and noise.

*Allowing six (6) residential units would result in less potential impacts than the development being built out under the present entitlements.*

**Summary of Analysis:** *The rezoning would not result in additional impacts to visual resources, air, light, odor or noise. It complies with this section of the Plan.*

- 4. **Infrastructure, Water & Services:** The applicable elements of this chapter include Transportation, Water and Wastewater, and Services.

**Areas of Conformance:**

**a. Transportation**

The Plan intends to ensure that the transportation system will have the capacity to support future population growth while maintaining an acceptable level of service.

*As this rezoning would not be an increase in intensity over what is already allowed on the site, a traffic analysis was not required with this rezoning.*

**b. Water & Wastewater**

*The Evergreen Metropolitan District (water) and the West Jefferson County Metropolitan District (sewer) will serve this property.*

**Summary of Analysis:** *The rezoning would not be an increase in intensity over what is already allowed on the site, and subsequent improvements could be required with the site development plan. The rezoning conforms to this section of the Plan.*

**COMPATIBILITY:**

The proposed rezoning is compatible with allowed and existing land uses in the general vicinity of the project area. The property is within the Bergen Park Activity Center where mixed use is encouraged. The existing building and commercial uses are already allowed by the existing Planned Development, and the addition of residential uses on this site will reduce impacts to adjacent properties and support active living.

**SUMMARY OF STAFF POSITION:**

*Staff supports this rezoning proposal. The only change to the existing zoning is to allow six (6) residential units within an existing office building, which is encouraged and appropriate within this activity center. Similar to the County's mixed-use zone district (Section 20 of the Zoning Resolution), the residential use is allowed on the ground floor as long as it comprises no more than 50 percent of the total ground floor of the existing building. Planning Staff is of the opinion that this is a beneficial rezoning for this area of the County.*

**PLANNING COMMISSION:**

Planning Commission Recommendation (Resolution Dated April, 27, 2016 Attached):

Approval	_____
Approval with Conditions	<u>      X (7-0) vote      </u>
Denial	_____

The case was scheduled on the consent agenda for the Planning Commission Hearing. The case remained on the consent agenda and was not removed for discussion.

**FINDINGS/RECOMMENDATIONS:**

**Staff recommends that the Board of County Commissioners find that:**

1. **The proposal is in general conformance with the Comprehensive Master Plan because it meets all applicable sections of the Plan policies;**
2. **The proposed land uses are compatible with existing and allowable land uses in the surrounding area because the property is within an Activity Center comprised of a mixture of land uses, all of the commercial entitlements are already established, and the residential component proposed by this rezoning is encouraged by the Plan; and**
3. **The proposed land use will not result in significant impacts to the health, safety, and welfare of the residents and landowners in the surrounding area.**

**And;**

**Staff recommends that the Board of County Commissioners APPROVE Case No. 16-103562RZ subject to the following conditions:**

1. **Recordation of a revised Official Development Plan in accordance with the red-marked print dated May 17, 2016.**

COMMENTS PREPARED BY:



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Justin Montgomery  
May 9, 2016

**Jefferson County Land Use Case Management  
CASE DATES SUMMARY**

April 5, 2016

Case Number: 16-103562RZ

Case Type: **Rezoning**

Pre-application Meeting Date: January 7, 2016

Community Meeting Date: February 11, 2016

Applicant Makes Complete Submittal: **February 24, 2016**

Case Sent on First Referral: **February 24, 2016**

All Responses Provided to Applicant: March 22, 2016

Case Sent on Second Referral: **N/A – 2<sup>nd</sup> Referral was not needed for this case.**

All Responses Provided to Applicant: N/A

Applicant Responds: April 4, 2016

County Responds: **April 5, 2016**

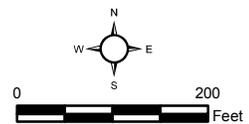
Determination That Case Should Proceed to Hearing:

County Staff Determination: **X**      Applicant's Request: **X**





**Case Number: 16-103562RZ**  
**Location: Sec. 20, T4S, R71W**



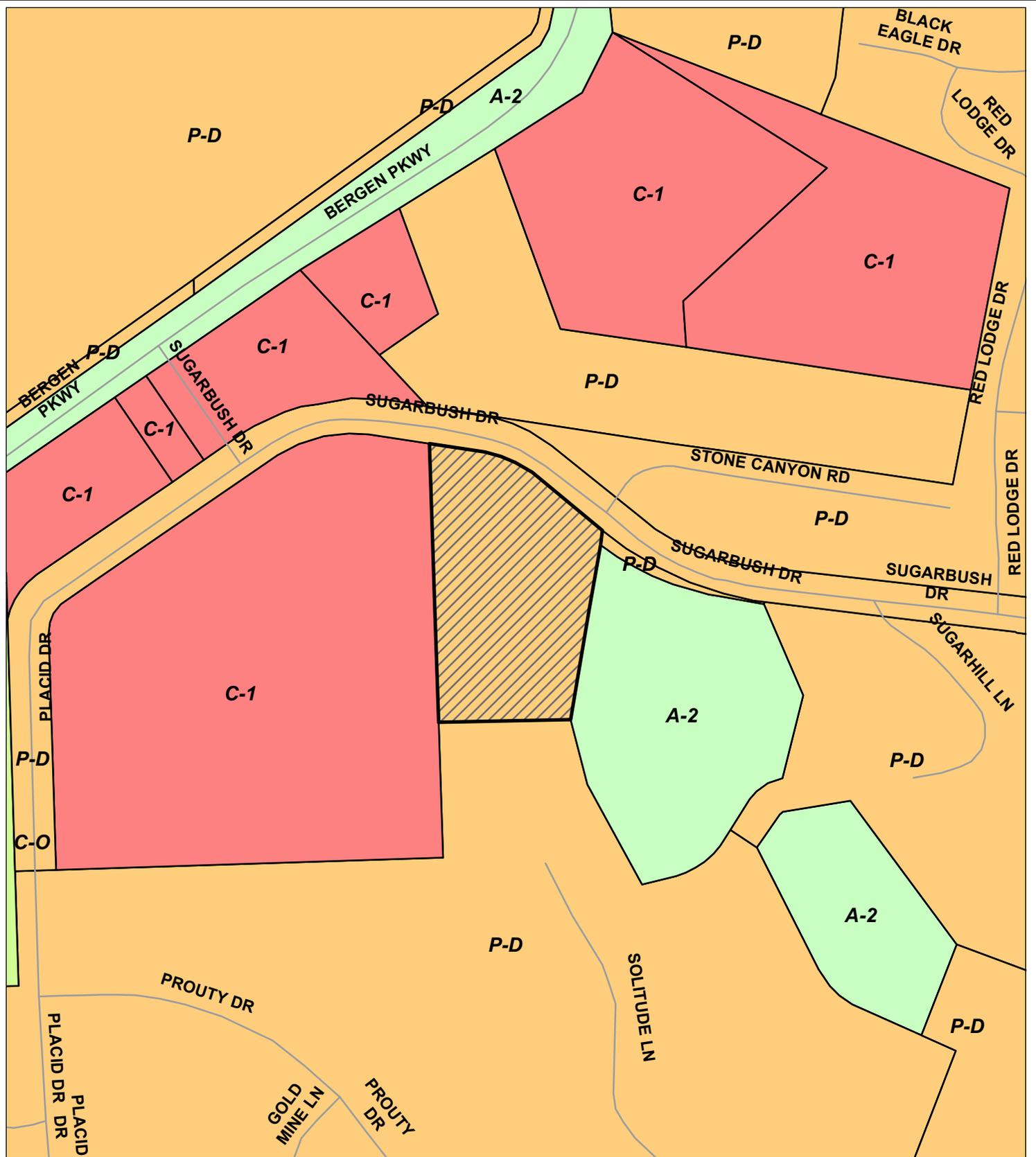
This product has been developed for internal use only. The Planning and Zoning Department makes no warranties or guarantees, either expressed or implied, as to the completeness, accuracy or correctness of such products, nor accepts any liability arising from any incorrect, incomplete or misleading information contained therein.

**2012 Photography**

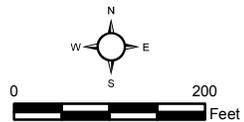
1:2,400

Plot: 2016-03-17

Orthos: 210



**Case Number: 16-103562RZ**  
**Location: Sec. 20, T4S, R71W**



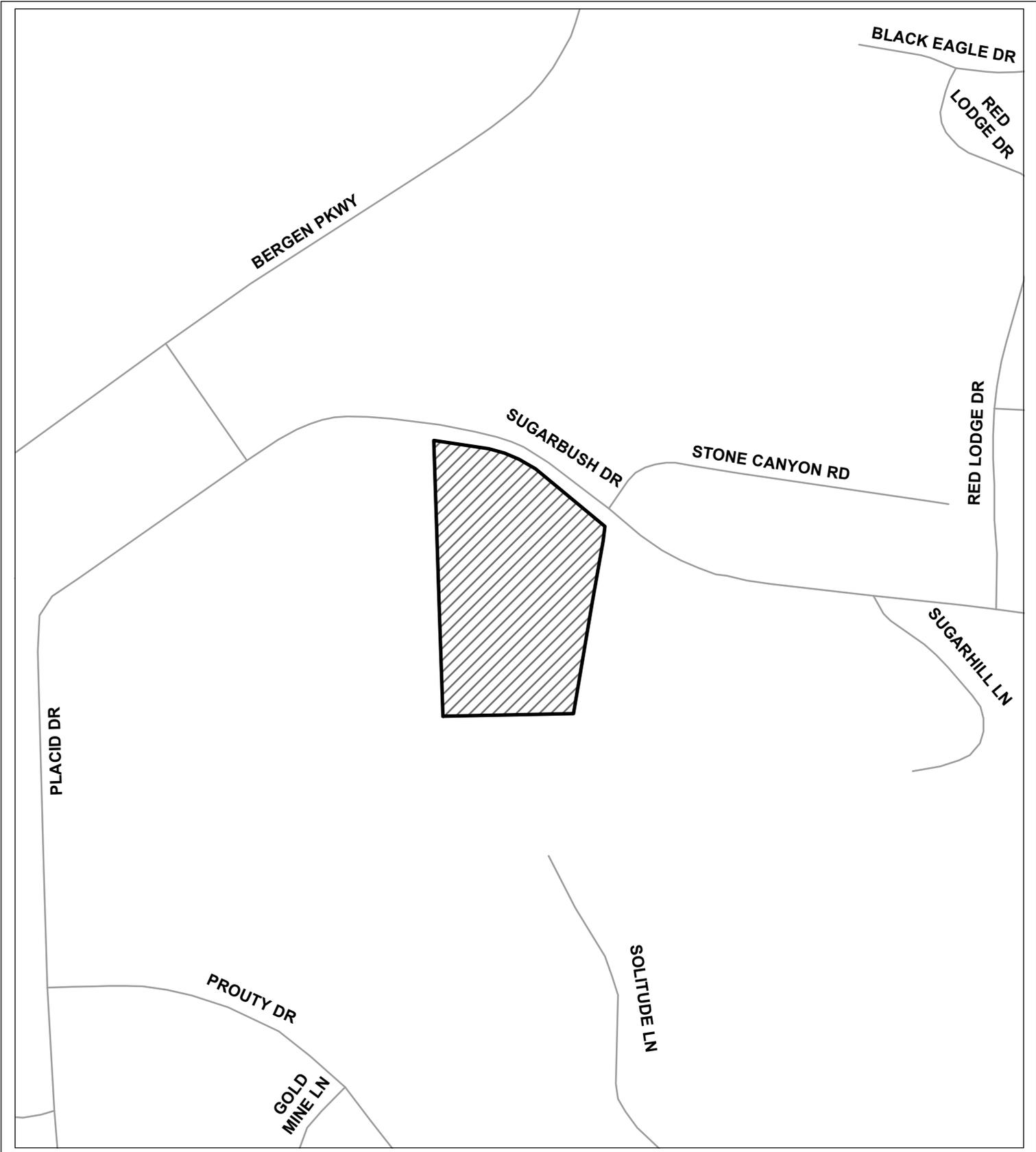
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**Zoning**

1:2,400

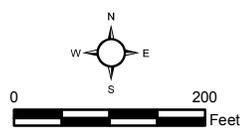
Plot: 2016-03-17

Orthos: 210



**Case Number: 16-103562RZ**  
**Location: Sec. 20, T4S, R71W**

**Vicinity**



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Case No. 16-103562RZ

Legal Description

Street Location of Property 1271 Sugarbush Drive

Is there an existing structure at this address?

Yes  No

Type the legal description and address below.

Parcel 1, Exemption Survey SEC 20, T4S, R71W, 97015265EXP1, recorded March 22, 1999, under Reception Number F0828199, Plat Book 147, Page 2, County of Jefferson, State of Colorado.

Advise of Ortho Map No. 210 Section 20 Township 4 S. Range 71 W.

Calculated Acreage 2.01 Acres Checked by: Ed Wieland

Address Assigned (or verified) 1271 Sugarbush Drive

SUBJECT LINE: 16-103562RZ 1ST ELECTRONIC REFERRAL FOR REZONING

## ELECTRONIC REFERRAL

### JEFFERSON COUNTY, COLORADO

Documents related to a Rezoning have been submitted to Jefferson County Planning and Zoning. This case is beginning the first referral part of the process and your agency's comments are requested. Please review the specific electronic documents related to the first referral found **here**. Comments should be submitted via e-mail to the case manager by the due date below. This property will also submit for a subsequent subdivision plat related to the rezoning request.

Case Number: 16-103562RZ

Case Name: **Sugarbush Mixed-use**

General Location: SW corner of Stone Canyon Road & Sugarbush Drive

Case Type: **Rezoning**

Type of Application: Rezoning to allow six (6) residential units in an existing office building.

Case Manager: **Justin Montgomery**

**Comments Due: March 17, 2016**

Case Manager Contact Information: **jmontgom@jeffco.us 303-271-8792**

Additional information related to this case can be viewed **here**. Some of the links on this page that may be helpful are the links to the case file (public documents), to the Jeffco mapping system (jMap) and to the case tracking system (general application details).

