



## STAFF BRIEFINGS and WORK SESSIONS

Hybrid Meeting

### AGENDA

February 21, 2023, Immediately Following Hearing

BCC Boardroom, 5<sup>th</sup> Floor and WebEx Virtual Platform

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## BOARD OF COUNTY COMMISSIONERS BRIEFING PAPER

### Colorado Election Security Act Grant

### February 21, 2023

☐ For Information
 ☒ For Discussion/Board Direction
 ☐ Consent to Place on Business/Hearing Agenda

**Issue:** The Jefferson County Clerk and Recorder's Office Elections Division seeks approval to apply for and, if awarded accept additional Colorado Election Security Act ("CESA") grant funds in an amount up to from the Colorado Department of State ("CDOS") potentially a maximum of \$111,500.

**Background:** Pursuant to SB22-153, the Colorado General Assembly adopted increased internal security measures for election officials statewide, including new video surveillance requirements for voting system components, in order to ensure that Colorado elections continue to be protected from those who seek to compromise their security. This same law made grant funding available to local election officials to help defray the costs of these additional security measures.

**Discussion:** In 2022, the Elections Division applied for and was awarded \$24,500 in CESA grant funds from CDOS. CDOS has indicated that additional CESA funds are available, the Elections Division would now like to apply for and, if awarded, accept up to \$111,5000 in new CESA grant funds to help cover the cost of the video security surveillance and other security solutions purchased by the Elections Division.

**Fiscal Impact:**

- Year of impact: 2023
- TABOR impact: Yes
- Existing grant or project: None
- New grant or project: Yes
- Requested in adopted budget: No – will be additional grant funding in addition to Adopted 2023 budget
- Ongoing or one-time: One-Time
- General Fund impact: None
- Staffing impact: None
- ARPA impact: None
- Match requirements: None
- Mandate/Contractual obligation: N/A

**Revenue Limits Impact: ☒ yes ☐ no**

CESA funds are State funds that are subject to the County's TABOR fiscal limit.

**SPA Review: Support, Concerns**

This grant may have a substantive TABOR impact, however as JeffCo is still awaiting final 2022 revenue and CPI figures, it is not currently possible to predict the size of the 2023 impact.

**Facilities Review:** No Fiscal Impact

**BIT Review:** No Fiscal Impact

**Fleet Review:** N/A

**Human Resources Review (new FTE only):** N/A

**Recommendations:** That the Board of County Commissioners approves the Clerk and Recorder Elections Division's to apply for and, if awarded accept up to \$115,000 in additional Colorado Election Security Act grant from the Colorado Department of State and directs that any additional funds received be included in a supplemental appropriation to the Clerk and Recorder's budget.

**Originator:** Craig Johnson

**Contacts for Additional Information:** Geneice Murphy



**BOARD OF COUNTY COMMISSIONERS BRIEFING PAPER**  
**ImageCast X Printer Grant**  
**February 21, 2023**

☐ For Information                      X      For Discussion/Board Direction                      ☐ Consent to  
Place on Business/  
Hearing Agenda

**Issue:** The Jefferson County Clerk and Recorder's Office Elections Division seeks approval to apply for and accept a Democracy Suite ICX Printer Reimbursement grant from the Colorado Department of State ("CDOS") in the amount of \$100,000. The grant will cover 71.43% of the cost of the printers.

**Background:** CDOS has made available a grant to counties that use the Dominion Democracy Suite voting system to reimburse the counties for a portion of the cost of purchasing new HP M404dn printers. Counties who acquire the new HP M404dn printers(s) for use with their Dominion ImageCast X (ICX) ballot marking device provide flexibility when using the uniform ballot option. The uniform ballot functionality removes the QR code from ICX ballots and instead produces an ICX ballot that looks the same as mail ballots. Use of the uniform ballot requires additional space for ballot content and a potential increase in ballot card size, especially for Federal Elections. Acquisition of the new printers will give counties the option to use ballot cards larger than 14 inches.

**Discussion:** The Elections Division has purchased 162 HP M404dn printers and would like to apply for this grant in order to help cover a portion of the cost of the printers. The Elections Division would apply for approximately \$100,000 in grant funds.

**Fiscal Impact:**

- Year of impact: 2023
- TABOR impact: Yes
- Existing grant or project: None
- New grant or project: Yes
- Requested in adopted budget: No – will be additional grant funding in addition to Adopted 2023 budget
- Ongoing or one-time: One-Time
- General Fund impact: None
- Staffing impact: None
- ARPA impact: None
- Match requirements: None
- Mandate/Contractual obligation: N/A

**Revenue Limits Impact:** X yes ☐ no

CESA funds are State funds that are subject to the County's TABOR fiscal limit.

**SPA Review: Support, Concerns**

This grant may have a substantive TABOR impact, however as JeffCo is still awaiting final 2022 revenue and CPI figures, it is not currently possible to predict the size of the 2023 impact.

**Facilities Review:** No Fiscal Impact

**BIT Review:** No Fiscal Impact

**Fleet Review:** N/A

**Human Resources Review (new FTE only):** N/A

**Recommendations:** That the Board of County Commissioners approves the Clerk and Recorder Elections Division's application and acceptance of a \$100,000 Democracy Suite ICX Printer Reimbursement grant from the Colorado Department of State.

**Originator:** Craig Johnson

**Contacts for Additional Information:** Geneice Murphy

**BOARD OF COUNTY COMMISSIONERS BRIEFING PAPER  
BONVUE WATER AND SANITATION DISTRICT  
APPOINTMENT OF BOARD OF DIRECTORS  
FEBRUARY 21, 2023**

☐ For Information                      ☐ For Discussion/Board Direction                      ☒ Consent to  
Place on Business/  
Hearing Agenda

**Issue:** Appointment of Directors to the Bonvue Water and Sanitation District ("District") pursuant to Section 32-1-905 (2.5), C.R.S.

**Background:** The Bonvue Water and Sanitation District was organized by court order on February 6, 1961, in unincorporated Jefferson County. The District, now entirely located within the City of Lakewood (incorporated in 1969) provides water and sanitation services to citizens in the City of Lakewood. The Colorado Division of Local Government ("DOLA") considers the District's Board of Director positions to be vacant based on how the District conducted past Board elections. Under Section 32-1-905 (2.5), C.R.S., if there are no duly elected directors, the board of county commissioners of the county which approved the organizational petition for the district may appoint all directors.

**Discussion:** Because the District's Board positions are deemed vacant, there is no existing District Director capable of appointing the remaining Directors to serve on the District Board until the next regular election in May, 2023. Pursuant to Section 32-1-905 (2.5), C.R.S., and to prevent the interruption of water and sanitation services, the District requests that the Board of County Commissioners to appoint the following individuals to the

**District's Board of Directors: Casey Beckett, President; Kim Cooley (Kimie Sue), Treasurer; Ed Zimbleman, Board Member; Cathy Kentner, Secretary.**

The appointed Directors would serve until the May 2023 election when the District could next elect Directors pursuant to state law. The appointment of the Directors by the BCC enables the District's Board to call a valid election.

The District is wholly within the City of Lakewood. Thus, once the District has a Board of Directors, the District intends to petition the City of Lakewood under Section 32-1-204.7, C.R.S., requesting that the Lakewood City Council accept designation as the approving authority for the District. Such designation would empower the Lakewood City Council to exercise those authorities vested in the approving authority under Title 32, C.R.S., with respect to the District. If the City of Lakewood accepts the District's petition and becomes the approving authority, the City of Lakewood and not Jefferson County would have the authority to appoint the District's Board of Directors, should similar vacancy circumstances occur in the future.

**Fiscal Impact:** None.

**Revenue Limits Impact:** ☐yes ☒no

**SPA Review:** Support, no concern and no fiscal impact

**Facilities Review: N/A**

**BIT Review: N/A**

**Fleet Review: N/A**

**Human Resources Review (new FTE only): N/A**

**Recommendation(s):** Appoint the following individuals to the Board of Directors for the Bonvue Water and Sanitation District: **Casey Beckett, President; Kim Cooley (Kimie Sue), Treasurer; Ed Zimbleman, Board Member; Cathy Kentner, Secretary,** pursuant to Section 32-1-905 (2.5), C.R.S., by resolution at a public meeting.

**Originator:** Carey Markel, County Attorney's Office

**Contacts for Additional Information:** Kristin Cisowski, County Attorney's Office

**BOARD OF COUNTY COMMISSIONERS BRIEFING PAPER**  
**Tenth Amendment to Fixed Base Operator Ground Lease**  
**for Sheltair Denver, LLC**  
**February 21, 2023**

☐ For Information

☐ For Discussion/Board Direction

☒ Consent to  
Place on Business/  
Hearing Agenda

**Issue:** Sheltair Denver, LLC, (Sheltair) desires to exercise their right to lease the New Option Parcel within their lease with Jefferson County Colorado.

**Background:** Sheltair signed a 40-year lease with the County back in 2018. Sheltair received a right to lease an Option Parcel within Amendment #8 of the lease for approximately 3.581 acres of land as depicted on Exhibit "A" within the lease.

**Discussion:** Sheltair desires to exercise the New Option Parcel of approximately 3.581 acres. The Airport staff supports moving forward with the tenth amendment to the Sheltair lease.