<u>Jeffco:</u>	<u>External:</u>	<u>HOA:</u>
Building Safety	Evergreen Park & Recreation	Care - 757297
Open Space	Dist.	Enable - 757318
Cartography	Xcel	Hiwan 6 <sup>th</sup> Filing – The Island - 757335
Addressing	Comcast	Hiwan Golf Club - 757333
Geologist	CenturyLink	Hiwan HOA - 757431
T&E	Post Office	Jefferson County Horsemens Assn - 757337
Public Health	Colorado Dept. of Public	Lookout Mountain Water District – n/a
Zoning	Health	Nob Hill Subdivision HOA - 809346
Planning Engineering	Colorado Historical Society	Promontory at Soda Creek - 757359
Long Range	Division of Wildlife	Rocky Mountain Village Estates Condo Assn -
Road and Bridge III	Soils Conservation District	757430
Assessor's Office	Colorado Geological Survey	Silver Rock HOA - 757415
Weed and Pest	Evergreen Fire District	Soda Creek POA - 757366
Jeffco Historical	RTD	Spring Ranch POA - 757329
Commission	West Jefferson CO Metro	Sun Creek Condo Assn - 808459
	District	The Lodges HOA - 779545
		The Ridge Assn - 757499
		The Trails at Hiwan - 757312

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## ADDRESSING

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# MEMO

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To: Justin Montgomery  
FROM: Philip Taylor  
SUBJECT: 16-103562RZ 1271 Sugarbush Drive  
DATE: 2/26/2016

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Addressing offers the following comments on this proposal:

1. The purpose of this Rezoning is to allow six residential units in an existing office building.
2. Access is off of Sugarbush Drive. This access will not change. There is a valid existing address in the addressing database, 1271 Sugarbush Drive. This address may change.
3. Addressing will determine addresses for the residential units at a later date.

Please let me know if you have any questions.

**From:** [Kuster - CDPHE, Kent](#)  
**To:** [Justin Montgomery](#)  
**Subject:** Referral 16-103562RZ  
**Date:** Tuesday, March 01, 2016 6:09:23 AM

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March 1, 2016

Dear Justin Montgomery,

The Colorado Department of Public Health and Environment has no comment on the request for a rezoning Case No. 16-103562RZ located at Stone Canyon Road and Sugarbush Drive in Jefferson County. We do suggest that the applicant comply with all state and federal environmental rules and regulations. This may require the applicant or its contractor to obtain a permit for certain regulated activities before emitting or discharging a pollutant into the [air](#) or [water, dispose of hazardous waste](#) or engaging in certain regulated activities.

Please contact Kent Kuster at 303-692-3662 with any questions.

Sincerely,

Kent Kuster

Environmental Specialist

Colorado Department of Public Health and Environment

--

Kent Kuster

Environmental Protection Specialist

Colorado Department of Public Health and Environment

4300 Cherry Creek Drive South

Denver, CO 80246-1530

303-692-3662 | [kent.kuster@state.co.us](mailto:kent.kuster@state.co.us)

# COLORADO GEOLOGICAL SURVEY

1801 19<sup>th</sup> Street  
Golden, Colorado 80401



March 16, 2016

Karen Berry  
State Geologist

Justin Montgomery  
Jefferson County Planning and Zoning  
100 Jefferson County Parkway, Suite 3550  
Golden, CO 80419

**Location:**  
NE¼ Section 20,  
T4S, R71W of the 6<sup>th</sup> P.M.  
39.6912, -105.3568

**Subject: Sugarbush Mixed-Use – Rezoning**  
**Case Number 16-103562RZ; Jefferson County, CO; CGS Unique No. JR-16-0011**

Dear Mr. Montgomery:

Colorado Geological Survey has reviewed the Sugarbush Mixed-Use rezoning referral. I understand the applicant proposes to rezone property located at 1271 Sugarbush Drive, Evergreen, to allow six residential units in an existing office building. Ten parking garages are planned, but no changes to the existing building are proposed.

The property slopes up fairly steeply behind the existing building. If the ten parking garages will be located anywhere other than within the existing parking lot in front of the building, substantial cuts into the slope behind the building may be required. **Construction-related slope instability is therefore a potential concern.**

Slopes that appear to be stable under existing conditions can be destabilized if modifications are made through excavation of cuts. To reduce potential hazards associated with erosion, construction-related slope instability, and shallow failures such as creep and slumping:

- The planned parking garages should be located where grading requirements will be minimized.
- A qualified geotechnical professional should determine maximum allowable, unretained temporary and permanent cut/fill heights and slope angles.
- All planned cuts exceeding four feet in height should be evaluated for slope stability.
- Driveway retaining walls, building foundations, and upslope walls that will function as retaining walls must be designed by a qualified geotechnical or civil engineer, and must include adequate behind-wall drainage.
- Site grading and drainage plans should be prepared and reviewed by a qualified engineer who is familiar with slope stability concerns.

Thank you for the opportunity to review and comment on this project. If you have questions or require further review, please call me at (303) 384-2643, or e-mail carlson@mines.edu.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill Carlson".

Jill Carlson, C.E.G.  
Engineering Geologist

# Memorandum

**To:** Justin Montgomery  
Planner

**From:** Patrick O'Connell  
Geologist

**Date:** March 1, 2016

**Re:** 1271 Sugarbush Drive, Case No. 16-103562RZ

---

The intent of the application is to rezone to PD. I have the following comment.

1. The site is not within a zoned or unzoned geologic hazard area and reports are not required with the rezoning process.
2. The property is located within the Mountain Ground Water Overlay District. However, the water supply is provided by EMD.

**From:** [Nathan Seymour](#)  
**To:** [Justin Montgomery](#)  
**Subject:** 1271 Sugarbush Drive RZ  
**Date:** Thursday, March 17, 2016 1:36:22 PM

---

Planning Engineering has the following comments for case 16-103562RZ

The applicant needs to be aware that prior to the issuance of a building permit, a Site Development Plan Approval is required; please see the Zoning Resolution, Section 1.I for more detail on the requirements for the Site Development Plan.

If you have additional questions please feel free to contact me.

**Nathan Seymour**

Civil Planning Engineer  
Jefferson County Planning & Zoning  
100 Jefferson County Parkway, Suite 3550  
Golden, Colorado 80419-3550  
(303) 271-8751 FAX: (303) 271-8744  
Email: [nseymour@jeffco.us](mailto:nseymour@jeffco.us)

**MEMO**

**TO:** Justin Montgomery  
Jefferson County Planning and Zoning Division

**FROM:** Tracy Volkman  
Jefferson County Environmental Health Services Division

**DATE:** February 29, 2016

**SUBJECT:** Case #16-103562 RZ  
Sugarbush Mixed-Use  
Associated Bodywork & Massage Professional  
1271 Sugarbush Dr

The applicant has met the public health requirements for the proposed rezoning of this property.

**PROPOSAL SUMMARY**

Rezone from PD to PD to allow for residential use

**COMMENTS**

Jefferson County Public Health (JCPH) provided comments on January 4, 2016 and February 14, 2007 regarding previous planning proposals regarding this case. We have reviewed the documents submitted by the applicant for this rezoning process and have the following comments:

The applicant must submit the following documents or take the following actions prior to a ruling on the proposed rezoning of this property. NOTE: Items marked with a “✓” indicate that the document has been submitted or action has been taken. **Please read entire document for requirements and information. Please note additional documentation may be required.**

✓	Date Reviewed	Required Documentation/Actions	Refer to Sections
✓	02-29-2016	Submit a letter from the Water and Sanitation District to provide proof of public water and sewer services in accordance with the Jefferson County Zoning Resolution and Land Development Regulation (LDR) Section 21 and 22.	Water/Wastewater

**WATER/WASTEWATER**

The Evergreen Metropolitan District will provide the water for the proposed development and the West Jefferson County Metropolitan District will provide the sewer service for the proposed development as stated in a letter dated December 8, 2015.

**ENVIRONMENTAL SITE ASSESSMENT**

JCPH has reviewed the Environmental Questionnaire and Disclosure Statement. The applicant checked "No" on all categories of environmental concern on the cover sheet. From this information it does not appear that any environmental factors exist which would negatively impact the property.

**ACTIVE LIVING**

JCPH supports mixed use of residential and businesses as this can promote walking and reduce automobile travel, thereby increasing physical activity and reducing air pollution.

**AIR**

The Colorado Department of Public Health and Environment, Air Quality Control Commission Regulation No. 8, Part B, Asbestos Control requires that all buildings that are going to be remodeled, renovated, and or demolished must have a full inspection by a current Colorado-certified asbestos building inspector before conducting any work and must obtain a Demolition Permit. Based on the results of the inspection, if asbestos is detected, the applicant must obtain an Asbestos Abatement Permit from the Asbestos Section at the Colorado Department of Public Health and the Environment (303.692.3100). All building materials that will be impacted that contain asbestos that is friable or will become friable during the remodel, renovation, or demolition in quantities over the volume of a 55-gallon drum must be removed prior to any work. The asbestos removal must be done by a certified asbestos removal contractor (General Abatement Contractor) using trained and certified asbestos abatement workers prior to demolition.

Please contact John Moody at 303.271.5714 or Dave Volkel at 303.271.5730 for more information about this process.

**NOISE**

The Colorado Revised Statutes (Sections 25-12-101 through 108) stipulate that maximum residential noise levels must comply with the following 25 feet from the property line:

- 55dB(A) between 7:00 a.m. and 7:00 p.m.
- 50dB(A) at all other times.



100 Jefferson County Parkway, Suite 3500, Golden, Colorado 80419-3500  
303.271.8459 • Fax 303.271.8490 • http://jeffco.us/highways

Jefferson County, Colorado  
Transportation & Engineering Division

# P&Z REFERRAL T&E RESPONSE

To:  *P&Z Case Manager* From:

Case #:  Due Date:

Property Address or PIN:

- Amanda Attempt Result & Attachments:**
- Comments Sent = T&E wants 2nd referral
  - Complete = Do Not send further referrals
  - No Comments = Do Not send further referrals
  - Additional information, plans, etc are also attached in Amanda

## Drainage

T&E is currently working on a project in the area. See attached information.

Other Notes:

No Concerns

## Right-of-Way / Roadway Corridor Expansion Projects

Land owner will need to refund County \$  for ROW purchased in  for

This amount **must** be paid before plat is recorded and/or plans are approved and released for construction.

Documentation attached in Amanda  Documentation to follow

Additional ROW needed for upcoming T&E project. Plan sheet attached with required width/area.

Fee-in-lieu of adjacent roadway construction preferred, due to planned construction by the County. Please have the applicant submit a cost estimate.

Other Notes:

No Concerns

## Traffic Operations / Transportation Planning

	Included in referral	Reviewed		Comments
		No	Yes	
Traffic study	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Signage & striping plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Signal plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Trails or sidewalks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Street road plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> No Concerns				

## Additional Comments

Comments

Name

## CASE SUMMARY Consent Agenda

**PC Hearing Date:** May 4, 2016

**BCC Hearing Date:** May 17, 2016

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**15-116747PF** Preliminary and Final Plat

**Case Name:** Remus Subdivision

**Owner/Applicant:** Regina Remus and Ulrich Hugo Remus

**Location:** 9537 Ute Drive  
Section 24, Township 2 South, Range 71 West

**Approximate Area:** 11.7 Acres

**Purpose:** **To subdivide the property into 2 lots for single-family detached units.**

**Case Manager:** Ross Klopf

---

**Issues:**

- None

**Related Deeds:**

- ED 16-105724DE, Conveyance of an Easement Deed for offsite utility, drainage and emergency access purposes to the County.

**Recommendations:**

- **Staff:** Recommends APPROVAL subject to conditions
- **Planning Commission:** Recommends APPROVAL subject to conditions

**Interested Parties:**

- Interested Citizens

**Level of Community Interest:** Low

**Representative for Applicant:** Kelly Remus

**General Location:** Approximately 750 feet west of the intersection of Blue Mountain Drive and Ute Drive

**Case Manager Information:** Phone: 303-271-8733 e-mail: rklopf@jeffco.us

## Staff Report

**PC Hearing Date:** May 4, 2016

**BCC Hearing Date:** May 17, 2016

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**15-116747PF** Preliminary and Final Plat

**Case Name:** Remus Subdivision

**Owner/Applicant:** Regina Remus and Ulrich Hugo Remus

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Section 24, Township 2 South, Range 71 West

**Approximate Area:** 11.7 Acres

**Purpose:** **To subdivide the property into 2 lots for single-family detached units.**

**Case Manager:** Ross Klopf

---

**Representative:** Kelly Remus

**Zoning:** Agricultural-One (A-1)

---

### **BACKGROUND/UNIQUE INFORMATION:**

This development is located in a mountainous area that is characterized by moderate to steep slopes. The zoning requirements of Agricultural-One (A-1) and the Jefferson County Land Development Regulation are applicable to this development. Vegetation consists of native grasses and pine forests on the western portion of the property. Water supply will be provided by Blue Mountain Water District. There are public improvements required for this development. The applicant is required to provide minor private road improvements and cash in lieu of paving for Ute Drive. The private road will serve the two residential lots within the subdivision and one residential lot that abuts the subdivision to the west. The private road for the development takes access from Ute Drive, a publicly maintained road. The subdivision has one existing home and will add a new home for a total of 2 single-family detached units.

### **NOTIFICATION:**

As a requirement of the Jefferson County Land Development Regulation, the following notice was provided for this proposal:

1. Notification of this proposed development was mailed to property owners within a 1,320 foot (1/4 mile) radius of the site and to Homeowners' Associations and Umbrella Groups located within a two-mile radius of the site. The initial notification was mailed at the time of the 1<sup>st</sup> referral. Additional notification was mailed 14 days prior to the Planning Commission Hearing identifying the scheduled hearing dates for both the Planning Commission Hearing and the Board of County Commissioners Hearing.
2. Sign(s), identifying the dates of both the Planning Commission Hearing and the Board of County Commissioners' Hearing, were provided to the applicant for posting on the site. The sign(s) were

provided to the applicant with instructions that the site be posted 14 days prior to the Planning Commission hearing.

The Homeowners' Associations and Umbrella Groups that received notification are as follows:

- Blue Mtn. Land and HOA
- Friends of the Foothills
- North Ranch at Crawford HOA
- Coal Creek Canyon Imp. Assn
- Jefferson County Horsemen's Assn
- United Power Inc.

During the processing of the application, Staff only received a question related to new home architecture. The question from the citizen was referred to the applicant and Staff did not receive any follow-up questions or concerns from the citizen.

**ISSUES ANALYSIS:**

	Layout/Design	Access/Roads	Water/San. & Utilities	Fire Protection	Drainage	Hazards	Sensory Impacts	Wildlife/Landscaping
<b>Acceptable</b>	X(1)	X(2)	X(3)	X(4)	X(5)	X(6)	X(7)	X(8)
<b>Unacceptable</b>								

**Services:** Coal Creek Fire Protection District  
 Blue Creek Water District  
 CenturyLink Communications Corporation  
 Xcel Energy

**SUMMARY OF ACCEPTABLE ISSUES:**

**1. Layout/Design:**

The proposed configuration of the lots is in compliance with Section 14.A. of the Jefferson County Land Development Regulation. Tract A on the Plat is being dedicated to the County as right-of-way for Ute Drive, a publicly maintained road.

**2. Access/Roads/Streets:**

The proposed residential development will use an unnamed private road, which takes access from the public road, Ute Drive. The reason the road is unnamed is because the applicant opposed the naming of the private road and appealed the naming requirement to the Director of Planning and Zoning (pursuant to Jefferson County Policies and Procedures). The road address appeal was approved. In addition, a private access and utility easement will be required over the internal private access drive(s) by separate deed for the benefit of the future lot owners and is listed as a condition of plat approval.

The applicant is required to provide a recorded offsite Utility, Drainage and Emergency Access Easement to the County over the private road, connecting to Ute Drive; this requirement has been listed as a condition of Plat approval.

The existing grade of the road exceeds the maximum allowed. The Coal Creek Fire Protection District approved the access with the conditions of a maintenance agreement and widening of the existing access road. The maintenance agreement has been signed by the owner and the District and but has not yet been recorded. The recordation of the agreement is listed as a condition of approval for this subdivision. The latest plans construction plans show the required widening of the access road. The applicant is providing the required cash in lieu paving requirements in the Land Development Regulation for Ute Drive for a total of \$2,276.00.

**3. Water and Sanitation/Utilities:**

Blue Mountain Water District will provide water for the subdivision.

Onsite waste water treatment systems will be utilized for each lot.

Utilities are available for Remus Subdivision. Xcel Energy will provide electricity and gas. CenturyLink Communications will provide telephone service.

**4. Fire Protection:**

Coal Creek Fire Protection District has deemed the proposal to be acceptable and will provide fire protection for the subject property conditioned on the completion of widening the private road for access purposes in accordance with the approved construction plans. For fire protection purposes, sufficient water is available from the existing Fire Hydrant.

The Colorado State Forest Service has reviewed the proposal and has determined that no additional forest fire mitigation is required with the Plat.

This proposed subdivision lacks a second means of ingress and egress and exceeds 30 residential units. However the Coal Creek Fire Protection District has approved an alternate standard for the cul-de-sac for this subdivision that exceeds 30 total residential units without a second means of ingress and egress due to the applicant widening the private road (sufficient access) and having an existing fire hydrant on site (sufficient water).

**5. Drainage:**

The submitted Abridged Drainage Report has been deemed acceptable by Planning and Zoning. Pursuant to Sections 3.3.6 and 3.3.7 of the Jefferson County Storm Drainage Design and Technical Criteria, the administrative variance for detention and water quality was granted by Planning and Zoning.

The required drainage improvements for the new single-family dwelling unit will be completed at the time of a Land Disturbance Permit in accordance with the approved Abridged Drainage Report.

**6. Hazards:**

A Mountainous Terrain Plat Restriction has been added to the plat to ensure that geotechnical issues are properly addressed at the time of building permit. The non-buildable area was included to reduce the exposure of steeper slopes to erosion, to locate structures outside an area that is vulnerable to a higher wildfire risk and to preserve indigenous vegetation and minimize disturbance for aesthetic purposes on the upper portion of the lots.

**7. Sensory Impacts:**

The proposed project is not expected to have undue, acoustical, ocular or olfactory impacts. As proposed, the development complies with Section 26 of the Land Development Regulation.

**8. Wildlife/Landscaping:**

The proposal is not expected to have a significant impact on wildlife. A referral was sent to the Division of Wildlife; however, Staff has not received any response to date. Non-buildable areas have been designated on the Plat to preserve existing vegetation. Landscape plans are not required for this site since there are no non-buildable tracts or landscape buffers required.

**ADDITIONAL REQUIREMENTS:**

**1. Park and School Fees:**

Park and School fees will be required with this proposed subdivision for the one additional residential lot being created. The applicant has agreed in writing to pay the required park and school fees prior to recordation of the Plat. The fee applicable to this subdivision is as follow:

- Single family detached unit on a lot size equal to or greater than 5 acres (mountains) = \$1,000 \* 1 = \$1,000

The break down for park and school fee distribution is 60% goes towards the applicable park district and 40% to the applicable school district. The fee distribution for the subdivision is as follows:

Park Fee	=	(\$1,000)(60%)	=	\$600
School Fee	=	(\$1,000)(40%)	=	\$400

**2. Performance Guarantee and Subdivision Improvements Agreement:**

The public improvements will be guaranteed by Plat restriction. At this time, the subdivision improvements agreement has not been approved as to form by the County Attorney's Office, and the Exhibit "A" to be attached to the subdivision improvements agreement has not been finally approved. Approval of the subdivision improvements agreement and Exhibit "A" are listed as conditions of approval for this development. If this Plat is approved, then the Chairman shall be authorized to sign the agreement on behalf of the County and to place the agreement of record

**3. Easement Deed ED 16-105724DE:**

An offsite County easement deed for utility, drainage and emergency access across the private road that serves this development has been prepared by Staff; the acceptance of this deed by the Board of County Commissioners has been listed as a condition of Plat approval.

**PLANNING COMMISSION:**

Planning Commission Recommendation (Resolution Dated May 4, 2016 Attached):

Approval	_____
Approval with Conditions	<u>          X (7-0) vote          </u>
Denial	_____

The case was scheduled on the consent agenda for the Planning Commission hearing. The case remained on the consent agenda and was not removed for discussion. There were several interested citizens who attended the Hearing, but did not testify. The citizens did meet separately with Staff and the applicant both before and after the Hearing; Staff and the applicant, as appropriate, answered their questions related to zoning, setbacks, and new home architecture. Staff also contacted the interested citizens after the Hearing and discussed the Grading Permit that is in process on the property. Staff does not anticipate the interested citizens testifying at the Board of County Commissioner's Hearing.

**FINDINGS/RECOMMENDATIONS:**

**Staff recommends that the Board of County Commissioners find that the proposal conforms to the Land Development Regulation because all applicable regulations have been satisfied, or will be satisfied, as indicated within this report.**

**And;**

**Staff recommends that the Board of County Commissioners APPROVE Case No. 15-116747PF subject to the following conditions:**

1. Submittal of a title insurance commitment update with an effective date less than 45 days prior to the recording of the plat which depicts no new owners or encumbrances. Said title insurance commitment shall be approved by the County Attorney's Office.
2. The subdivision improvements agreement and Exhibit "A" being approved as to form by the County Attorney's Office.
3. Recordation of the Plat Mylar being prepared in accordance with the red-marked print dated May 17, 2016.
4. Payment of \$600 for fees-in-lieu of park land dedication. This fee should be submitted on a separate check made payable to Jefferson County Treasurer.
5. Payment of \$400 for fees-in-lieu of school land dedication. This fee should be submitted on a separate check made payable to Jefferson County Treasurer.
6. Submittal of a current tax certificate from the County Treasurer's Office indicating that all ad valorem taxes applicable to Remus Subdivision for prior years have been paid.
7. Acceptance of Easement Deed ED15-116747DE by the Board of County Commissioners.
8. Recordation of an access and utility easement to the benefit of the created lots and the future lot owners.
9. Resolution of Planning Engineering's comments dated April 20, 2016.
10. Recordation of a private road maintenance agreement with Coal Creek Fire Protection District.

**Staff further recommends that the Board of County Commissioners authorize the Chairman to sign the Subdivision Improvements Agreement once approved as to form by the County Attorney's Office.**

COMMENTS PREPARED BY:



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Ross Klopff, Civil Planning Engineer

It was moved by Commissioner **HARRIS** that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION  
COUNTY OF JEFFERSON  
STATE OF COLORADO

**May 4, 2016**

**RESOLUTION**

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<b><u>15-116747PF</u></b>	<b>Preliminary and Final Plat</b>
<b>Case Name:</b>	Remus Subdivision
<b>Owner/Applicant:</b>	Regina Remus and Ulrich Hugo Remus
<b>Location:</b>	9537 Ute Drive Section 24, Township 2 South, Range 71 West
<b>Approximate Area:</b>	11.7 Acres
<b>Purpose:</b>	<b>To subdivide the property into 2 lots for single-family detached units</b>
<b>Case Manager:</b>	Ross Klopff

The Jefferson County Planning Commission hereby recommends **APPROVAL WITH CONDITIONS** of the above application on the basis of the following facts:

1. That the factors upon which this decision is based include evidence and testimony and staff findings presented in this case.
2. The Planning Commission finds that:
  - A. The proposal conforms to the Land Development Regulation because all applicable regulations have been satisfied, or will be satisfied as indicated within this report.
3. The following are conditions of approval:
  - A. Submittal of a title insurance commitment update with an effective date less than 45 days prior to the recording of the plat which depicts no new owners or encumbrances. Said title insurance commitment shall be approved by the County Attorney's Office.
  - B. The subdivision improvements agreement and Exhibit "A" being approved as to form by the County Attorney's Office.

- C. Recordation of the Plat Mylar being prepared in accordance with the red-marked print dated May 4, 2016.
- D. Payment of \$600 for fees-in-lieu of park land dedication. This fee should be submitted on a separate check made payable to Jefferson County Treasurer.
- E. Payment of \$400 for fees-in-lieu of park land dedication. This fee should be submitted on a separate check made payable to Jefferson County Treasurer.
- F. Submittal of a current tax certificate from the County Treasurer's Office indicating that all ad valorem taxes applicable to Remus Subdivision for prior years have been paid.
- G. Acceptance of Easement Deed ED15-116747DE by the Board of County Commissioners.
- H. Recordation of an access and utility easement to the benefit of the created lots and the future lot owners.
- I. Resolution of Planning Engineering's comments dated April 20, 2016.
- J. Recordation of a private road maintenance agreement with Coal Creek Fire Protection District.

Commissioner **HATTON** seconded the adoption of the foregoing Resolution, and upon a vote of the Planning Commission as follows:

Commissioner	<b>Rogers</b>	<b>Aye</b>
Commissioner	<b>Moore</b>	<b>Aye</b>
Commissioner	<b>Harris</b>	<b>Aye</b>
Commissioner	<b>Hatton</b>	<b>Aye</b>
Commissioner	<b>Burke</b>	<b>Aye</b>
Commissioner	<b>Westphal</b>	<b>Aye</b>
Commissioner	<b>Spencer</b>	<b>Aye</b>

The Resolution was adopted by **unanimous** vote of the Planning Commission of the County of Jefferson, State of Colorado.

Jefferson County Planning Commission Resolution  
Case # 15-116747PF  
May 4, 2016  
3 of 3

I, Bonnie Benedik, Administrative Assistant for the Jefferson County Planning Commission, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Jefferson County Planning Commission at a regular hearing held in Jefferson County, Colorado, May 4, 2016.



Bonnie Benedik  
Administrative Assistant

**Jefferson County Land Use Case Management  
CASE DATES SUMMARY**

April 20, 2016

Case Number: **15-116747PF**

Case Type: **Preliminary and Final Plat**

Applicant Makes Complete Submittal: **November 30, 2015**

Case Sent on Referral: **December 3, 2015**

All Responses Provided to Applicant: **January 3, 2016**

Applicant Resubmits: **January 26, 2016**

All Responses Provided to Applicant: **February 13, 2016**

Determination That Case Should Proceed to Hearing: **April 13, 2015**

County Staff Determination:

**X** Applicant's Request:



# REMUS SUBDIVISION

A FURTHER SUBDIVISION OF PARCEL A BLUE MOUNTAIN ESTATES - THIRD FILING EXEMPTION SURVEY NUMBER 1  
LOCATED IN THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 71 WEST OF THE 6TH P.M.  
COUNTY OF JEFFERSON, STATE OF COLORADO.

**DEDICATION STATEMENT:**

KNOW ALL MEN BY THESE PRESENTS: WE, THE UNDERSIGNED, BEING THE OWNERS OF THOSE LANDS DESCRIBED BELOW, HAVE LAID OUT, SUBDIVIDED AND PLATTED THE SAME INTO LOTS, ~~for public use~~ AREAS, AND EASEMENTS, AS SHOWN HEREON UNDER THE NAME AND STYLE OF REMUS SUBDIVISION, AND DO, BY THESE PRESENTS, OF OUR OWN FREE WILL AND VOLUNTARILY, WITHOUT COERCION, THREAT OR BUSINESS COMPULSION, GRANT, DEDICATE AND CONVEY TO THE COUNTY OF JEFFERSON, STATE OF COLORADO, IN FEE SIMPLE, TRACT A TOGETHER WITH ALL APPURTENANCES THERETO, AND GRANT AND CONVEY TO THE COUNTY OF JEFFERSON ALL EASEMENTS, EXCEPT THOSE OF PRIVATE RECORDS, AS SHOWN HEREON, AND GRANT AND CONVEY TO THE COUNTY OF JEFFERSON AN EASEMENT OVER ANY AND ALL PRIVATE ACCESS DRIVES AND RIGHTS-OF-WAY FOR THE PURPOSE OF PASSAGE OF SERVICE VEHICLES AND PASSAGE OF ALL VEHICLES AND PEDESTRIANS DURING AN EMERGENCY SITUATION, IT IS EXPRESSLY UNDERSTOOD THAT THE ACCEPTANCE OF THIS EASEMENT IS NOT TO BE CONSTRUED AS AN ACCEPTANCE BY THE COUNTY OF SAID PRIVATE ACCESS DRIVES AND RIGHTS-OF-WAY FOR ANY OTHER PURPOSE INCLUDING MAINTENANCE PURPOSES.

**LEGAL DESCRIPTION:**

BEING A PORTION OF:  
PARCEL A, BLUE MOUNTAIN ESTATES, THIRD FILING EXEMPTION SURVEY NUMBER 1 RECORDED AT PLAT BOOK 123, PAGE 15, RECEPTION NO. F0049389, JEFFERSON COUNTY, COLORADO, DESCRIBED AS BEGINNING AT A POINT BEING THE SOUTHWEST CORNER OF LOT 5 AND FROM WHICH POINT THE NORTH 1/4 CORNER SECTION OF 24, TOWNSHIP 2 SOUTH, RANGE 71 WEST OF THE 6TH PRINCIPLE MERIDIAN BEARS NORTH 1411.58 FEET;

- THENCE N48°46'49"E, A DISTANCE OF 1149.42 FEET;
- THENCE N34°02'06"E, A DISTANCE OF 449.52 FEET;
- THENCE S85°03'37"E, A DISTANCE OF 154.27 FEET TO A POINT ON THE WESTERLY R.O.W. LINE OF THE PLATTED UTE DRIVE, RECEPTION NO. 68268406 ;
- THENCE ALONG THE SAID R.O.W. IN A SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT WITH A RADIUS OF 113.41 FEET, AN ARC LENGTH OF 36.78 FEET AND A CENTRAL ANGLE OF 18°34'56" WHOSE CHORD BEARS S41°39'30"E A DISTANCE OF 36.62 FEET TO A POINT OF TANGENCY;
- THENCE S50°57'00"E, A DISTANCE OF 45.80 FEET TO A POINT OF CURVATURE;
- THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 610.22 FEET, AN ARC LENGTH OF 52.59 FEET, AND A CENTRAL ANGLE OF 4°56'15";
- THENCE LEAVING SAID R.O.W. S46°09'17"W, A DISTANCE OF 389.23 FEET;
- THENCE S12°23'05"W, A DISTANCE OF 727.37 FEET TO A POINT ON THE SOUTH LINE OF LOT 5;
- THENCE ALONG SOUTH LINE OF LOT 5 S87°12'19"W, A DISTANCE OF 933.54 FEET TO THE POINT OF BEGINNING; CONTAINING 11.70 ACRES MORE OR LESS.