**Fiscal Impact:** Exercising the New Option Parcel will bring in an additional \$37,437 in annual lease revenue.

- **Year of impact:** 2022
- **TABOR impact:** None
- **Existing grant or project:** No
- **New grant or project:** No
- **Requested in adopted budget:** No
- **Ongoing or one-time:** One-time
- **General Fund impact:** No
- **Staffing impact:** None
- **ARPA impact:** None
- **Match requirements:** None
- **Mandate/Contractual obligation** Per Amendment #8 of the 2018 lease agreement, Sheltair has a New Option Parcel of 3.581 acres.

**Revenue Limits Impact:** ☐ yes ☒ no

There is no impact to TABOR, as the Airport is an enterprise fund and revenue to the Airport does not impact the County's TABOR Fiscal Year Spending limit calculation.

**SPA Review:** Support with no concerns

**Facilities Review:** N/A

**BIT Review:** N/A

**Fleet Review:** N/A

**Human Resources Review (new FTE only):** N/A

**Recommendations:** The Airport staff recommends that the Board of County Commissioners support the tenth amendment to the Sheltair Denver, LLC, lease with Jefferson County, and request that it be placed on the business consent agenda at a future meeting.

**Originator:** Brandon Burns, Airport, x4859

**Contacts for Additional Information:**

Kurtis Behn, County Attorney's Office, x8923

Stephanie Corbo, Strategy, Innovation & Finance, x8542

Paul Anslow, Airport, x4851

Zoe Jenkins, Strategy, Innovation & Finance, x8519

## BOARD OF COUNTY COMMISSIONERS BRIEFING PAPER

### CSU Extension Plant Clinic Fees

### February 21, 2023

☐ For Information
 ☒ For Discussion/Board Direction
 ☐ Consent to Place on Business/  
Hearing Agenda

#### Issue:

Colorado State University Extension (CSUE) Jefferson County fee increase for diagnostic and plant/insect identification services to align with statewide rates and County (Parks & Conservation) cost recovery targets more closely.

#### Background:

In January 2023, CSUE Jefferson County elected to use the new state-of-the-art, statewide, Plant Diagnostic Clinic at the CSU Spur campus in Denver instead of our own local laboratory. While our Horticulture team will continue to perform sample intake and diagnostic assessments for Jefferson County residents, commercial samples or samples requiring further diagnosis or laboratory work will be sent to CSU's statewide Plant Diagnostic Clinic.

As a part of this shift, we reviewed our current fees which were established six years ago. Our current rates are not meeting the rising costs for this service and should be adjusted to align with CSU statewide fees and Parks & Conservation cost recovery targets. Below is the proposed new fees schedule with discounts for Jeffco residents.

Fee Type	Current Jeffco Fee	Spur Clinic Fee	Proposed Jeffco Fee
<b>Diagnostic Services</b>	\$7 resident \$10 non-resident	\$30	\$20 resident \$30 non-resident
<b>Plant Identification</b>	\$7 resident \$10 non-resident	\$25	\$15 resident \$25 non-resident
<b>Insect Identification</b>	\$7 for resident \$10 for non-resident	\$15	\$10 resident \$20 non-resident

\*CSU Extension of Jefferson County will accept county resident samples; non-resident samples to be accepted only for special circumstances necessary to supporting another CSUE county office.

#### Discussion:

Shifting to the Spur and the proposed fee schedule has several benefits. First, it uses the CSU statewide Plant Diagnostic Lab offering consistency, efficiency, and comprehensive analysis. The proposed fee schedule continues to provide Jefferson County residents a discount for the CSU Spur Plant Diagnostic Clinic. Also, the proposed fees better align with Jeffco Parks & Conservation Cost Recovery Policy adopted by the Board.

Changes to the fee schedule are requested to be approved by April before the influx of samples begins for the Summer 2023 season. Since the shift to using the Spur occurred after the 2023 Budget process was complete this fee adjustment was not previously approved by the Board.

**Fiscal Impact:**

- Year of impact: 2023 and onwards.
- TABOR impact: Unclear.
- Existing grant or project: Continuation of existing project.
- New grant or project: N/A.
- Requested in adopted budget: No.
- Ongoing or one-time: One-time change for an ongoing project; fees are subject to be reassessed over the years, depending on inflation and/or direction from the CSU Statewide Plant Diagnostic Clinic.
- General Fund impact: Unclear.
- Staffing impact: N/A
- APRA impact: N/A
- Match requirements: N/A
- Mandate/Contractual obligation: N/A

**Revenue Limits Impact:**    ☒yes    ☐no

Revenues received as fees are included in the County's TABOR Limit. Revenue impacts of this proposed fee increase are unclear, with potential County's Fiscal Year Revenue Limit impacts varying year to year.

**SPA Review:** Support, no concern.

**Facilities Review:** Does not apply/no fiscal impact.

**BIT Review:** Does not apply/no fiscal impact.

**Fleet Review:** Does not apply/no fiscal impact.

**Human Resources Review:** Does not apply/no fiscal impact.

**Recommendation:** That the Board of County Commissioners approves the fee increase for diagnostic and plant/insect identification services to align with statewide rates and County cost recovery targets.



**Originator:** Jeni Carter, CSU Director

**Contacts for Additional Information:** Jeni Carter, CSU Director,  
[jcarter@co.jefferson.co.us](mailto:jcarter@co.jefferson.co.us), 303-271-6629

**BOARD OF COUNTY COMMISSIONERS BRIEFING PAPER**  
**Tincup Ridge Park – Public Service Company Agreement**  
**JCOS20-19**  
**February 21, 2023**

☐ For Information

☐ For Discussion/Board Direction

☒ Consent to  
Place on Business/  
Hearing Agenda

**Issue:**

The County and Public Service Company (PSCO) have reached an agreement for the purchase of 31.449 surveyed acres located on the eastern portion of Tincup Ridge Park, west of Rooney Road and north of I-70. The proposed purchase price is \$192,000.

**Background:**

The PSCO parcels are the last remaining private lands in Tincup Ridge Park. The purchase of this property allows Jeffco Open Space (JCOS) greater control in managing the I-70 Geologic Trail and offers opportunities for new trails within the park and a regional trail connection between Apex and Matthews/Winters Parks.

**Discussion:**

The acquisition of this property achieves several priorities in the Conservation Greenprint, including Goal 4 - Land Acquisition and Goal 9 - Park System Trail Expansion and advances a primary goal of the Jeffco Trails Plan to improve connections across the entire region. The purchase price is \$192,000, subject to an easement that allows continued access to the transmission lines and towers.

**Fiscal Impact:**

\$192,000 paid with Open Space Funds from the adopted 2023 budget.

- Year of impact: 2023
- TABOR impact: None.
- Existing grant or project: None.
- New grant or project: None.
- Requested in adopted budget: Funding is part of 2023 adopted budget
- Ongoing or one-time: One-time
- General Fund impact: None.
- Staffing impact: None.
- APRA impact: None.

- Match requirements: None.
- Mandate/Contractual obligation: None.

**Revenue Limits Impact:**    ☐yes    ☒no

There is no TABOR FY Spending Limit impact, the request is to use existing funds in the FY2023 Budget, and the Open Space Fund is exempt from TABOR.

**SPA Review:** Support, no concern.

**Facilities Review:** Does not apply/no fiscal impact.

**BIT Review:** Does not apply/no fiscal impact.

**Fleet Review:** Does not apply/no fiscal impact.

**Human Resources Review:** Does not apply/no fiscal impact.

**Recommendations:**

That the Board of County Commissioners approve the recommendation made in Open Space Advisory Committee Resolution #21-06 and authorize the purchase of the Tincup Ridge Park – Public Service Company property for \$192,000, subject to an easement that allows continued access to the transmission lines and towers.

**Originator:**

Hillary Merritt, Deputy Director

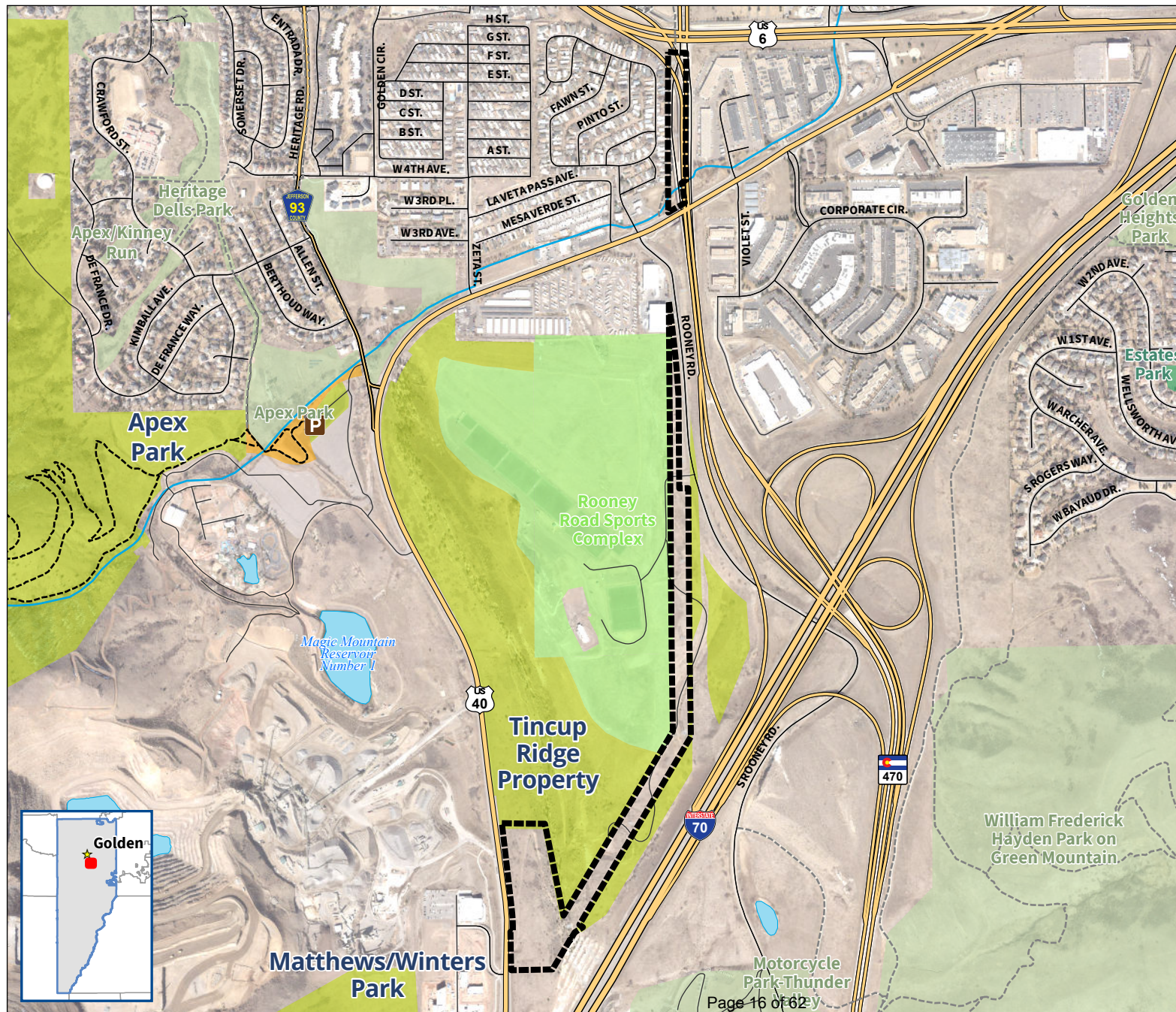
**Contacts for Additional Information:**

Hillary Merritt, Deputy Director, [hmerritt@co.jefferson.co.us](mailto:hmerritt@co.jefferson.co.us) 303-271-5948

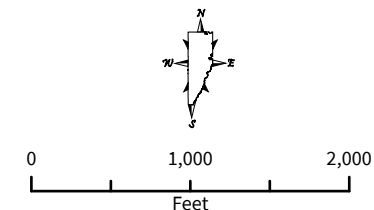


# Tincup Ridge Park - JCOS20-19

## Public Service Company Agreement



- Project Site (31.449 Acres)
- Parking
- Jeffco Open Space Shared-use Trail
- Non-Jeffco Open Space Trail
- Major or Park Access Road
- Local Road
- Jeffco Open Space
- Agreement Held by Jeffco Open Space
- Other Park or Open Space
- County
- Metropolitan/ Recreation District



Scale is 1:14,500 when printed at 8.5"x11"

Last Revised 7/18/2022



**JEFFERSON**  
COUNTY COLORADO  
Open Space

Data Sources: USGS, Jeffco ITS, Jeffco Open Space, NHD, CDOT

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**BOARD OF COUNTY COMMISSIONERS BRIEFING PAPER**  
**Douglas Mountain – Mount Tom Land Conservation Area**  
**JCOS22-06**  
**February 21, 2023**

☐ For Information

☐ For Discussion/Board Direction

☒ Consent to  
Place on Business/  
Hearing Agenda

**Issue:**

The Douglas Mountain – Mount Tom Land Conservation Area consists of more than 3,000 acres of undeveloped land in northwestern Jefferson County located east of the Douglas Mountain Study Area and west of White Ranch Park, between Golden Gate Canyon Road and Crawford Gulch Road.

**Background:**

Jeffco Open Space (JCOS) acquired Douglas Mountain in 2015 and the property has been closed to the public to facilitate resource evaluations in advance of developing a park plan for the property. In partnership with Colorado Parks and Wildlife (CPW), Great Outdoors Colorado (GOCO), the Conservation Fund, and Mountain Area Land Trust (MALT), JCOS has an opportunity to preserve an additional 3,000 acres in this area. This acquisition will conserve critical Front Range habitat for big game, preserve scenic viewsheds, and provide public access to Mount Tom.

This project builds off the extraordinary conservation work completed by Jefferson County and CPW over the last few decades and brings together public and private partners with significant experience and resources. Funds from GOCO, CPW and JCOS will be used to purchase fee simple and conservation easement interests in some of the last, privately owned parcels with significant undeveloped acreage in the region.

**Discussion:**

In late 2022, JCOS closed on the first phase of acquisitions, including the 400-acre Parcel A Conservation Easement (CE) and the 435-acre Parcel B Fee acquisition. In the next phase, JCOS will purchase the 404-acre Parcel E property, which includes the summit of Mount Tom. The property is encumbered by a CE held by MALT and the CE will be amended to make a variety of changes, including: (1) extinguish all development rights, (2) incorporate GOCO's standard conservation easement language, (3) allow a new single-track trail for non-motorized use for public access to Mount Tom, and (4) allow subdivision of the subject property for land management purposes.

This final amendment to the CE is required for JCOS to convey 100 acres of Parcel E to CPW for inclusion in the Ralston Creek State Wildlife Area. CPW is not currently included as an eligible partner under the Administrative Policy, adopted on February 11, 2014, that describes the Open Space Program Terms, Priorities, Use of Funds and Transfers of Property. JCOS requests that for purposes of this transaction, the Board of County Commissioners make an exception to the Policy and include CPW as a "Local Government" under provision B.10. for purposes of completing this project. Additionally, for this transaction, JCOS proposes to expand the uses permissible under the Open Space Reverter language spelled out in provision D.6.b. to include as a permissible use that of wildlife protection as defined under the policy of the State of Colorado reflected in C.R.S §33-1-101(1). JCOS will bring these and other requested changes to the Administrative Policy to the Board for approval later this year.

As part of this transaction, JCOS will convey a 100-acre portion of Parcel E to CPW with the Jeffco Open Space Reverter, modified as described above, to ensure it is used exclusively for public open space, park, recreational, or wildlife protection purposes. JCOS will also purchase the 412-acre Parcel F property in Fee and convey the property to CPW for inclusion in the Ralston Creek State Wildlife Area with the aforementioned slightly modified Jeffco Open Space Reverter. In order to protect CPW's financial contribution to the acquisition of Parcel F, JCOS will also enter into an agreement with CPW whereby JCOS will reimburse CPW for the lesser of 10.3% of the property's appraised value or \$326,500 if the property is ever acquired by JCOS under the Reverter. The \$326,500, or 10.3% of the property's currently appraised value is CPW's contribution to this parcel.

**Fiscal Impact:**

The estimated cost for the entire project is approximately \$25.6 million, which will be funded by a \$9,564,500 award from GOCO, a \$6 million award from the CPW Habitat RFP, a \$8.56 million cash match from the Open Space Fund, and land value donations from private landowners. JCOS spent \$5.142 million of its \$8.56 million contribution in 2022 and anticipates spending the remaining \$3.418 million in 2023.



The proposed acquisitions and timelines, subject to final appraisals, are summarized in the following table:

<b>JCOS Acquisitions</b>	<b>CPW Acquisitions</b>
<b>Parcel A</b> – 400 acres Conservation Easement  JCOS contribution: \$2,655,000 GOCO contribution: <u>\$600,000</u> Total \$3,255,000  Completed: November 11, 2022	<b>Parcel G</b> – 664 acres Fee purchase  CPW-RFP: \$5,673,500 CPW-Centennial \$1,564,500 GOCO contribution: <u>\$3,801,500</u> Total \$11,039,500
<b>Parcel B</b> – 435 acres Fee purchase  JCOS contribution: \$2,487,000 GOCO contribution: <u>\$200,000</u> Total \$2,687,000  Completed: December 13, 2022	
<b>Parcels C &amp; D</b> – 817 acres Conservation Easement  Estimated Cost: \$1 million  Anticipated Closing: Fall 2023	
<b>Parcel E</b> - 404 acres Fee purchase (Includes MALT CE)  JCOS contribution: \$1,657,000 GOCO contribution: <u>\$1,332,000</u> Total \$2,989,000  Closing: Spring 2023	<b>Parcel E</b> - 100 acres conveyed with JCOS Reverter and MALT CE       Closing: Spring 2023
<b>Parcel F</b> – 412 acres Fee purchase  JCOS contribution: \$1,261,000 GOCO contribution: \$1,566,500 CPW contribution: <u>\$326,500</u> Total \$3,154,000  Closing: Spring 2023	<b>Parcel F</b> – 412 acres conveyed with JCOS Reverter       Closing: Spring 2023

- Years of impact: 2022-2023
- TABOR impact: None.
- Existing grant or project: None.
- New grant or project: None.
- Requested in adopted budget: Funding for this phase is part of 2023 adopted budget
- Ongoing or one-time: One-time
- General Fund impact: None.
- Staffing impact: None.
- APRA impact: None.
- Match requirements: None.
- Mandate/Contractual obligation: None.

**Revenue Limits Impact:** ☐yes ☒no

There is no TABOR FY Spending Limit impact, the request is to use existing funds in the FY2023 Budget and the Open Space Fund is exempt from TABOR.