**COVENANT AND PLAT RESTRICTION ON CONVEYANCE, SALE OR TRANSFER:**

As a condition of approval of this plat by the Board of County Commissioners of Jefferson County and to meet the requirements of Section 30-28-137, C.R.S., as amended, no conveyance, sale, or transfer of title of this entire subdivision, or of any lot, lots, tract, or tracts of land identified herein, shall be made, nor shall any building permit or certificate of occupancy be issued until a CERTIFICATE OF COMPLIANCE has been granted by the County of Jefferson, State of Colorado, duly recorded by the Clerk and Recorder of said county, certifying that:  
(a) those public improvements as set forth in exhibit "A" of the subdivision improvements agreement, recorded under reception number \_\_\_\_\_ of the records of the Jefferson County clerk and recorder, or that portion of said improvements as shall be necessary to totally serve specific lot(s) or tract(s) covered by a particular certificate of compliance, have been properly designed, engineered, constructed and accepted as meeting the standards of the County of Jefferson, applicable special districts, and applicable serving authorities, or, that a substituted amended, has been submitted to and accepted by the County of Jefferson, which is sufficient in the judgement of the county to assure completion of all public improvements as set forth in exhibit "A" of said subdivision improvements agreement recorded under reception number \_\_\_\_\_ or any portion thereof necessary to serve the specific lot(s) or tract(s) to be covered by a particular certificate of compliance and to assure said improvements are completed in accordance with reasonable design and time specification; and  
(b) the applicable special district or servicing authority has certified in writing to the County of Jefferson that all necessary water taps needed to serve the specific lot(s) or tract(s) to be covered by a particular certificate of compliance have or will in fact be issued by such district or authority.

Provided, however that a conveyance, sale, or transfer of a specific lot(s) or tract(s) of land identified herein may be made prior to compliance with the above provisions where the Subdivider(s) and the proposed transferee, who must also qualify as a "Subdivider" under the provisions of Section 30-28-137, C.R.S., as defined in Section 30-28-101 (9), C.R.S., and the Board of County Commissioners of Jefferson County have executed an amendment to the Subdivision Improvements Agreement whereby the transferee Subdivider agrees to comply with the same requirements and restrictions of this COVENANT AND PLAT RESTRICTIONS ON CONVEYANCE, SALE OR TRANSFER. These restrictions on a conveyance, sale or transfer of title of this entire subdivision or any lot(s) or tract(s) of land identified herein shall run with the land and shall extend to and be amended.

Approved, covenanted, and agreed to as consideration for final plat approved by the Board of County Commissioners this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**OWNERS/SUBDIVIDERS:**

BY:  
REGINA REMUS  
ULRICH HUGO REMUS

COUNTY OF JEFFERSON }  
STATE OF COLORADO }

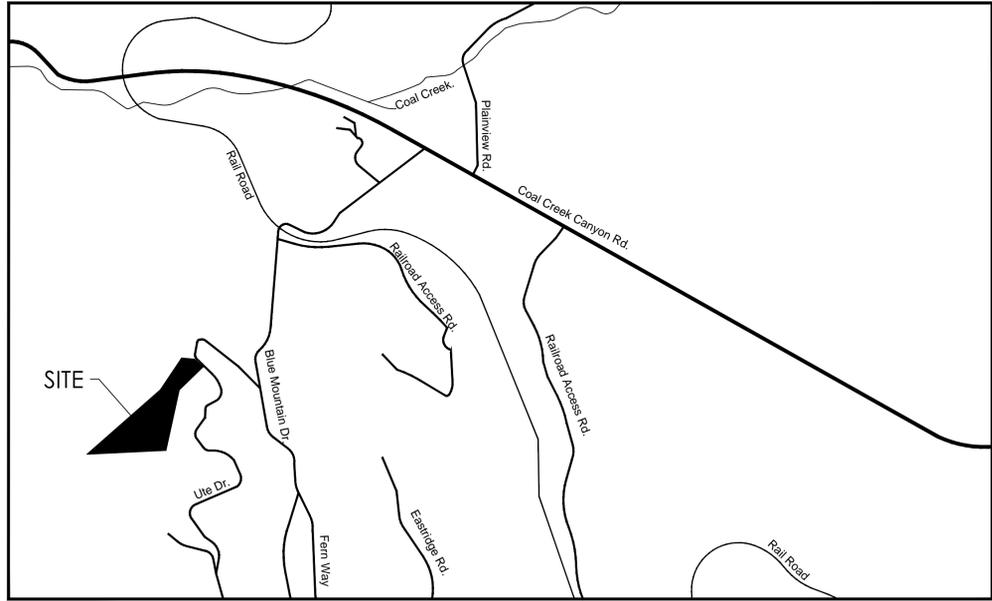
THE FOREGOING DEDICATION AND THE FOREGOING COVENANT AND PLAT RESTRICTION ON CONVEYANCE, SALE, OR TRANSFER WERE ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY REGINA REMUS AND ULRICH HUGO REMUS.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC  
MY COMMISSION EXPIRES: 20 \_\_\_\_\_

**MOUNTAINOUS TERRAIN PLAT RESTRICTION:**

PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, A GEOTECHNICAL ENGINEER, LICENSED IN THE STATE OF COLORADO AND EXPERIENCED IN DESIGN AND CONSTRUCTION IN MOUNTAINOUS TERRAIN, SHALL CERTIFY TO THE COUNTY THE FOLLOWING:  
1. THAT A GEOTECHNICAL STUDY, INCLUDING A TEST BORING OR EXCAVATION HAS BEEN CONDUCTED ON THE SPECIFIC LOT TO WHICH THE BUILDING PERMIT REFERENCES. A DETERMINATION HAS BEEN MADE AS TO THE DESIGN CRITERIA FOR STRUCTURE FOUNDATIONS, RETAINING WALLS, SITE GRADING, AND SUBSURFACE DRAINAGE NECESSARY TO ASSURE THE SAFETY AND STRUCTURAL INTEGRITY FOR ALL BUILDINGS AND STRUCTURES AS DEFINED IN SECTION 1 OF THE JEFFERSON COUNTY ZONING RESOLUTION.  
2. THAT THE PROPOSED SITE GRADING, BUILDING FOOTPRINT AND LOCATION OF INDIVIDUAL SEWAGE DISPOSAL SYSTEM COMPONENTS ARE CONFIGURED SUCH THAT ADEQUATE LONG-TERM SLOPE STABILITY IS PROVIDED.  
3. THAT THE PLANS SUBMITTED TO THE JEFFERSON COUNTY BUILDING DEPARTMENT HAVE BEEN REVIEWED AND/OR PREPARED BY THE SUBJECT ENGINEER AND THAT HE HAS VERIFIED THAT SAID PLANS MEET OR EXCEED THE CRITERIA SET FORTH IN PARAGRAPHS 1, AND 2, ABOVE.  
BEFORE THE COUNTY PERFORMS A FINAL INSPECTION PURSUANT TO THE COUNTY BUILDING CODE, AN ENGINEER, LICENSED IN THE STATE OF COLORADO AND EXPERIENCED IN EVALUATING SLOPE STABILITY IN MOUNTAINOUS TERRAIN, SHALL VERIFY AND CERTIFY THAT THE ACTUAL CONSTRUCTION OF THE FOUNDATION AND SUBSURFACE DRAINAGE SYSTEM MEETS THE SPECIFICATION IN THE PLANS AS SUBMITTED IN THE BUILDING PERMIT APPLICATION.



VICINITY MAP  
(1" = 1,000')

**NOTES:**

- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
- BASIS OF BEARINGS: BEARINGS ARE BASED ON THE ASSUMPTION THAT A LINE BETWEEN THE N1/4 CORNER AND THE S1/4 CORNER OF SAID SECTION 24 BEARS S 00°00'00"W.
- DISTANCES ON THIS FINAL PLAT ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.
- THE 100-YEAR FLOODPLAIN EXISTS OUTSIDE THE BOUNDARY OF THIS SUBDIVISION PER MAP NUMBER 08059C0175F. NO CHANGES OR MODIFICATIONS TO THE 100-YEAR FLOODPLAIN ARE PROPOSED WITH THIS SUBDIVISION.
- \* - INDICATES THOSE LOTS IN WHICH FINAL GRADING MAY INFLUENCE DRAINAGE PATTERNS. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT ON SUCH MARKED LOTS, A SITE GRADING PLAN CONSISTENT WITH THE INTENT OF THE OVERLOT GRADING PLAN MUST BE SUBMITTED TO AND APPROVED BY THE PLANNING AND ZONING DIVISION. IN ADDITION, NO BUILDING PERMITS SHALL BE ISSUED FOR STARRED LOTS UNTIL SUCH TIME AS IT HAS BEEN DETERMINED THAT THE STRUCTURE IS IN COMPLIANCE WITH THE RESTRICTIONS WITHIN THE APPROVED CONSTRUCTION PLANS. IN ADDITION, ANY DRAINAGE EASEMENTS THAT ARE DETERMINED TO BE NEEDED FOR THE POROUS LANDSCAPE DESIGN ON ANY LOT WILL BE SUBMITTED IN CONJUNCTION WITH THE BUILDING PERMIT APPLICATION FOR THAT LOT ← [ ]
- INFORMATION SHOWN IN PARENTHESIS ON THIS DOCUMENT ARE PER BLUE MOUNTAIN ESTATES - THIRD FILING EXEMPTION SURVEY NUMBER 1, PLAT BOOK 123, PAGE 15, RECEPTION NUMBER F0049389; INFORMATION SHOWN WITHIN SQUARE BRACKETS ARE PER BLUE MOUNTAIN ESTATES - THIRD FILING, PLAT BOOK 29, PAGE 6, RECEPTION NUMBER 68268406, WHERE IT DIFFERS FROM AS-MEASURED INFORMATION.
- THE PRIVATE ACCESS DRIVE(S) WILL BE MAINTAINED BY THE SUBDIVIDER ~~or equivalent entity~~ SUCCESSORS OR ASSIGNS, UNTIL SUCH TIME AS MAINTENANCE OF THE PRIVATE ACCESS DRIVES IS ASSUMED BY THE OWNERS' ASSOCIATION. ~~THE OWNERS' ASSOCIATION SHALL BE RESPONSIBLE FOR KEEPING THE PRIVATE ACCESS DRIVE(S) PASSABLE AT ALL TIMES. THE PRIVATE ACCESS DRIVE(S) SHALL NOT BE ACCEPTED FOR OWNERSHIP NOR MAINTENANCE BY JEFFERSON COUNTY IN THE FUTURE.~~
- THE APPROVED DRAINAGE PLANS FOR REMUS SUBDIVISION ARE ON FILE WITH THE JEFFERSON COUNTY PLANNING AND ZONING DIVISION. THE "DRAINAGE SYSTEM" INCLUDES THE DRAINAGE FACILITIES (DETENTION PONDS) AND ASSOCIATED APPURTENANCES AS DESCRIBED ON THE APPROVED DRAINAGE PLAT ~~or equivalent entity~~ MODIFICATIONS TO THE DRAINAGE SYSTEM SHALL BE ALLOWED WITHOUT PRIOR APPROVAL FROM JEFFERSON COUNTY. THE DRAINAGE SYSTEM SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION. THE DRAINAGE SYSTEM SHALL BE MAINTAINED BY THE SUBDIVIDER, ITS SUCCESSORS OR ASSIGNS UNTIL SUCH TIME AS THE HOMEOWNERS ASSOCIATION ACCEPTS SUCH RESPONSIBILITY.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY ALTITUDE LAND CONSULTANTS TO DETERMINE TITLE OR EASEMENTS OF RECORD. RESEARCH FOR THIS SURVEY WAS PERFORMED ACCORDANCE WITH CRS 38-51-106 AND THE RULES AND PROCEDURE AND BOARD POLICY STATEMENTS OF THE STATE BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, SPECIFICALLY THOSE BOARD RULES AND POLICY STATEMENTS RELATING TO THE DEPICTION OF EASEMENTS AND RIGHTS OF WAY ON SUBDIVISION PLATS. TITLE COMMITMENT NUMBER \_\_\_\_\_ DATED \_\_\_\_\_ PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY WAS RELIED UPON FOR ALL INFORMATION REGARDING EASEMENTS OF RECORD, RIGHTS OF WAY, TITLE OF RECORD AND CIVIL COURT ACTIONS OF RECORD.
- TRACT A IS DEDICATED BY THIS PLAT TO JEFFERSON COUNTY FOR RIGHT-OF-WAY PURPOSES.

**REVIEW CERTIFICATE:**

REVIEWED BY JEFFERSON COUNTY PUBLIC HEALTH THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
PUBLIC HEALTH

REVIEWED BY JEFFERSON COUNTY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
CHAIRMAN

**TITLE COMPANY CERTIFICATE:**

I, \_\_\_\_\_ AS AUTHORIZED AGENT OF THE UNDERSIGNED TITLE COMPANY, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE OF LANDS HEREIN DEDICATED AND SHOWN ON THIS PLAT; AND THE TITLE OF SUCH LANDS IS IN THE DEDICATOR(S), FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES, EXCEPT AS SHOWN IN THE TITLE COMMITMENT NO. \_\_\_\_\_ ISSUED BY LAND TITLE GUARANTEE COMPANY, WITH AN EFFECTIVE DATE OF \_\_\_\_\_.

\_\_\_\_\_  
AUTHORIZED AGENT OF LAND TITLE GUARANTEE COMPANY AS

**SURVEYOR'S CERTIFICATION:**

I, KARL FRANKLIN, A PROFESSIONAL LAND SURVEYOR LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY OF REMUS SUBDIVISION WAS MADE BY ME OR DIRECTLY UNDER MY SUPERVISION ON OR ABOUT THE 1ST DAY OF JULY, 2015, AND THAT THE SURVEY IS BASED UPON MY KNOWLEDGE, INFORMATION, AND BELIEF, IT HAS BEEN PREPARED IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE, THE SURVEY IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED, AND THE ACCOMPANYING PLAT ACCURATELY AND PROPERLY SHOWS SAID SUBDIVISION AND THE SURVEY THEREOF.



LICENSED COLORADO LAND SURVEYOR: #37969  
DATE: \_\_\_\_\_

**ACCEPTANCE CERTIFICATE:**

THE FOREGOING PLAT IS APPROVED FOR FILING; AND CONVEYANCE OF TRACT A AND EASEMENTS IS ACCEPTED BY THE COUNTY OF JEFFERSON, STATE OF COLORADO, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
CLERK CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

**CLERK AND RECORDER'S CERTIFICATE:**

ACCEPTED FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY AT GOLDEN, COLORADO, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_

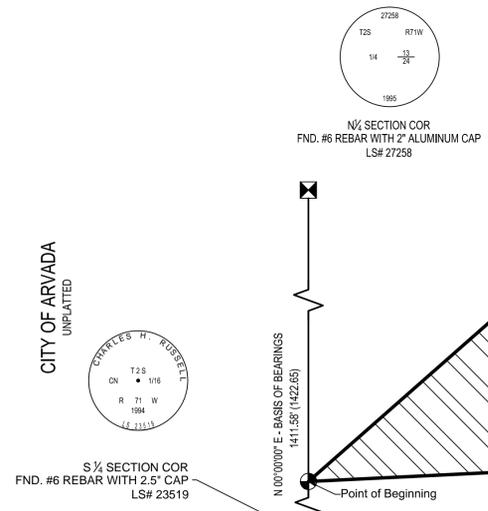
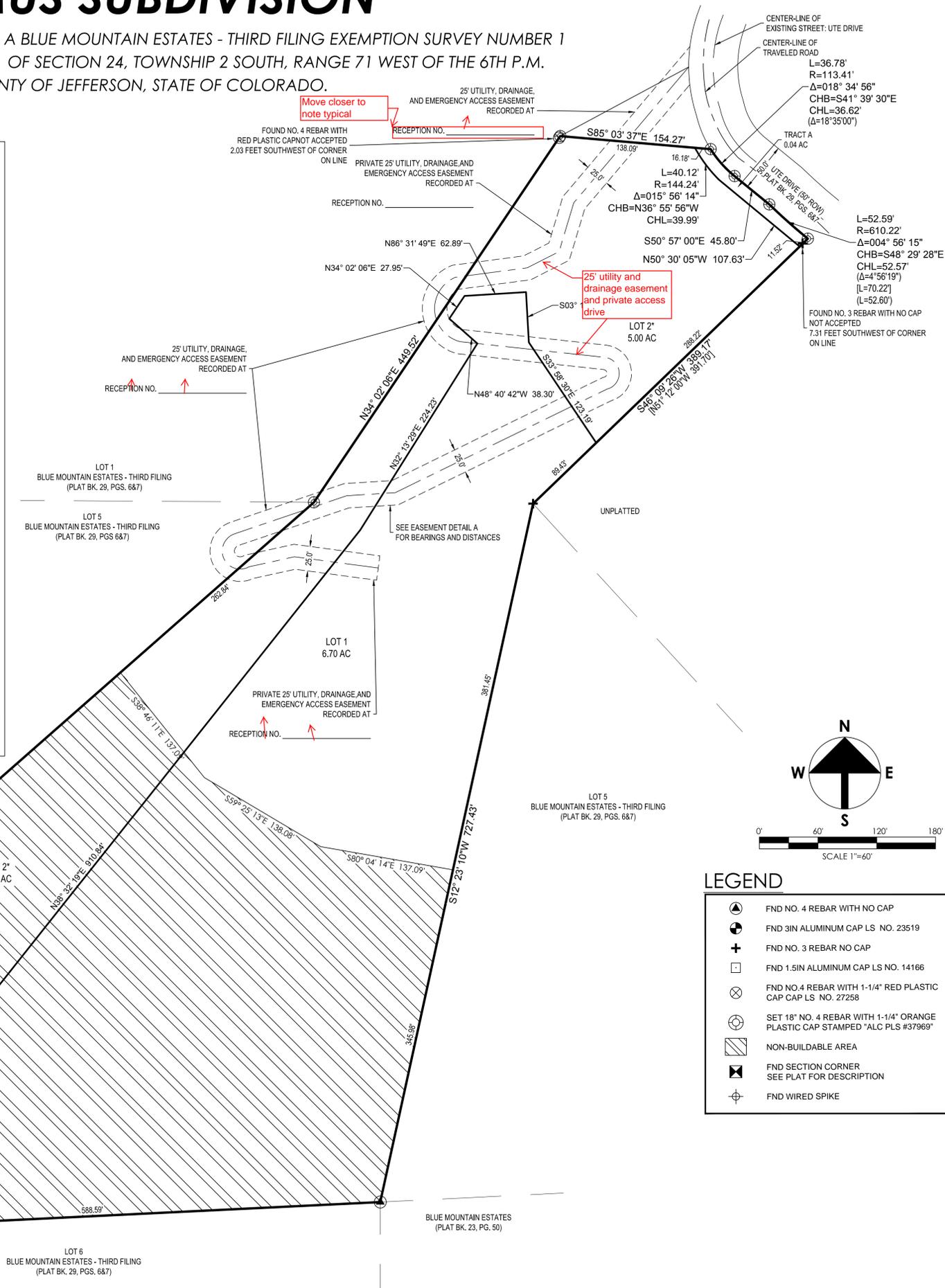
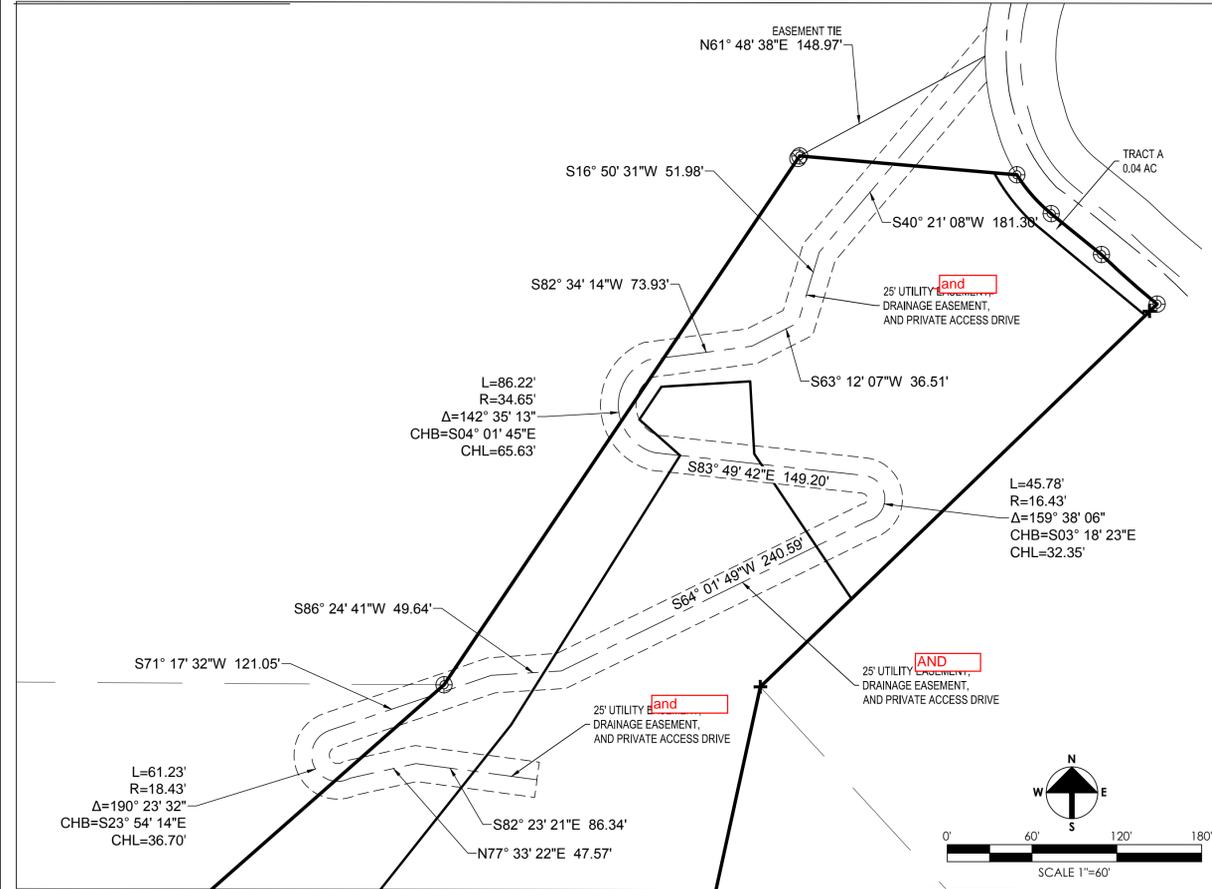
\_\_\_\_\_  
JEFFERSON COUNTY CLERK AND RECORDER

BY: \_\_\_\_\_  
DEPUTY CLERK

# REMUS SUBDIVISION

A FURTHER SUBDIVISION OF PARCEL A BLUE MOUNTAIN ESTATES - THIRD FILING EXEMPTION SURVEY NUMBER 1  
LOCATED IN THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 71 WEST OF THE 6TH P.M.  
COUNTY OF JEFFERSON, STATE OF COLORADO.

## EASEMENT DETAIL A



**LEGEND**

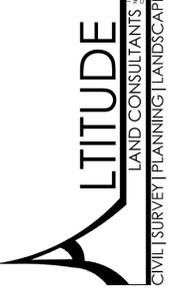
	FND NO. 4 REBAR WITH NO CAP
	FND 3IN ALUMINUM CAP LS NO. 23519
	FND NO. 3 REBAR NO CAP
	FND 1.5IN ALUMINUM CAP LS NO. 14166
	FND NO.4 REBAR WITH 1-1/4" RED PLASTIC CAP CAP LS NO. 27258
	SET 18" NO. 4 REBAR WITH 1-1/4" ORANGE PLASTIC CAP STAMPED "ALC PLS #37969"
	NON-BUILDABLE AREA
	FND SECTION CORNER SEE PLAT FOR DESCRIPTION
	FND WIRED SPIKE

# PRELIMINARY SUPPLEMENTAL PLAN

## Remus Subdivision

Located in the Northeast 1/4 of Section 24, Township 2 South,  
Range 71 West of the 6th P.M. Blue Mountain Estates 3rd Filing Ex Sur #1,  
City of Golden, County of Jefferson, State of Colorado.

Case Number: 15-116747PF  
Map Number: 132



Denver | Colorado Springs  
3461 Ringby Court Suite 125  
Denver, CO 80216  
p.720.413.9691  
e.info@altitudelandco.com  
w.altitudelandco.com

Remus Subdivision  
Preliminary Supplemental Information  
9537 Ute Drive  
City of Golden County of Jefferson, State of Colorado  
CE15-78

**DRAFT**

NOT FOR CONSTRUCTION

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NO.	DATE	REVISION:	BY
1	11/10/15		GHP
2	1/15/16		GHP
3	2/29/16		GHP
4	4/12/16		GHP
5	4/27/16		GHP
6	5/06/16		GHP

DATE: June 30, 2015  
DRAWN BY: CDF  
CHECKED BY: ETB

**OWNER'S AUTHORIZED AGENT INFORMATION**

NAME: ULRICH HUGO AND REGINA REMUS

**OWNER'S AUTHORIZED AGENT INFORMATION**

NAME: KELLY AND TINO REMUS  
ADDRESS: 9537 UTE DRIVE, GOLDEN, CO 80403  
PHONE NUMBER: (303) 642-7074

**CIVIL ENGINEER/SURVEYOR INFORMATION**

NAME: ALTITUDE LAND CONSULTANTS  
CONTACT: GALEN HAGEN-PETER  
ADDRESS: 3461 RINGSBY COURT, SUITE 125, DENVER, CO 80216  
PHONE NUMBER: (720) 427-7002

**SITE DATA TABLE**

NUMBER OF LOTS	2 LOTS
SIZE OF SMALLEST LOT	5.0 ACRES
NUMBER OF DWELLING UNITS	2 UNITS
ACREAGE OF AREA TO BE SUBDIVIDED	11.7 ACRES
ACREAGE OF PUBLIC RIGHT OF WAY	0.0 ACRES
ACREAGE OF PUBLIC AREAS	0.0 ACRES
ACREAGE OF COMMON TRACTS	0.0 ACRES

**SITE DATA NOTES**

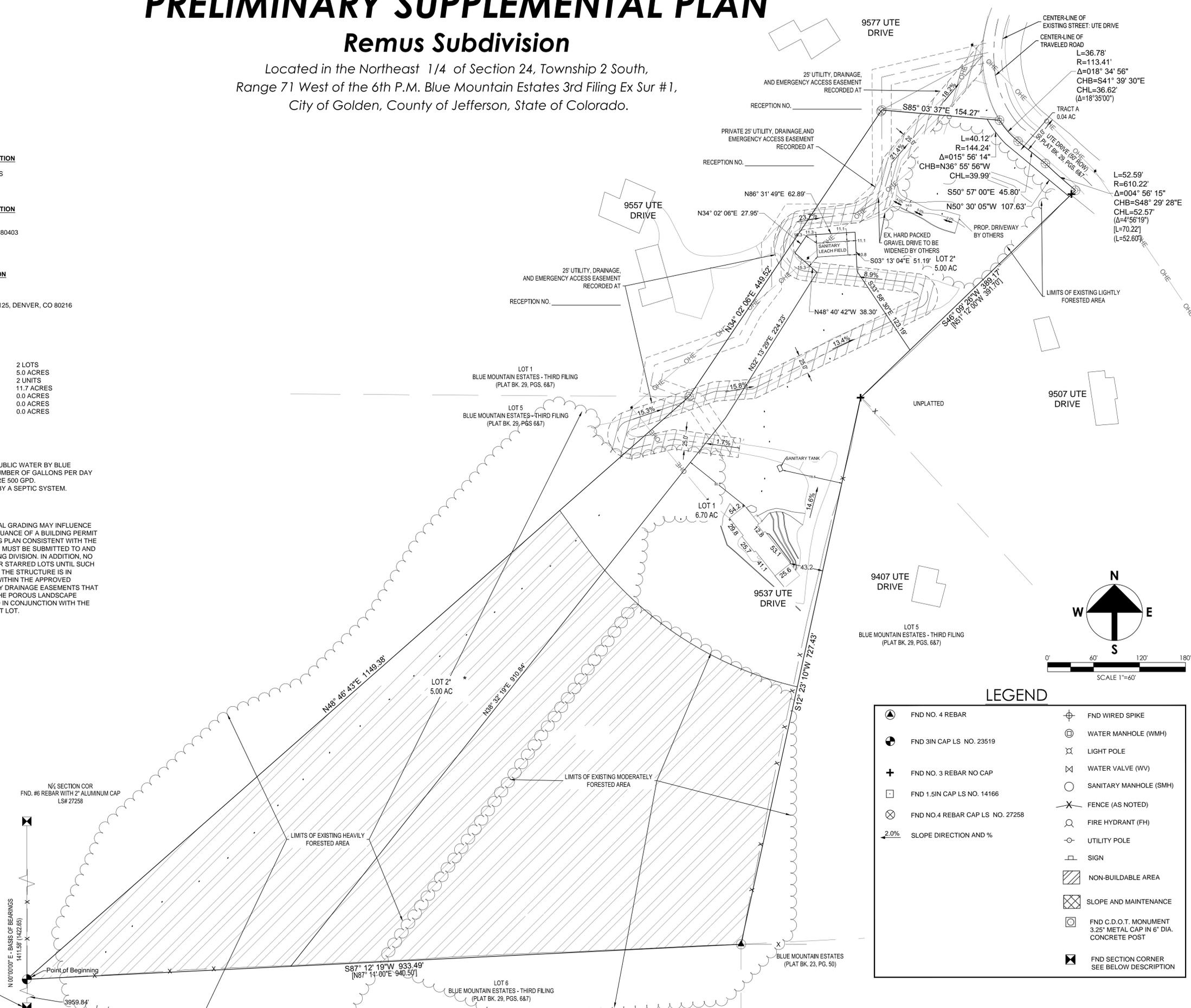
- PROPERTY IS CURRENTLY PROVIDED PUBLIC WATER BY BLUE MOUNTAIN WATER DISTRICT. TOTAL NUMBER OF GALLONS PER DAY OF WATER SYSTEM REQUIREMENTS ARE 500 GPD.
- PROPERTY IS CURRENTLY SERVICED BY A SEPTIC SYSTEM.
- 5' CONTOUR INTERVALS WERE USED.