**SPA Review:** Support, no concern.

**Facilities Review:** Does not apply/no fiscal impact.

**BIT Review:** Does not apply/no fiscal impact.

**Fleet Review:** Does not apply/no fiscal impact.

**Human Resources Review:** Does not apply/no fiscal impact.

**Recommendations:**

That the Board of County Commissioners approve the recommendation made in Open Space Advisory Committee Resolution #22-11, and authorize funds remaining from the approved \$8.56 million from the Open Space Fund toward the next phase of land acquisitions.

**Originator:**

Hillary Merritt, Deputy Director

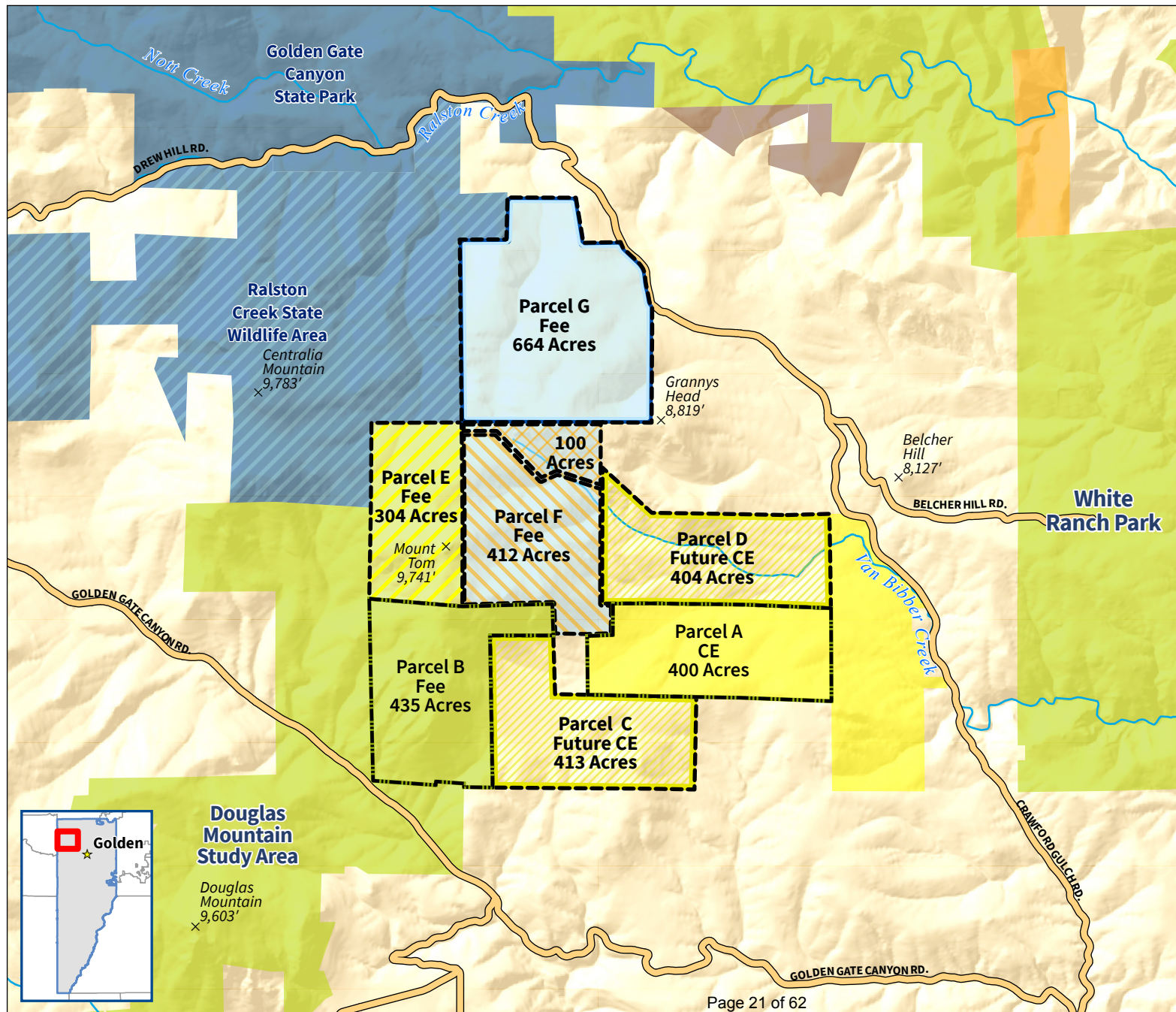
**Contacts for Additional Information:**

Hillary Merritt, Deputy Director, [hmeritt@co.jefferson.co.us](mailto:hmeritt@co.jefferson.co.us) 303-271-5948



# Douglas Mountain - JCOS22-06

## Mount Tom Land Conservation Area



- Future Jeffco Open Space Owned in Fee (Conservation Easement held by Others)
- Future Jeffco Open Space Conservation Easement
- Future Colorado Wildlife Area (with Jeffco Open Space Reverter)
- Future Colorado Wildlife Area (with Jeffco Open Space Reverter and Conservation Easement held by Others)
- Future Colorado Wildlife Area
- Completed Project
- Stream or River
- Jeffco Open Space Owned in Fee
- Agreement Held by Jeffco Open Space
- Jeffco Open Space Conservation Easement
- Private Conservation
- Colorado State Park
- Colorado State Wildlife Area



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Miles

Scale is 1:48,929 when printed at 8.5"x11"

Last Revised 2/8/2023



**JEFFERSON**  
COUNTY COLORADO  
Open Space

Data Sources: USGS, Jeffco ITS, Jeffco Open Space, NHD, CDOT

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**BOARD OF COUNTY COMMISSIONERS BRIEFING PAPER**  
**Jeffco Fairgrounds – Westernaires JCOS22-01**  
**February 21, 2023**

☐ For Information    ☐ For Discussion/Board Direction    ☒ Consent to  
Place on Business/  
Hearing Agenda

**Issue:**

Jefferson County proposes to deed 20.691 acres, including 12.8 acres of Open Space property located adjacent to the Jefferson County Fairgrounds to Westernaires, Inc., a Colorado nonprofit corporation. The property is to be used for public open space, park, and recreation purposes, including the grazing and maintenance of horses.

**Background:**

Jefferson County acquired 68.6 acres of property in 1951 to be used as the County Fairgrounds. In 1983, an additional 32 acres adjacent to the southeast corner of the Fairgrounds was acquired using approximately \$1.4 million of Jeffco Open Space Sales Tax Funds. The County conveyed the Fort Parcel, consisting of approximately 5.4 acres, to the Westernaires in the subsequent decades. In 1998, the County executed a perpetual Declaration of Covenants and Reciprocal Easements (Declaration), that essentially functions as a permanent lease with no termination clause and applies to the Fort Parcel and approximately 30 acres of adjacent General Fund and Open Space Fund properties. The Declaration describes various uses of the property in support of Jefferson County Youth, including for riding arenas, horse pasturing and feeding, and encouraging leadership through horsemanship. Portions of the property were also designated as drainage and buffer areas that were to be used exclusively for surface water detention and scenic buffers.

In the spring of 2019, the County observed a significant amount of manure in three different areas: on the Stadium Parcel, in the stormwater inlets that drain to the adjacent gulch, and in the pastures. To address the possible State water quality violations that could have resulted in fines of \$54,000/day/occurrence, the County worked with the Colorado Department of Health and Environment (CDPHE) and the Westernaires to address compliance with several regulations. These include the Municipal Separate Storm Sewer System (MS4) stormwater regulations and Colorado's Water Quality Control Commission Regulation 81 requirements for animal feeding operations. CDPHE approved a detention basins plan that remedy the violations and the County completed the required improvements in the fall of 2021. As the current owner of the property the County is subject to all

CDPHE fines even if the County is not the source or cause of the violation.

To address these issues, the County proposes a land transfer to the Westernaires that deeds 20.691 acres, including 12.8 acres of Open Space Fund property (Property).

**Discussion:**

Under the Land Transfer Agreement, the Parties will terminate the Declaration. Jefferson County will transfer the Property to the Westernaires with a deed that includes a right of entry for condition broken (RECB). Since this conveyance is to a nonprofit and they have existing assets on the property, the RECB will be used instead of the standard Open Space Reverter. If the Westernaires cease to use the Property for the intended purposes, and after a notice and cure period has expired, the County will have the option to take back the Property. In addition, if Westernaires decide at any time to sell the Property, the County must first approve the sale and termination of the restrictions, and the County will receive the greater of \$1,100,000 or 70% of the fair market value of the Property.

As part of the transfer of the Property and termination of the Declaration, the Parties will enter into a new Restrictive Covenant Agreement that requires the Property to be used for public open space, park, and recreation purposes, including the grazing and maintenance of horses. As the owners of the Property, the Westernaires will be responsible for all maintenance, operations, and use of the Property, including the detention basins.

The Parties will also enter into a Reciprocal Easement Agreement for utilities and drainage affecting the Property and the remaining property owned by the County.

**Fiscal Impact:**

There is no fiscal impact resulting from this agreement, any future payments received under this agreement will require additional Board approval.

- Year of impact: N/A
- TABOR impact: None.
- Existing grant or project: None.
- New grant or project: None.
- Requested in adopted budget: N/A
- Ongoing or one-time: N/A
- General Fund impact: None.
- Staffing impact: None.
- APRA impact: None.
- Match requirements: None.
- Mandate/Contractual obligation: None.

**Revenue Limits Impact:**    ☐yes    ☒no

No impact to the TABOR FY Spending Limit, no additional revenue being requested, and the Open Space Fund is exempt from TABOR.