\* - INDICATES THOSE LOTS IN WHICH FINAL GRADING MAY INFLUENCE DRAINAGE PATTERNS. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT ON SUCH MARKED LOTS, A SITE GRADING PLAN CONSISTENT WITH THE INTENT OF THE OVERLOT GRADING PLAN MUST BE SUBMITTED TO AND APPROVED BY THE PLANNING AND ZONING DIVISION. IN ADDITION, NO BUILDING PERMITS SHALL BE ISSUED FOR STARRED LOTS UNTIL SUCH TIME AS IT HAS BEEN DETERMINED THAT THE STRUCTURE IS IN COMPLIANCE WITH THE RESTRICTIONS WITHIN THE APPROVED CONSTRUCTION PLANS. IN ADDITION, ANY DRAINAGE EASEMENTS THAT ARE DETERMINED TO BE NEEDED FOR THE POROUS LANDSCAPE DESIGN ON ANY LOT WILL BE SUBMITTED IN CONJUNCTION WITH THE BUILDING PERMIT APPLICATION FOR THAT LOT.

CITY OF ARVADA  
UNPLATTED

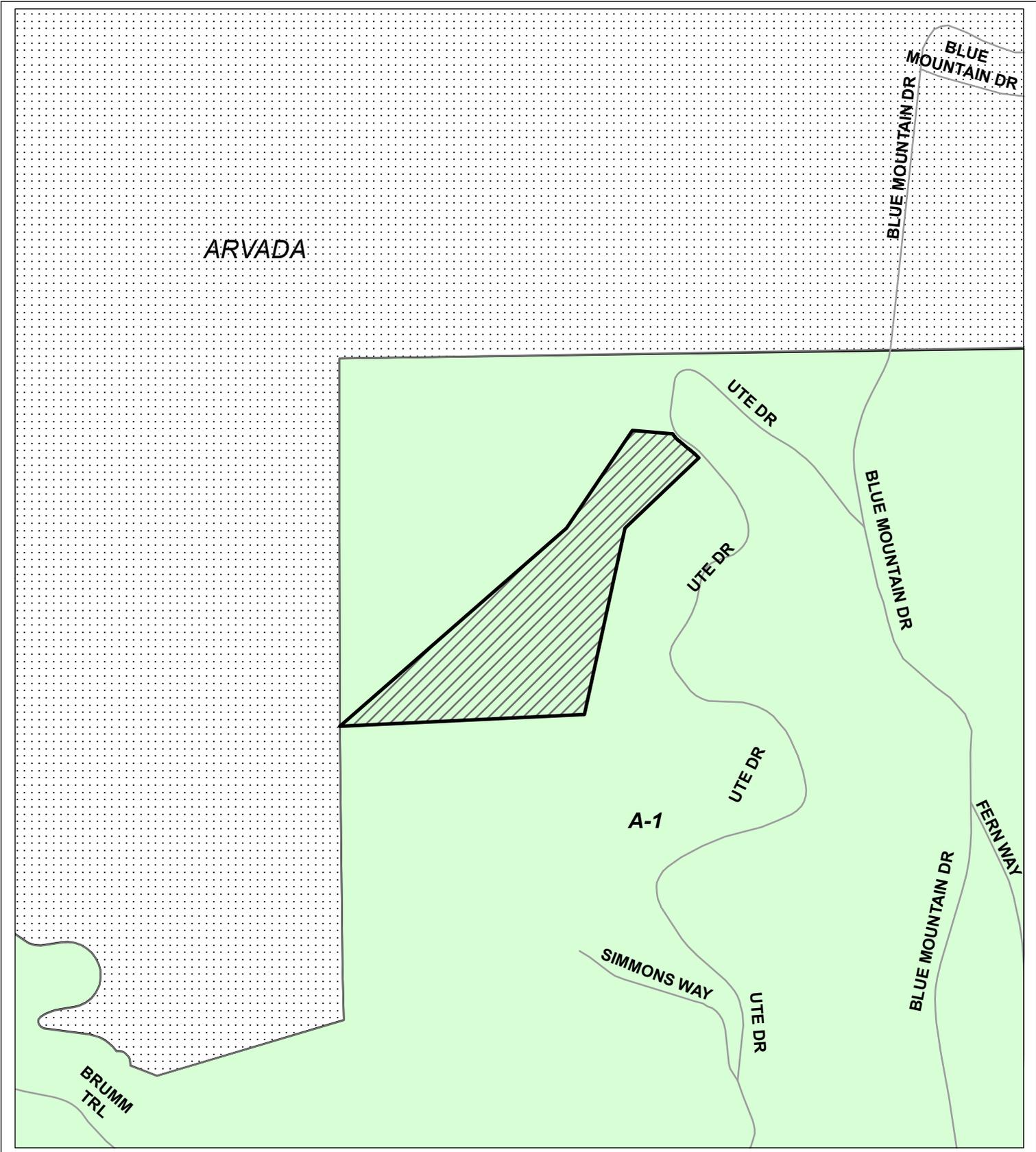
S 1/2 SECTION COR  
FND. #6 REBAR WITH 2.5" CAP  
LS# 23519

N 1/2 SECTION COR  
FND. #6 REBAR WITH 2" ALUMINUM CAP  
LS# 27258

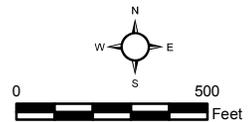


**LEGEND**

	FND NO. 4 REBAR		FND WIRED SPIKE
	FND 3IN CAP LS NO. 23519		WATER MANHOLE (WMH)
	FND NO. 3 REBAR NO CAP		LIGHT POLE
	FND 1.5IN CAP LS NO. 14166		WATER VALVE (WV)
	FND NO.4 REBAR CAP LS NO. 27258		SANITARY MANHOLE (SMH)
	2.0% SLOPE DIRECTION AND %		FENCE (AS NOTED)
			FIRE HYDRANT (FH)
			UTILITY POLE
			SIGN
			NON-BUILDABLE AREA
			SLOPE AND MAINTENANCE
			FND C.D.O.T. MONUMENT 3.25" METAL CAP IN 6" DIA. CONCRETE POST
			FND SECTION CORNER SEE BELOW DESCRIPTION



**Case Number: 15-116747PF**  
**Location: Sec 24, T2S, R71W**

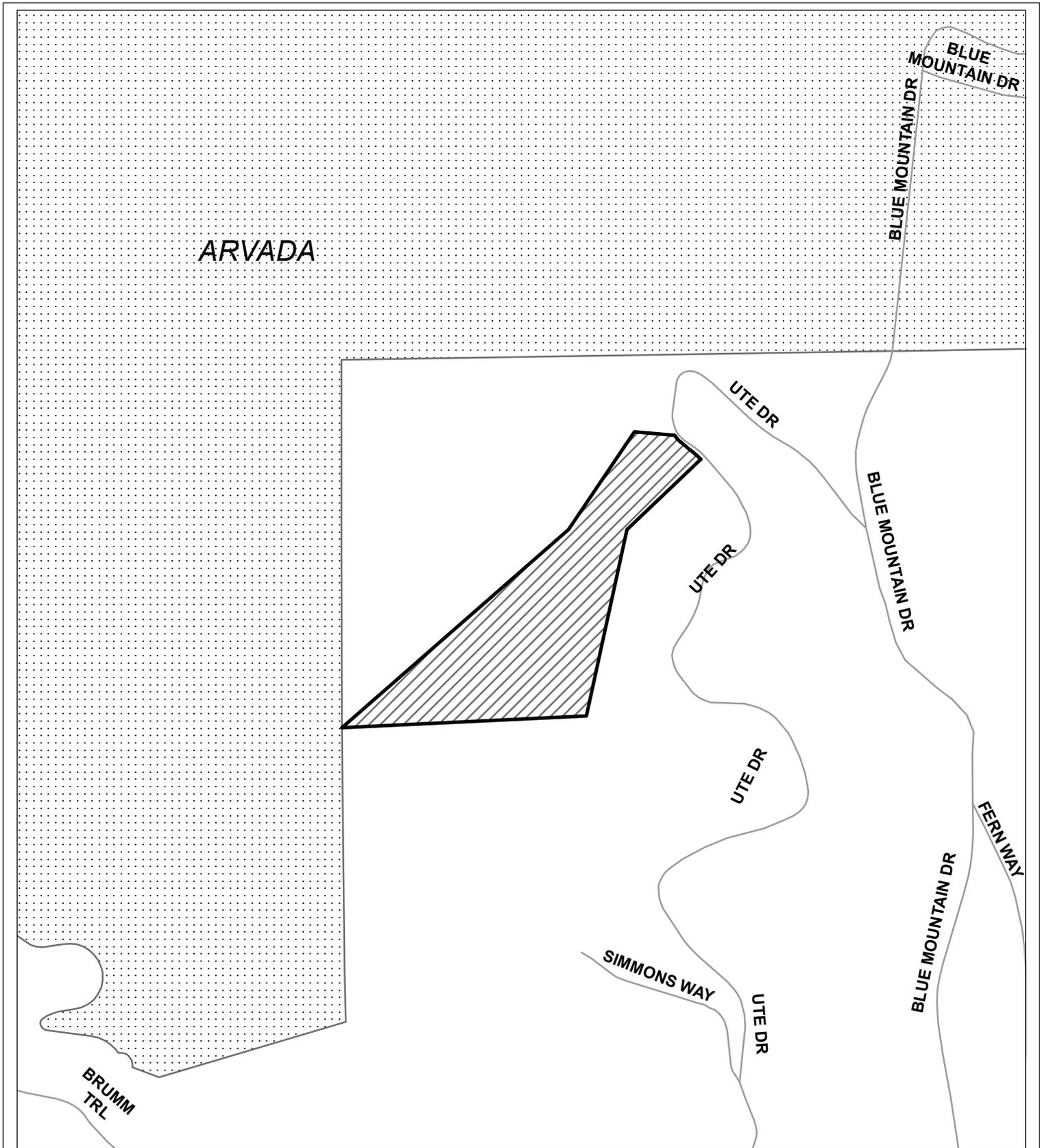


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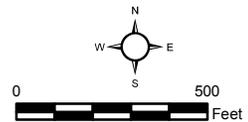
**Zoning**

1:6,000

Plot: 2016-04-20



**Case Number: 15-116747PF**  
**Location: Sec 24, T2S, R71W**

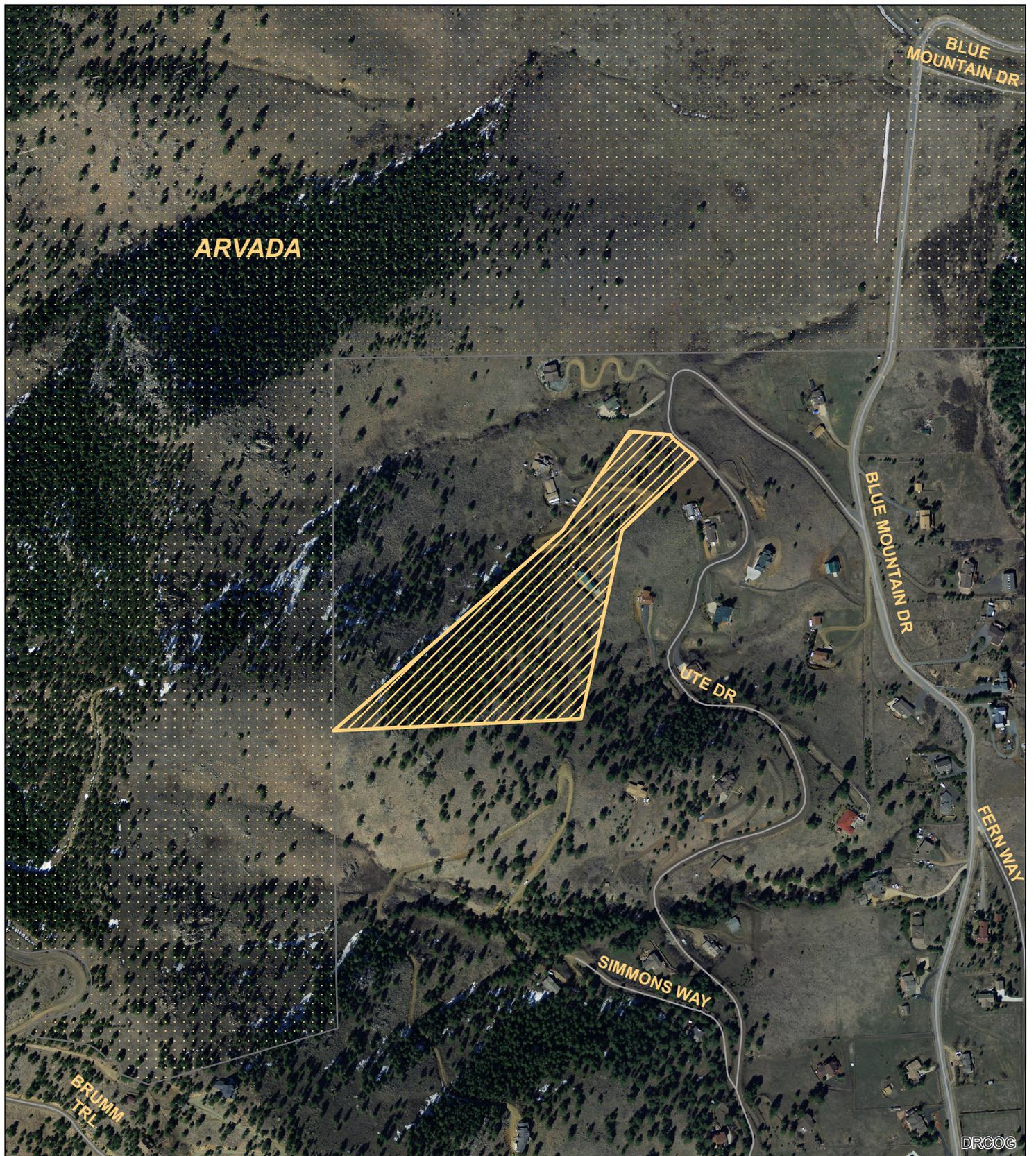


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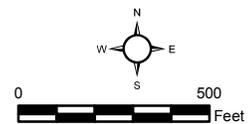
**Vicinity**

1:6,000

Plot: 2016-04-20



**Case Number: 15-116747PF**  
**Location: Sec 24, T2S, R71W**



This product has been developed for internal use only. The Planning and Zoning Department makes no warranties or guarantees, either expressed or implied, as to the completeness, accuracy or correctness of such products, nor accepts any liability arising from any incorrect, incomplete or misleading information contained therein.

**2012 Photography**

1:6,000

Plot: 2016-04-20

# ELECTRONIC REFERRAL

## JEFFERSON COUNTY, COLORADO

Documents related to a Preliminary and Final Plat have been submitted to Jefferson County Planning and Zoning. This case is now beginning the 1<sup>st</sup> Referral part of the process. Please review the specific electronic documents related to the 1<sup>st</sup> Referral found [here](#). Comments on the Preliminary and Final Plat should be submitted electronically to the case manager by the due date below.

Case Number: 15-116747PF  
Case Name: Remus Subdivision  
Address: 9537 Ute Drive  
General Location: West of the Intersection of Blue Mountain Drive and Ute Drive  
Case Type: Preliminary and Final Plat  
Type of Application: To subdivide the property into two single family detached residential lots  
Comments Due: **Friday, December 21, 2015**  
Case Manager: Ross Klopf  
Case Manager Contact Information: rklopf@jeffco.us 303.271.8736

The entire case file for this application can be viewed [here](#).

### **Referrals:**

#### Internal Agencies:

Planning Engineering  
Planning  
Addressing  
Assessor's Office  
Cartography  
County Geologist  
Public Health  
Open Space  
Weed and Pest  
JeffCo Historical Commission  
Transportation and Engineering  
Road & Bridge

North Ranch at Crawford Ranch HOA  
United Power Inc.

#### **Adj. Property Owners:**

See the enclosed list  
38 names

#### External Agencies:

Coal Creek FPD  
Blue Mountain Water District  
CenturyLink  
Division of Water Resources, State Engineer's Office  
Colorado Geological Survey  
Colorado Department of Public Health  
Colorado Historical Society  
Division of Wildlife  
Soils Conservation District  
Xcel  
Post Office

#### **HOAS:**

Blue Mtn Land and HOA  
Coal Creek Canyon Improvements Assn  
Friends of the Foothills  
Jefferson County Horsemen's Assn



December 7, 2015

Jefferson County Planning Department  
100 Jefferson County Parkway, Suite 3550  
Golden, Colorado 80419-3550

**Golden District**  
1504 Quaker Street  
Golden, Colorado 80401-2956  
(303) 279-9757  
FAX: (303) 278-3899

Attention: Ross Klopff

RE: Case # 15-116747 PF                      Remus Subdivision – Lots 1 and 2  
Located at approximately 9537 Ute Drive, Golden CO 80403

Dear Mr. Klopff:

The Colorado State Forest Service has the following comments in regards to the above referenced case:

1. Topography: The site is located in on north to northeast facing slope. Slopes on the included Lots range from 5-15% in the building areas, and greater than 30% in the no-build areas.
2. Fuels: Natural vegetation fuels in the building areas are primarily grass, shrubs, and some ponderosa pines. There is an area of denser conifers in the southwest corner of Lots 1 and 2. The potential wildfire hazard or risk present on the property is low to moderate, and high in the area of denser conifers.
3. Access – There is only one driveway/road in and out of the subdivision. However, fuels are light to moderate where the driveway/road is located, so ingress and egress should be possible during an emergency situation.

Based on our findings, I recommend the following actions be taken in regard to this project;

1. Defensible Space should be developed around all proposed buildings prior to issuance of a building permit, according to the current Jefferson County regulations.
2. No fuelbreak thinning along the driveway/road system needs to be developed for this specific case, as the fuels are mainly grass, scattered shrubs, and some ponderosa pines.

If you have any questions or comments, please contact me at 303.279.9757, ext. 302.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Gallamore".

Allen Gallamore, SAF Certified Forester # 3121  
District Forester



**COLORADO**  
Division of Water Resources  
Department of Natural Resources

1313 Sherman Street, Room 821  
Denver, CO 80203

December 14, 2015

Ross Klopff  
Jefferson County Planning and Zoning  
Transmission via email: [rklopff@jeffco.us](mailto:rklopff@jeffco.us)

Re: Remus Subdivision  
Case Number 15-116747PF  
Pt. NE¼ Section 24, T2S, R71W, 6<sup>th</sup> P.M.  
Water Division 1, Water District 6

Dear Mr. Klopff:

We have reviewed the above referenced proposal to subdivide 11.7 acres known as Parcel A, Blue Mountain Estates, third filing, into two single family detached residential lots. Lot 1 will be 6.7 acres and will contain the existing residence. Lot 2 will be 5.0 acres and is currently vacant land.

Water Supply Demand

The estimated water requirements for this subdivision were not provided.

Source of Water Supply

The proposed water supplier is the Blue Mountain Water District ("BMWD"). The applicant provided a document signed by BMWD indicating that water service is available from the district. The commitment is valid until May 1, 2017. BMWD's water supply is provided by a well field that operates pursuant to the plan for augmentation decreed in Division 1 Water Court case no. 84CW165. The number of residences that can be served pursuant to the augmentation plan is limited to 150, and the total annual amount of water that may be withdrawn is limited to 39.15 acre-feet. BMWD does not report the number of residences served to this office; however, the submitted accounting shows that the annual amount of water produced during the 2015 Water Year was 21.52 acre-feet, well below the 39.15 acre-foot limit. Sewage treatment must be through on-site septic systems as required by the BMWD and their decreed plan for augmentation.

State Engineer's Office Opinion

Based upon the above and pursuant to Section 30-28-136(1)(h)(I) and Section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply can be provided without causing material injury to existing water rights, so long as this change will not result in a commitment to serve more than 150 residences by the BMWD, and the supply is expected to be adequate. If you or the applicant have any questions regarding this matter, please contact Sarah Brucker of this office for assistance.

Sincerely,

Tracy L. Kosloff, P.E.  
Water Resource Engineer

Cc: Subdivision file no. 23740  
TLK/srb: Remus Subdivision (Jefferson)



**From:** [Kuster - CDPHE, Kent](#)  
**To:** [Ross Klopf](#)  
**Subject:** Case No.15-116747PF  
**Date:** Wednesday, December 02, 2015 7:05:05 AM

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Mr. Klopf

The Colorado Department of Public Health and Environment has no comment on the 9537 Ute Drive Remus subdivision in Jefferson County. We do suggest that the applicant with all state and federal environmental rules and regulations. This may require the applicant or its contractor to obtain a permit for certain regulated activities before you can emit or discharge a pollutant into the [air](#) or [water](#), [dispose of hazardous waste](#) or engage in certain regulated activities.

Please contact Kent Kuster at 303-692-3662 with any questions.

--

Kent Kuster

Environmental Protection Specialist

Colorado Department of Public Health and Environment

4300 Cherry Creek Drive South

Denver, CO 80246-1530

303-692-3662 | [kent.kuster@state.co.us](mailto:kent.kuster@state.co.us)



100 Jefferson County Parkway, Suite 3500, Golden, Colorado 80419-3500  
303.271.8459 • Fax 303.271.8490 • http://jeffco.us/highways

Jefferson County, Colorado  
Transportation & Engineering Division

# P&Z REFERRAL T&E RESPONSE

To:  *P&Z Case Manager* From:

Case #:  Due Date:

Property Address or PIN:

- Amanda Attempt Result & Attachments:**
- Comments Sent = T&E wants 2nd referral
  - Complete = Do Not send further referrals
  - No Comments = Do Not send further referrals
  - Additional information, plans, etc are also attached in Amanda

## Drainage

T&E is currently working on a project in the area. See attached information.

Other Notes:

No Concerns

## Right-of-Way / Roadway Corridor Expansion Projects

Land owner will need to refund County \$  for ROW purchased in  for

This amount **must** be paid before plat is recorded and/or plans are approved and released for construction.

Documentation attached in Amanda  Documentation to follow

Additional ROW needed for upcoming T&E project. Plan sheet attached with required width/area.

Fee-in-lieu of adjacent roadway construction preferred, due to planned construction by the County. Please have the applicant submit a cost estimate.

Other Notes:

No Concerns

## Traffic Operations / Transportation Planning

	Included in referral	Reviewed		Comments
		No	Yes	
Traffic study	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Signage & striping plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Signal plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Trails or sidewalks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Street road plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> No Concerns				

## Additional Comments

Comments

Name

**MEMO**

**TO:** Ross Klopf  
Jefferson County Planning and Zoning Division

**FROM:** Tracy Volkman  
Jefferson County Environmental Health Services Division

**DATE:** February 5, 2016

**SUBJECT:** Case #15-116747 PF  
Eric Burtzlaff  
9537 Ute Dr

The applicant has met the public health requirements for the proposed platting of this property.

**PROPOSAL SUMMARY**

Plat to subdivide 11.7 acres into two 5-acre single family detached residential lots

**COMMENTS**

Jefferson County Public Health (JCPH) provided comments on December 8, 2015 regarding this proposed platting of the property located at 9537 Ute Drive. We have reviewed the documents submitted by the applicant for second referral for this platting process and have the following comments:

The applicant must submit the following documents or take the following actions prior to a ruling on the proposed platting of this property. NOTE: Items marked with a “✓” indicate that the document has been submitted or action has been taken. **Please read entire document for requirements and information. Please note additional documentation may be required.**

✓	Date Reviewed	Required Documentation/Actions	Refer to Sections
✓	12-08-2015	Submit a proof of services letter from the Water District indicating public water can be provided to the proposed development in accordance with the Land Development Regulation (LDR) 21.	Water
✓	02-05-16	Submit a completed Onsite Wastewater Report in accordance with LDR Section 22. B.2.	Wastewater

✓	Date Reviewed	Required Documentation/Actions	Refer to Sections
✓	02-05-16	Submit an As-Built drawing drawn to scale and label the system components of the existing onsite wastewater treatment system on the Remus Subdivision, Preliminary Supplemental Information map.	Wastewater
✓	12-08-2015	Submit a Sensory Impact Assessment in accordance with the LDR Section 26 and must be prepared by a qualified professional planner, certified industrial hygienist, or landscape architect or engineer, registered in the State of Colorado.	Sensory Impact
✓	12-08-2015	Submit a notarized Environmental Questionnaire and Disclosure Statement packet, in accordance with the LDR Section 30, <b>if applicable</b> .	Environmental Site Assessment

### **WATER (LDR 21)**

Blue Mountain Water District will provide the water services for the proposed development according to the Jefferson County Public Health Certificate of Water and Sewer Availability document signed on October 15, 2015. According to this certificate, public water service is available until October 2017.

### **WASTEWATER (LDR 22)**

An Onsite Wastewater Report (Form 6001) was completed and a letter dated February 5, 2016 prepared by Karl W. Franklin, PE-PLS states that an onsite wastewater treatment system is feasible on Lot 2 and will likely be under similar site conditions as the existing OWTS. This will satisfy the Onsite Wastewater Treatment Report required by Section 22.B.2.a (1). Please note: Any repair to the existing system or the installation of new systems will require to be properly permitted by JCPH prior to repair or installation.

JCPH has records of an existing onsite wastewater treatment system (OWTS)(Permit 15998, Folder 04-111956 Old OW) installed in May 1995 that serves a 3-bedroom single family dwelling located at 9537 Ute Drive. The existing system components were located to scale on the Preliminary Supplemental Plan, Remus Subdivision map showing that the OWTS is located on proposed Lot 1 and meets minimum setback requirements.

The resultant parcels will meet the minimum lot size requirement of one acre to be developed with public water and onsite wastewater treatment systems.

### **SENSORY IMPACT ASSESSMENT**

JCPH has reviewed the Sensory Impact Report dated September 29, 2015. This report complies with requirements set forth in Section 26 of the Jefferson County Land Development Regulation.

The Colorado Revised Statutes (Sections 25-12-101 through 108) stipulate that maximum residential noise levels must comply with the following 25 feet from the property line:

- 55dB(A) between 7:00 a.m. and 7:00 p.m.
- 50dB(A) at all other times.

### **ENVIRONMENTAL SITE ASSESSMENT**

This Department has reviewed the Environmental Questionnaire and Disclosure Statement dated July 25, 2015. The applicant checked "No" on all categories of environmental concern on the cover sheet. From this information it does not appear that any environmental factors exist which would negatively impact the property.

### **AIR**

A fugitive dust permit is not required for the development of this site. However, the developer must use sufficient control measures and have a dust control plan in place to minimize any dust emissions during demolition, land clearing and construction activities. This department will investigate any reports of fugitive dust emissions from the project site. If confirmed, a notice of violation will be issued with appropriate enforcement action taken by the State.

The Colorado Department of Public Health and Environment, Air Quality Control Commission Regulation No. 8, Part B, Asbestos Control requires that all buildings that are going to be remodeled, renovated, and or demolished must have a full inspection by a current Colorado-certified asbestos building inspector before conducting any work and must obtain a Demolition Permit. Based on the results of the inspection, if asbestos is detected, the applicant must obtain an Asbestos Abatement Permit from the Asbestos Section at the Colorado Department of Public Health and the Environment (303.692.3100). All building materials that will be impacted that contain asbestos that is friable or will become friable during the remodel, renovation, or demolition in quantities over the volume of a 55-gallon drum must be removed prior to any work. The asbestos removal must be done by a certified asbestos removal contractor (General Abatement Contractor) using trained and certified asbestos abatement workers prior to demolition.

Please contact John Moody at 303.271.5714 or Dave Volkel at 303.271.5730 for more information about this process.

### **RADON**

It is highly recommended to design all new dwelling units in Jefferson County with radon resistant construction according to the Environmental Protection Agencies Model Standards and Techniques for Control of Radon in New Residential Buildings, March 1994.

**From:** [Steve Hill](#)  
**To:** "[Kelly Remus](#)"; [Ross Klopf](#)  
**Cc:** "[Brenda Waters](#)"  
**Subject:** Ute Drive Project - Blue Mountain Water District  
**Date:** Thursday, February 18, 2016 3:58:20 PM

---

Dear Ross Klopf,

The Blue Mountain Water District has no further comments concerning the building project at 9537 Ute Drive.