**SPA Review:** Support, no concern.

**Facilities Review:** Does not apply/no fiscal impact.

**BIT Review:** Does not apply/no fiscal impact.

**Fleet Review:** Does not apply/no fiscal impact.

**Human Resources Review (new FTE only):** Does not apply/no fiscal impact.

**Recommendations:**

That the Board of County Commissioners approve the recommendation made in Open Space Advisory Committee Resolution #23-01 and authorize termination of the Declaration, transfer of the Property to the Westernaires, and execution of a new Restrictive Covenant Agreement and Reciprocal Easement Agreement, both with the Westernaires.

**Originator:**

Hillary Merritt, Deputy Director

**Contacts for Additional Information:**

Hillary Merritt, Deputy Director, [hmerritt@co.jefferson.co.us](mailto:hmerritt@co.jefferson.co.us) 303-271-5948;  
Tom Hoby, Director, [thoby@co.jefferson.co.us](mailto:thoby@co.jefferson.co.us) 303-271-5930





## Jeffco Fairgrounds – Westernaires JCOS22-01





Jefferson County Fairgrounds  
35000 Aerial Image  
1:1000  
1 inch = 80 feet  
100 0 100 Feet



## FAIRGROUNDS – WESTERNAIRES CHRONOLOGY

- 1951** County acquires 68.6 acres where the Fairgrounds is now located.
- 1964** County conveys 4 acres lying south of the Fairgrounds to Westernaires, a nonprofit corporation and conveys an additional 1.4 acres in **2001** (*Fort Parcel*).
- 1983** County acquires 32 acres adjacent to the southeast corner of the Fairgrounds with \$1,412,102 of Jeffco Open Space Sales Tax Funds (\$44,128/acre).
- 1998** County and Westernaires execute the Declaration of Covenants and Reciprocal Easements (Declaration) that applies to:
- the 5.4-acre Westernaires property (*Fort Parcel*);
  - 9.163 acres of the Fairgrounds acquired with County General Funds (*Stadium Parcel*); and
  - 20.98 acres acquired with Open Space Funds (*Pasture Parcel 1, Pasture Parcel 2, Detention Parcel, and Pasture Drainage Area*)

## CHRONOLOGY CONTINUED

- Spring 2019** County observes a significant amount of manure on the Stadium Parcel, the Pasture Drainage Area, and in runoff from Pasture Parcels 1 & 2.
- County engages with CDPHE and Westernaires to address compliance with MS4 stormwater regulations and Colorado's Water Quality Control Commission Regulation 81 requirements for animal feeding operations.
- Late 2020** CDPHE approves detention basins plan with an August 1, 2021 completion date.
- County proposes a land transfer to Westernaires that terminates the Declaration.



# Jeffco Fairgrounds - JCOS22-01

Westernaires



Jeffco Fairgrounds

**Stadium Area**  
7.8 ac.  
(JCGF)

**Detention Area**  
(JCOS)

**Fort Parcel**  
5.4 ac.  
(Westernaires)

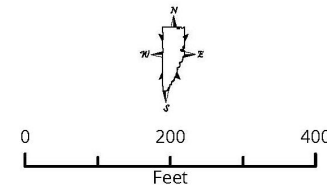
**Pasture Area 2**  
(JCOS)

**Pasture Area 1**  
(JCOS)

12.8 ac.

- Buffer Line
- Major or Park Access Road
- Local Road
- Jeffco Area/Ownership
- Westernaires Fort Parcel
- Jeffco Open Space Property

APPROXIMATE  
ACREAGE



Scale is 1:2,800 when printed at 8.5"x11"  
Last Revised 11/29/2022



Data Sources: USGS, Jeffco ITS, Jeffco Open Space, NHD, CDOT

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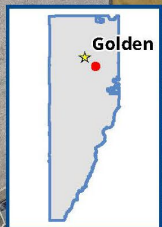
20.691 acres of the County Property

Buffers- 100 ft on Fort Parcel, following fence line on Pasture Area 1

Extended Detention Basins- O&M Plan

Terminate existing Declaration, new Restrictive Covenant- Upon any sale, payment to JCOS \$1.1M or 70% of FMV

Reciprocal Easement Agreement







Questions?

**BOARD OF COUNTY COMMISSIONERS BRIEFING PAPER****Contract for Plan and Regulation Update Services****Comprehensive Master Plan****Community Wildfire Protection Plan****Evacuation Annex****Transportation Master Plan****Unified Land Use Code****February 21, 2023**☐ For Information☐ For Discussion/Board Direction☒ Consent to  
Place on Business/  
Hearing Agenda

**Issue:** Jefferson County Department of Development and Transportation and Sheriff's Office, Office of Emergency Management have chosen Logan Simpson, et. al. to prepare the County Plan and Regulation Update, Project #22-5456ED-DT. This includes updates to the Comprehensive Master Plan, Community Wildfire Protection Plan, Comprehensive Management Plan, Evacuation Annex, Transportation Master Plan, and County land use regulations, which will be called the Unified Land Use Code. Contract negotiations have been completed and the County and the consultant have come to an agreement on the Scope of Services and Fee Schedule. The County Project Team would like Board of County Commissioners' approval to put this item on the Business Agenda for the Board to consider the Contract.

**Background:** This project was allocated \$800,000 in ARPA funding in the spring of 2022. The purpose of this funding is for the County to update our Comprehensive Master Plan (CMP), CWPP, Comprehensive Emergency Management Plan, Evacuation Annex (EA), Transportation Master Plan (TMP) and County land use regulations (zoning and land development). By updating all of these plans and regulations at the same time, there will be integration of land use, wildfire, evacuation planning and transportation policies and regulations so that they are all aligned and provide a cohesive vision for the future.

A County Project Team was formed, and a Request for Proposal was published to solicit proposals from consulting firms, which closed on August 15, 2022. After review of the sole proposal, the Scoring Committee, which was the same group as the Project Team, chose the team led by Logan Simpson to perform the work. The chosen consultant team Logan Simpson, intends to perform the work through its own work and through sub-contracts with Felsburg Holt & Ullevig, The Ember Alliance, Michael Baker International, White & Smith Planning and Law Group, Wilson Williams, LLP, Kendig Keast Collaborative, and Community Language Cooperative ("CONSULTANT TEAM"). The project covers a wide range of specialty tasks, so a large CONSULTANT TEAM was needed to be able to complete all parts of the Request for Proposal.

This project is intended to be completed in incremental components to allow a robust public outreach process. County staff will continue coordination with fire districts, Jeffco Parks and Open Spaces, and others concerning the COSWAP grant and other important initiatives over the course of this project.



The proposed timeline is to have all plans adopted in 18 months. Regulation updates are proposed for a total of 24 months with a phased approach. Updates would be proposed and adopted throughout the 18-month plan update process with final regulation updates implementing the plan updates, as necessary, to be completed 6 months after those plans are adopted.

The total project price is \$950,000. The two sources of funding are from the American Rescue Plan (ARPA) in the amount of \$800,000 and the County Road and Bridge fund in the amount of \$150,000.

The County Project Team, the ARPA review team, the County Attorney's Office, the Equity, Diversity and Inclusion (EDI) team, Public Affairs, Budget and Information Technology (BIT), Procurement and the Consultant Team have been working through contract negotiations and have reached an agreement on the Scope of Services and Fee Schedule.

**Discussion:** The County Project Team requests that the Board of County Commissioners place the Contracts for the County Plan and Regulation Update Services, and the Transportation Master Plan, Project #22-5456ED-DT on the Business Agenda for decision and to allocate \$150,000 from the Road and Bridge fund to be used exclusively for the Transportation Master Plan.

**Update:** Since the last briefing about this project in November 2022, County staff has worked with EDI to make sure there are Key Performance Indicators (KPIs) regarding Equity, Diversity and Inclusion as required by ARPA, worked with BIT to ensure the web platform for public engagement meets County requirements, coordinated with Public Affairs to ensure they will be involved with the Public Engagement Plan, and worked with the County Attorney to satisfy requirements with the legal review process. The County Project Team has been working with the County's ARPA Team since the beginning of the RFP process.

The separate Transportation Master Plan contract includes requirements for a safety component, which is referred to as a Vision Zero plan in the request for proposal. While this safety component may allow the county to qualify for additional state and federal grants. It will not be used to apply for the implementation grant outlined in the Safe Streets For All (part of IIJA) grant award which the county recently received. The Safe Streets For All safety plan will qualify the county to apply for Safe Streets For All Implementation dollars, while the safety plan included in this contract does not.

**Fiscal Impact:**

- Year of impact: 2023 to 2025
- TABOR impact: No, ARPA funding and use of fund balance from Road & Bridge Fund.
- Requested in adopted budget:
- Ongoing or one-time: One-time
- General Fund impact: N/A
- Staffing impact: N/A
- APRA impact: \$800,000 allocated from main ARPA award
- Match requirements: None, but propose to use fund balance in the amount of

- \$150,000 from Road & Bridge Fund
- Mandate/Contractual obligation: Contract price \$950,000

**Revenue Limits Impact:** ☐yes ☒no

The source of funding is the county's direct American Rescue Plan award and fund balance in the Road & Bridge Fund, there is no impact to the county's TABOR Fiscal Year Spending Limit.

**SPA Review:** Support, no concerns.

**Facilities Review:** N/A

**BIT Review:** Support with no Concerns

**Fleet Review:** N/A

**Human Resources Review (New FTE Only):** N/A

**Recommendations:** Place the Contracts for County Plan and Regulation Update Services with Logan Simpson in the total amount of \$950,000 on the March 7 Business Agenda for approval.