Steve Hill  
President  
Blue Mountain Water District

**From:** Kelly Remus [mailto:kelly.m.remus@gmail.com]  
**Sent:** Wednesday, February 17, 2016 8:19 PM  
**To:** Steve Hill <stevejhill@outlook.com>; Luke Waters <mbwaters6@aol.com>  
**Subject:** Ute Drive Project

Hello,

Hope all is well. We are moving along with our building project at 9537 Ute Drive. The county has asked me to reach out to the BMWWD and ask that you email a letter stating you have no further comments about the project. Apparently our county reviewer would rather have a written ok than no response. I apologize for the inconvenience.

The specific request from the county was:

"Please contact the District to discuss this case and submit to me a letter from the District which states they have no further comments related to this subdivision."

Our contact is:

Ross Klopf  
303.271.8733  
[rklopf@jeffco.us](mailto:rklopf@jeffco.us)

Please let me know if you have any further questions. Our process has been a long one and we are nearing the end. We are trying to resubmit our final revisions this Friday, February 19.

Thank you for your time,  
Kelly Remus  
[kelly.m.remus@gmail.com](mailto:kelly.m.remus@gmail.com)  
303.642.7074

**From:** [Kathy Sewolt](#)  
**To:** [Ross Klopf](#)  
**Subject:** RE: Remus Subdivision 15-116747PF  
**Date:** Monday, April 04, 2016 2:53:20 PM

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You had sent me a corrected copy of a mylar a couple of weeks ago, and I told you it was fine. As long as the name is correct ( Ulrich Hugo Remus) it will be fine.

*Sincerely,*

*Kathy Sewolt  
Manager, Real Property & GIS  
Jefferson County Assessors Office  
303-271-8645  
ksewolt@co.jeffco.us*

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**From:** Ross Klopf  
**Sent:** Monday, April 04, 2016 1:47 PM  
**To:** Kathy Sewolt  
**Subject:** Remus Subdivision 15-116747PF

Hello Kathy,

I want to make sure your previous comments are addressed on this it was just related to a name issue on the ownership signature block. Please let me know as soon as you can.

Thanks,

Ross Klopf, PE, CFM, Civil Planning Engineer

Planning and Zoning Division  
100 Jefferson County Parkway, Suite 3550  
Golden, Colorado 80419-3550  
303-271-8733 Fax: 303-271-8744



**Right of Way & Permits**

1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: **303.571.3306**  
Facsimile: 303. 571.3284  
donna.l.george@xcelenergy.com

December 18, 2015

Jefferson County Planning and Zoning  
100 Jefferson County Parkway, Suite 3550  
Golden, CO 80419

Attn: Ross Klopf

**Re: Remus Subdivision, Case # 15-116747PF**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plat for **Remus Subdivision** and has **no apparent conflict**.

Please be aware PSCo owns and operates existing natural gas distribution facilities within the subject property. The property owner/developer/contractor must contact the **Builder's Call Line at 1-800-628-2121** and complete the application process for any new gas service or modification to existing facilities. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities.

As a safety precaution, PSCo would like to remind the developer to call the **Utility Notification Center at 1-800-922-1987** to have all utilities located prior to any construction.

If you have any questions about this referral response, please contact me at (303) 571-3306.

Donna George  
Contract Right of Way Referral Processor  
Public Service Company of Colorado



## Jefferson County Planning and Zoning

Historical Review			
Date Received: December 4, 2015		Date Due: December 23, 2015	
Date of P & Z Review: January 4, 2016		*Date of JCHC-HPC Review: Not needed at this time	
Case Type: Preliminary and Final Plat		Case Number: <b>15-116747PF</b>	
Owner/Applicant: Ulrich and Regina Remus		Address of Property: 9537 Ute Drive, North Mountains	
Phone #: 303-642-7074		Legal Description: T2S, R71W, Section 24, Quarter-Section: NE	
Contact Person: Kelly and Tito Remus		Phone: 303-642-7074	
Engineer: Eric Burtzlaff		Phone: 720-427-6161	
Ross Klopff		Phone: 303-271-8733	
Historic Case Manager: Dennis Dempsey		*JCHC-HPC Researcher: N/A	
Phone Number: (303-271-8734)		Phone Number:	
Email: ddempsey@jeffco.us		Email:	
PROPERTY STATUS			
	Yes	No	Comments
Historically Significant:		x	According to County Assessor records, the subject property contains one single-family residential structure constructed in 1997. This structure would not be considered historically significant.
Potential Historic District:		x	The subject property is located in Blue Mountain Estates 3 <sup>rd</sup> Filing area which is made up of large single-family residential lots with houses built within the past fifty years.
Additional Data Needed:		x	Staff conducted a search of the Colorado Historical Society – Office of Archaeology and Historic Preservation Cultural Resource Database to determine if there are any significant historical/cultural resources within the area that may be affected by this development process. There were 0 sites and 0 surveys noted within 6 <sup>th</sup> PM, Township 2S, Range 71W, Section 24.

\*If applicable

I. PROPERTY DESCRIPTION			
Community Plan Area: North Mountains Area Plan		Lot Size of Property: 11.7 acres	
Location of Subject Property: Near the intersection of Little Cub Creek Road and Camel Heights Road.		Year Built: 1956	
Current Zoning: Agricultural-One (A-1)		Proposed Zoning: No Change	
	Yes	No	Comments
Vacant property:		x	
Structure(s) on subject property	x		Total # of Structures: 1 single family residence with accessory structures



Significant architecture, design, or cultural resource?		<b>x</b>	Typical 1990s mountain style architecture
Any significant historical sites or structures adjacent to the subject property?		<b>x</b>	None noted on the North Mountains Area Plan Historic Map.
Any significant cultural resources on or adjacent to the subject property? (Roads, trails, artifacts...)		<b>x</b>	None noted on the North Mountains Area Plan Historic Map.
Local, State or National Register?		<b>x</b>	
Part of a Historic District?		<b>x</b>	

**II. SUMMARY OF PROPOSAL:**

**Preliminary and Final Plat to divide Parcel A of the Blue Mountain Estates 3<sup>rd</sup> Filing Exemption Survey 1 into two separate parcels.**

**III. STATUS OF HISTORIC STRUCTURE(S):**

	Yes	No	Comments
Are there plans to remove or demolish a historic resource?		<b>x</b>	
Would the approval of this proposal threaten or endanger any historically significant sites or structures?		<b>x</b>	Not at this time
Would this proposal significantly change or alter a historic resource?		<b>x</b>	Not at this time
If yes to the above, this referral will be sent to the JCHC historian for further review and comments.		<b>x</b>	

**IV. HISTORIC SITE AND STRUCTURE ANALYSIS:**

Research Records	Historically Significant		Comments
	Yes	No	
Community Plan:		<b>x</b>	The North Mountains Area Plan's Historic Location map does not show any historically significant properties within the subject property area.
1999 – 2002 Cultural Resource database for unincorporated Jefferson County:		<b>x</b>	Not listed
County Assessor Records:		<b>x</b>	The existing house was constructed in 1997
Colorado Historic Society – Office of Archaeology and Historic Preservation:		<b>x</b>	Staff provided a search to the Colorado Historical Society, Office of Archaeology and Historic Preservation Database



			and there were no historic sites or structures found within the area.
Local, State and National Register:		<b>x</b>	
Other Resources:		<b>x</b>	
Site Visit:		<b>x</b>	Date of Site Visit: NA
<b>Ranking or I.D.# if Applicable</b>			

**V. Summary and Recommendations:**

If evidence of Historic Resources exists on a site, applicants should:

- a) Notify the Jefferson County Historic Commission and other State and local historic preservation agencies for proper care and handling of the Historic Resource.
- b) Provide documentation of the significant Historic Resource before alteration or demolishing the resource.
- c) When possible, relocate the significant Historic Resource on or off of the site.
- d) Integrate the historic context of the on-site resource into the new development, even if the historic significance is altered.

Completed By:	Date:
Planning and Zoning: Dennis M. Dempsey – Planner / Historical Commission Staff Liaison	January 4, 2016
Jefferson County Historical Commission:	

# Memorandum

**To:** Ross Klopf  
Engineer

**From:** Patrick O'Connell  
Geologist

**Date:** December 16, 2015

**Re:** 9537 Ute Drive, Case No. 15-116747PF

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I reviewed the submitted documents for this plat. I have the following comment.

1. The applicant requested a deferral of the geologic and geotechnical reports. The Mountainous Terrain Plat Restriction has been included on the plat (see below for note). Given the plans, anticipated materials and the note to be added, I support this request.
2. The property is located within the Mountain Ground Water Overlay District however the water supply is provided by the Blue Mountain Water District.

## MEMORANDUM

**FROM:** Ross Klopff, Planning Engineering  
**DATE:** April 20, 2016

**RE:** 15-116747PF Preliminary and final Plat for a 2 lot subdivision located at 9537 Ute Drive

These comments have been based upon the application package and the requirements of the Jefferson County Land Development Regulation (LDR), the Jefferson County Zoning Resolution (ZR), the Jefferson County Storm Drainage Design and Technical Criteria (Storm Drainage Criteria) and the Jefferson County Roadway Design Manual (Roadway Manual).

### PRELIMINARY AND FINAL PLAT COMMENTS

A copy of the Exhibit "A" subject to the requirements of Section 33 of the LDR should be submitted. The Exhibit "A" must also include but is not limited to:

- a. Cash in Lieu of Paving
- b. Road Improvements for road widening

### ENGINEERING DESIGN STANDARDS

#### Circulation (Horizontal and Vertical Control)

1. Street Repair After Utility Connections: The applicant will be responsible for guaranteeing and completing any rotomilling and asphalt patching on street/road necessary to complete utility connections. Refer to the Exhibit A comment section for additional information.
2. Public Street Road Improvements-Adjoining Local paving contribution: The applicant the required paving contribution as outlined below and in Section 15.1.a.(2)(b) of the Land Development Regulation.

Existing unpaved County maintained streets/roads shall be constructed to the appropriate public template standard (which includes paving) for a length that is equal to the development impact on the street/road system. For residential development, the development impact shall not exceed a maximum of 4% per lot. If the development impact to a street/road exceeds 80%, then paving for the entire length will be required. The impact on a street/road system will be determined using the following formulas. (reloc. 7-12-05; am. 12-5-06)  $\text{Development Impact (\%)} = \frac{\text{Proposed ADT}}{\text{Existing ADT} + \text{Proposed ADT}}$   $\text{Paving Requirement} = \text{Length of Unpaved Section} \times \text{Development Impact (\%)}$

- Length of Unpaved Section is the distance from the development access point(s) to the paved street/road.
- Proposed ADT is the number of trips generated by the proposed development.
- Existing ADT is the number of actual trips on the street/road. Existing ADT shall be determined using a traffic counting device located on the gravel portion of the street/road immediately adjacent to the paved section. The paving contribution has been calculated to be \$2,276.00.

Cul-De-Sac: This property is located on an existing cul-de-sac with more than 30 existing units on it. Written approval was obtained from the Fire Protection District to allow for this Plat and one additional dwelling unit.

### GRADING AND DRAINAGE

*Three final signed stamped and dated sets of plans and drainage report are required for final approval plus one signed stamped and dated and one electronic final signed stamped and dated set.*

#### Additional Requirements

1. Construction Documents: Construction documents are required for all construction associated with the plat/exemption or site development plan. Please submit all plans and reports in an electronic

PDF format construction plans. The Plans may be either emailed to the case manager or put on a CD.

2. Traffic Impact Fees: LDR Section 33 A.8 requires the payment of TRAFFIC IMPACT FEES when obtaining a building permit on any lot within this development. This development will not be eligible for any credit towards the full amount of the fee.

### **CONCLUSION**

These initial case comments are based solely upon the submitted application package. They are intended to make the applicant aware of regulatory requirements. Failure by Planning Engineering to note any specific item does not relieve the applicant from conforming to all County regulations. Furthermore, if the proposed site layout and design are altered substantially during subsequent County land development processes (rezoning, platting, exemptions, additional submittals), Planning Engineering reserves the right to modify these initial comments or add appropriate additional comments.

The applicant should respond to these comments. If there are any questions please contact Ross Klopf at 303-271-8733.

rk  
Attachment/Enclosure  
c: File

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## ADDRESSING

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# MEMO

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To: Ross Klopf  
FROM: Philip Taylor  
SUBJECT: 15-116747PF 9537 Ute Drive  
DATE: 4/26/2016

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Addressing offers the following comments on this proposal:

1. The purpose of this Preliminary and Final Plat is to replat the property from original 11.7 acres to two lots with a minimum of five acres each.
2. Access is off of Ute Drive. There is a valid existing address in the addressing database, 9537 Ute Drive. This address will not change. This address will be for the newly platted Lot 1.
3. The address for Lot 2 will be available when the Plat is approved and recorded.

Please let me know if you have any questions.



# Coal Creek Canyon Fire Protection District

PO Box 7187 Crescent Branch • Golden, Colorado 80403

303.642.3121

[general@coalcreekcanyonfd.org](mailto:general@coalcreekcanyonfd.org) • [www.coalcreekcanyonfd.org](http://www.coalcreekcanyonfd.org)

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09 May 2016

Jefferson County, Colorado  
Planning and Zoning Division  
100 Jefferson County Parkway, Suite 3550  
Golden, Colorado 80419-3550

Attn: Mr. Ross Klopf

Re: Proposed residence  
9537 Ute Drive  
Golden, Colorado 80403  
Driveway, private roadway review

Dear Ross,

As per your request this is to consolidate past correspondence related to Cul-de-sac with over 30 units, access and fire sprinkler requirements.

I reviewed the engineered drawings by Purrington, Civil LLC, dated 3 March 2016 for the above referenced driveway review. The proposed driveway as shown on drawing C.2, Grading, Erosion and Sediment Control Plan, is in accordance with the Jefferson County Planning and Zoning: Driveway Standards.

The existing cul-de-sac with over 30 units is approved because fire hydrants are located throughout. One is located at the property line. In addition the access is acceptable as outlined below.

We approve/accept the plot and associated plans (that do not meet the private roadway requirements) subject to completion of the construction as required in the construction plans dated 4/3/2016 and the continual maintenance agreement, which is the responsibility of the property owner. An all-weather surface shall be installed on the section of the private roadway to be improved.

We still recommend that a residential fire sprinkler protection system be installed, but is not required.

For additional information refer to our letter to Altitude Land Consultants, Dated 14 October 2015.

Additional information about the Fire District's Building requirements can be found on our web site at [www.coalcreekcanyonfd.org](http://www.coalcreekcanyonfd.org).

Feel free to contact me directly at 303-642-7507 if you have additional questions or concerns

regarding this matter

Sincerely,

A handwritten signature in cursive script that reads "Duane A. Harkwell". The signature is written in dark ink and is positioned above the printed name.

Duane A. Harkwell  
District Fire Marshal

cc: Mr. Charlie Barthel, Jefferson County Planning and Zoning  
100 Jefferson County Parkway, Golden, Colorado 80401