**Originator:** Abel Montoya, x8578, [amontoya@jeffco.us](mailto:amontoya@jeffco.us)

**Contacts for Additional Information:**

Chris O'Keefe, x8713, [cokeefe@jeffco.us](mailto:cokeefe@jeffco.us)

Christina Lane, x8473, [clane@jeffco.us](mailto:clane@jeffco.us)

Hal Grieb, x4901, [hgrieb@jeffco.us](mailto:hgrieb@jeffco.us)

Heather Gutherless, x8716, [hgutherl@jeffco.us](mailto:hgutherl@jeffco.us)



# COUNTY PLAN + REGULATION UPDATE

JEFFERSON COUNTY PROJECT #22-5456ED-DT

# Consultant Team

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L O G A N S I M P S O N



# Plan Coordination

## COMPREHENSIVE MASTER PLAN (CMP)

**Logan Simpson**

- Community Language Collaborative

## TRANSPORTATION MASTER PLAN (TMP)

**Felsburg, Holt & Ullevig**

## COMMUNITY WILDFIRE PROTECTION PLAN (CWPP)

**The Ember Alliance**

## CEMP EVACUATION ANNEX (CEMP/EA)

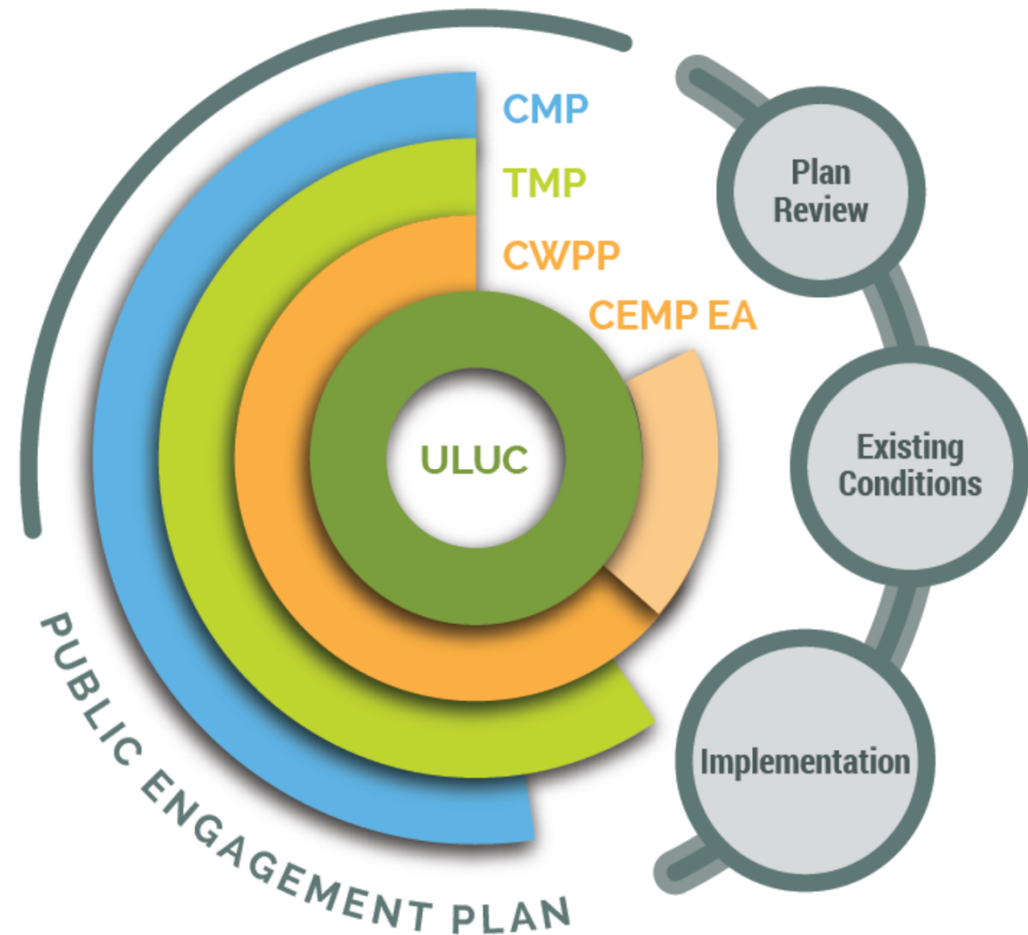
**Michael Baker**

- The Ember Alliance
- Felsburg, Holt & Ullevig

## UNIFIED LAND USE CODE (ULUC)

**Logan Simpson**

- Kendig Keast
- White & Smith
- Wilson Williams, LLP



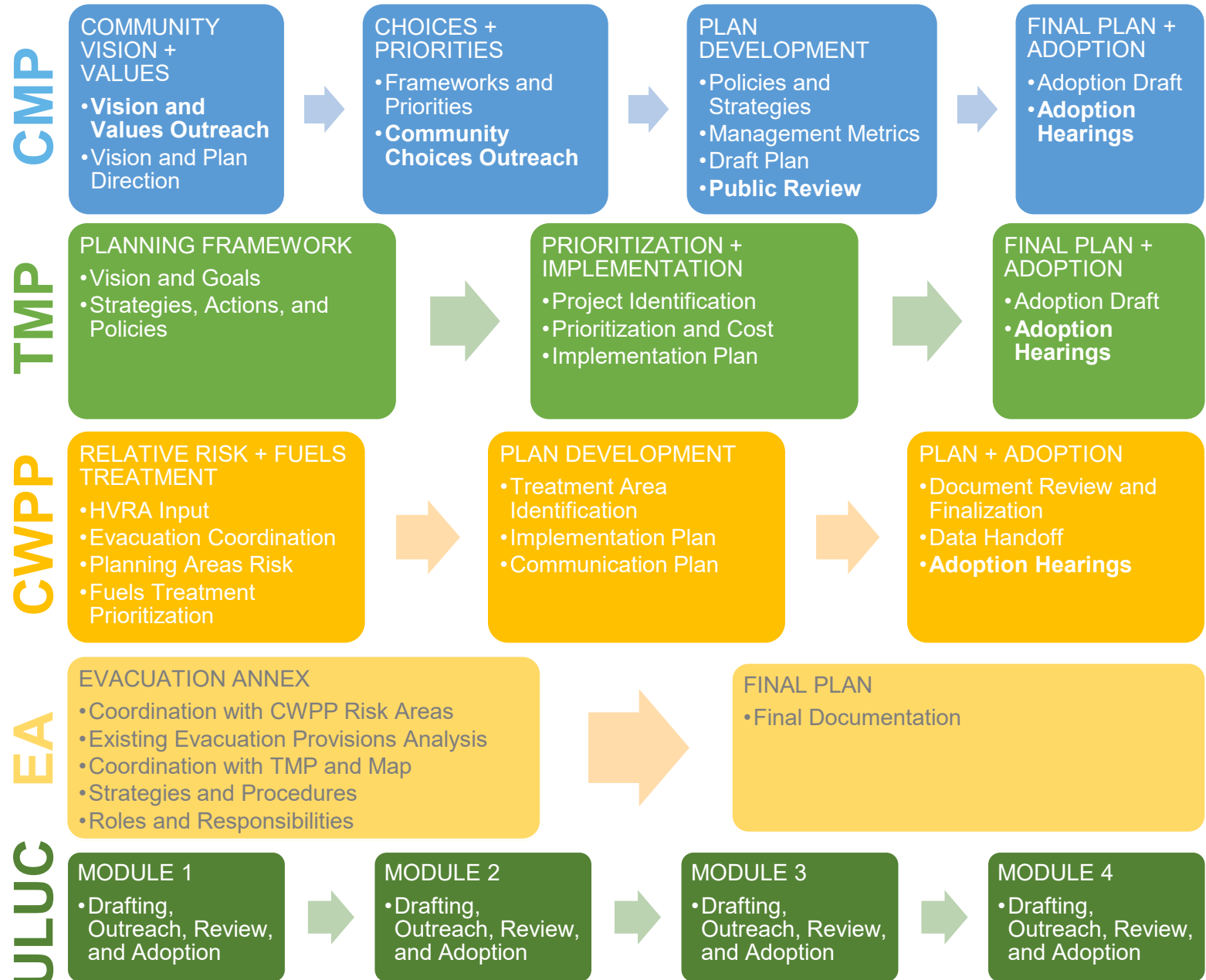


# Plan Phasing

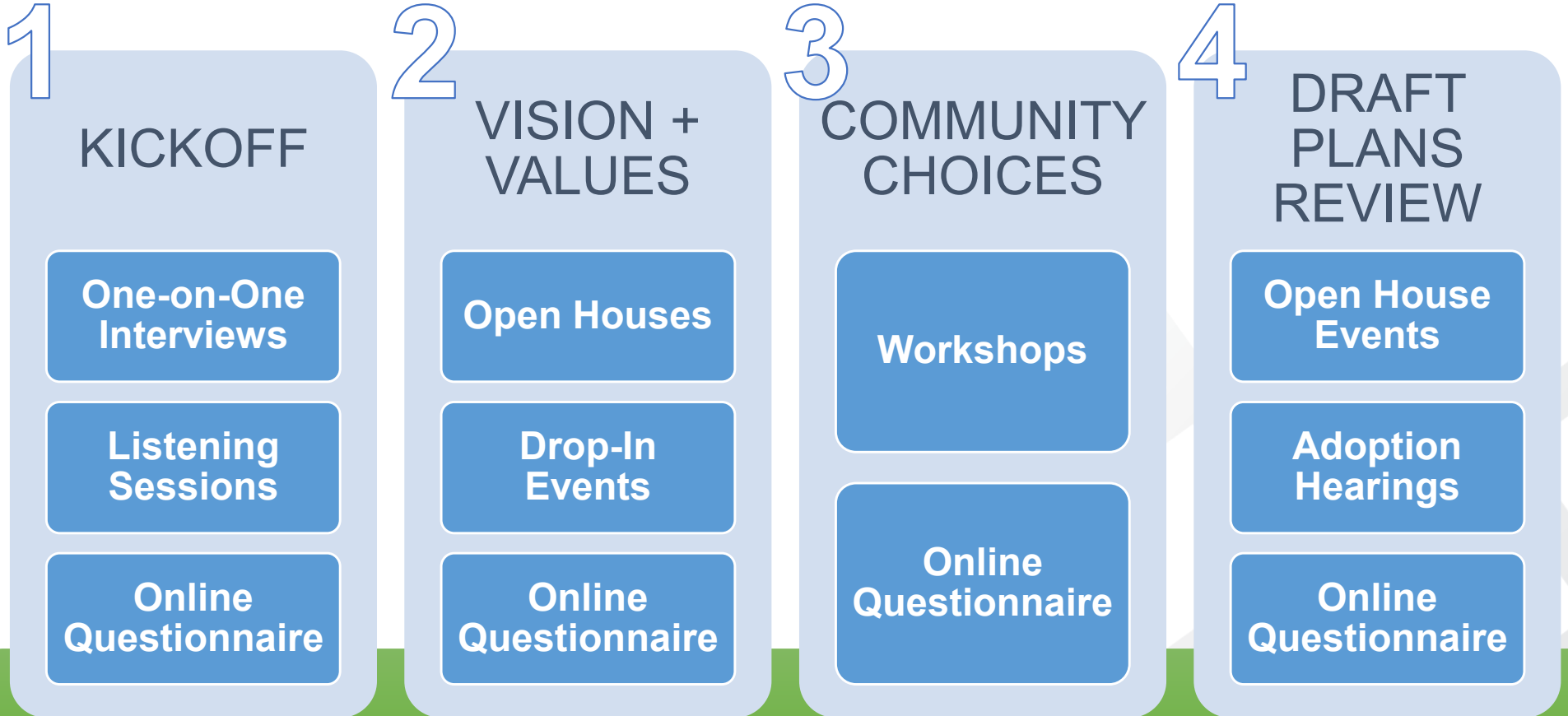
## ACROSS ALL PLANS

### FOUNDATION

- Project Kickoff
- Public Engagement Plan
- Guidance Roundtables, Listening Sessions, and County Tour**
- Evaluation and Audit of Existing Plans/Code
- Existing Conditions Snapshots
- Coordination with COSWAP grant



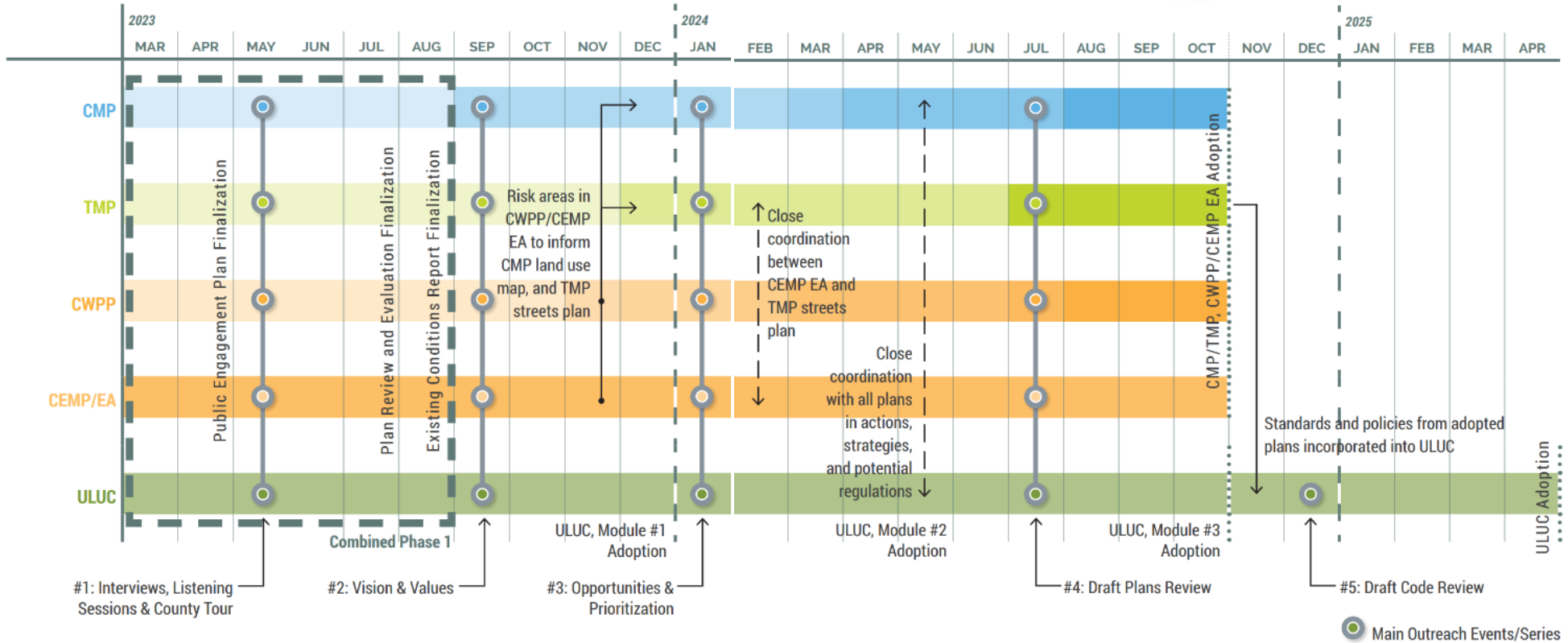
# Plan Outreach



**Project Website Feedback Opportunities**  
(Tag the Map, Comment Boards, Photo Contests)

# Overall Schedule

## OVERALL PLAN COORDINATION/SCHEDULE



**BOARD OF COUNTY COMMISSIONERS BRIEFING PAPER**  
**Facilities Management Upcoming Contracts/2023 Pre-Approvals**  
**February 21, 2023**

☐ For Information                      ☐ For Discussion/Board Direction      ☒ Consent to  
Place on Business/  
Hearing Agenda

**Issue:**

Request for Pre-Approvals on Facilities Management Projects

**Background:**

Facilities Management has the following projects planned for 2023 that may need Board of County Commissioner contract and/or purchase order approval:

Facilities Master Plan Implementation: In 2018, Facilities Management completed a Countywide Facilities Master plan, identifying needs through 2038. Projects that were identified in the plan for growth and/or space needs are not being addressed at this time, however, other projects identified in the Master Plan are recommended. These include but may not be limited to additional secure parking at the Administration and Courts Facility, the addition of a second elevator accessible to the public as well as replacement of the generator and switchgear at the Dakota Building, and design of a new shop at Shaffer Road and Bridge. A consultant may also be engaged to update the Facility Master Plan based on post-covid trends.

Countywide Elevator Modernization: Modernization of existing elevators is required to keep them functional and to improve ADA accessibility.

Human Services Building Boiler and Pump Replacement: The boilers and pumps at the Human Services Building are approaching their end of life and must be replaced.

**Discussion:**

Facilities Management is requesting Pre-Approval on contract and purchase orders up to the following amounts:

Facilities Master Plan Implementation - \$2,600,000 (as budgeted in 2023).

Countywide Elevator Modernization - \$800,000 (as budgeted in 2023).

Human Services Building Boiler and Pump Replacement - \$850,000 (as budgeted in 2023).

**Fiscal Impact:**

Up to \$4,250,000 from the 2023 adopted budget.

**Revenue Limits Impact:** ☐yes ☒no

There is no impact to the county's TABOR Fiscal Year Spending Limit as the request does not involve receiving new revenue.

**SPA Review: Support, no concerns**

- Year of impact: 2023
- TABOR impact: No
- Existing grant or project: None
- New grant or project: None
- Requested in adopted budget: Yes, funding has been approved in 2023 Adopted Budget
- Ongoing or one-time: Costs specific to 2023
- General Fund impact: Costs budgeted in the General Fund in 2023
- Staffing impact: None
- ARPA impact: None
- Match requirements: None
- Mandate/Contractual obligation: N/A

**Facilities Review:** Requesting Division.

**BIT Review:** No fiscal impact.

**Fleet Review:** No fiscal impact.

**Human Resources Review (new FTE only):** N/A

**Recommendations:**

Facilities Management is requesting that the following projects be placed on a future Board of County Commissioner Hearing for Pre-Approval of contracts and/or purchase orders: Countywide Facilities Master Plan Implementation projects, Countywide Elevator Modernization, and the Human Services Building Boiler and Pump Replacement.

**Originator:**

Mark Danner, Facilities Management Director, X5008

**Contacts for Additional Information:**

Anne Panza, Assistant Director of Construction Services, X5026

# BOARD OF COUNTY COMMISSIONERS BRIEFING PAPER

## Open Space Lands Regulations Policy

### February 21, 2023

For Information

For Discussion/Board Direction

☒ Consent to  
Place on Business/  
Hearing Agenda

#### Issue:

On March 1, 2022, the state legislature passed misdemeanor reform in House Bill #22-1229, which requires amendments to the current Jeffco Open Space Park Regulations and Open Space policy to comply with the new statute.

#### Background:

The 2022 misdemeanor reform bill impacted several county ordinances. It changed park regulation violations from misdemeanors to civil infractions. We must adjust Jeffco Open Space Park Regulations, Open Space policy, and our summons to bring them into alignment. These are relatively minor adjustments that are tracked in the attached documents.

#### Discussion:

Staff is proposing to amend the ordinances to comply with state statutes. All instances of Class 2 Petty Offenses have become Civil Infractions.

#### Fiscal Impact:

The proposed ordinance changes may result in increases or decreases to associated revenue, with potential changes varying year to year.

- Year of impact: 2023 and all years moving forward
- TABOR impact: Unclear
- Existing grant or project: None
- New grant or project: None
- Requested in adopted budget: N/A
- Ongoing or one-time: Ongoing
- General Fund impact: Unclear
- Staffing impact: None
- ARPA impact: None
- Match requirements: None
- Mandate/Contractual obligation: Changes mandated to comply with state statutes.

Revenue Limits Impact: ☒ yes ☐ no

Revenues received as fines are included in the County's TABOR Limit. Revenue impacts of these proposed ordinance changes are unclear, with potential County Fiscal Year Spending Limit impacts varying year to year.

**SPA Review: N/A**

**Facilities Review: N/A**

**BIT Review: N/A**

**Fleet Review: N/A**

**Human Resources Review (new FTE only): N/A**

**Recommendations:** BCC approves amended Open Space Park Regulations.

**Originator:** Kate Newman, Acting County Manager

**Contacts for Additional Information:** Mary Ann Bonnell, Visitor Services and Natural Resources Director, [mbonnell@co.jefferson.co.us](mailto:mbonnell@co.jefferson.co.us) 303-271-5995

<b>Title:</b> Administrative Policy Open Space Lands Rules and Regulations	<b>Policy No.</b> Part 6, Management and Use of County Property Chapter 4, Open Space Section 1
	<b>Effective Date</b>
<b>Policy Custodian</b> Open Space Division	<b>Adoption/Revision Date</b>

**Adopting Resolution(s):** CC \_\_\_\_\_

**References (Statutes/Resos/Policies):** §29-7-101(2), 16-2-201 C.R.S.; CC79-865, CC82-127, CC87-358, CC87-1094, CC88-352, CC92-53, CC96-746, CC01-244, CC07-059, CC10-033, CC14-045, CC17-265, CC18-401, CC21-176

**Procedure:** Fees for Violation of the Open Space Lands Rules and Regulations

**Purpose:** To establish rules and regulations for Open Space Lands.

**Policy:** Open Space Lands Rules and Regulations

A. Definition

"Open Space Lands," wherever used throughout this Administrative Policy (Policy), shall mean all public parks, other lands, easements, waters or facilities owned by Jefferson County which have been purchased with Jefferson County Open Space funds, or are managed or administered by the Jefferson County Open Space Division (Open Space Division).

B. Authority

1. The Open Space Division shall be and hereby is authorized and empowered to designate those Open Space Lands or portions thereof which shall be closed to any entry, use or occupancy or to specific types of entry, use or occupancy when such closure is necessary for the protection of the land or vegetation or wildlife thereon, for the protection or safety of park visitors, or for construction or maintenance purposes. Notice of such closures shall be given by the conspicuous posting of signs at such closed areas.
2. The Open Space Division is authorized and empowered to (i) designate those portions of Open Space Lands upon which specified and designated uses will be permitted, and (ii) based on guidelines and requirements developed by the Open Space Division, issue an Open Space Lands permit (Park Permit) to a person or organization conducting a commercial, group or special activity on Open Space Lands.
3. Pursuant to Section 29-7-101(2), C.R.S., the Board of County Commissioners (Board) authorized use of the penalty assessment procedure provided in Section 16-2-201, C.R.S., as amended.



- a. Anyone violating any rule and regulation (Park Regulation) contained in this Policy shall be guilty of a ~~Class 2 petty offense~~civil infraction pursuant to 29-7-101(2), C.R.S., and upon conviction shall be subject to the minimum fine as set forth in the Procedure that implements this Policy.
- b. Fines: The Board authorizes the Director of the Parks Department to establish reasonable fines for violations of these Park Regulations. The fines shall be made available in the Procedure that implements this Policy.
4. The Board authorizes the Jefferson County Open Space Rangers to enforce these Park Regulations by issuance of citations or summonses and complaints.
5. The penalty assessment procedure provided in Section 16-2-201, C.R.S., shall be followed by any law enforcement officer for any such violation.
6. All collected fines shall be paid into a Jefferson County Open Space Account.
7. Each day a violation occurs is a separate offense for which a separate fine is assessed.

#### C. Violations

1. Fishing: It shall be unlawful for any person fishing on Open Space Lands, or occupying Open Space Lands with the intent to fish, to fail to comply with the Colorado Parks and Wildlife (CPW) Rules and Regulations regarding fishing, as they may be amended from time to time. These CPW Rules and Regulations are hereby adopted in their entirety, except for the fine amount identified herein.
2. Hunting/Trapping: It shall be unlawful to hunt or trap any wild animal, or to place or set traps, on Open Space Lands without a valid Jefferson County Open Space Hunting Access Permit.
3. Feeding Wildlife:
  - a. It shall be unlawful to feed, or attempt to feed, any wildlife on Open Space Lands.
  - b. It shall be unlawful to store food at campsites on Open Space Lands except in the food storage boxes provided.
4. Releasing Wildlife: It shall be unlawful to release any wildlife or domesticated animal on Open Space Lands.
5. Natural Resources Protection Closure: It shall be unlawful to enter, use or occupy Open Space Lands during the time such Lands are designated as Sensitive Areas, seasonal closures, study area closures, wildlife protection closures, refuges or other protected areas.
6. Destruction of Natural/Cultural Resources:

- a. It shall be unlawful to deface, damage or in any other way vandalize any vegetation, rock or any object of archaeological, biological, geological or historical interest on Open Space Lands.
  - b. It shall be unlawful to attach any object including but not limited to, slack-lines, clothes lines, tents, hammocks or shade structures, to trees or structures.
- 7. Collection of Natural Resources: It shall be unlawful to take, collect, gather or possess any animal, any part of an animal, vegetation, rock, wood or any other object on Open Space Lands.
- 8. Destruction of Wildlife Habitat: It shall be unlawful for any person, or any pet under their custody, control or ownership, to alter, damage, destroy, remove or in any other way vandalize wildlife habitat features on Open Space Lands, including, but not limited to, animal dens, burrows, dwellings or nests.
- 9. Wildlife Protection: It shall be unlawful for any person, or any pet under their custody, control or ownership, to harass, chase, harm, capture, kill, maim or possess any wildlife including, but not limited to, mammals, birds, reptiles, amphibians and fish on Open Space Lands.
- 10. Livestock:
  - a. It shall be unlawful for any person, or any pet under their custody, control or ownership to kill, harass, harm or chase any livestock on Open Space Lands.
  - b. It shall be unlawful to turn livestock loose and/or to negligently or intentionally allow livestock to graze on Open Space Lands without written permission from the Open Space Division.
- 11. Pets:
  - a. It shall be unlawful for any person on Open Space Lands to fail to keep any pet under their custody, control or ownership on a leash and under physical control. "Leash" means a strap, cord or chain ten (10) feet or less in length.
  - b. It shall be unlawful for any person to allow any pet under their custody, control or ownership to be Open Space Lands where the pet is off leash and (i) the pet is not within sight of the person or (ii) the person is not present on Open Space Lands.
  - c. It shall be unlawful for any person on Open Space Lands to fail to immediately pick-up, carry out and deposit in a waste receptacle, pet excrement deposited by any pet under their custody, control or ownership.
- 12. Fires:
  - a. Except for the proper use of liquid or gas fueled grills or camp stoves in designated camping and picnic areas, it shall be unlawful on Open Space Lands to (1) burn any material; (2) start, light, maintain, leave unattended, or

fail to completely extinguish any fire; (3) fail to extinguish and safely dispose of a cigarette or other smoking device; (4) violate the conditions of any imposed fire restrictions or fire ban; or (5) possess, ignite or discharge fireworks or other explosive or incendiary devices.

- b. It shall be unlawful to smoke or use an electronic smoking device on Open Space Lands except within an enclosed vehicle or a portion of a parking lot or developed trailhead that is devoid of all vegetation. Smoking means the possession of a lighted cigarette, cigar, or pipe containing tobacco or other organic burning matter, regardless of its composition, or the lighting of such cigarette, cigar, or pipe by any person. Smoking shall include the use of electronic smoking devices and tobacco/marijuana vaporizers.

13. Damage To Property/Vandalism: It shall be unlawful to remove, destroy, deface, damage or in any other way vandalize any amenity, facility, building, structure, poster, sign or marker on Open Space Lands.

14. Litter: It shall be unlawful to deposit or leave any refuse, trash or litter in or on Open Space Lands except by depositing such refuse, trash or litter in designated waste receptacles.

15. Firearms/Projectiles:

- a. Except as otherwise authorized by law or under this Policy, it shall be unlawful to openly carry, possess, discharge or use a firearm or archery device on Open Space Lands.
- b. Except as otherwise authorized under this Policy, it shall be unlawful to possess, discharge or use other devices that discharge a projectile including, but not limited to, B-B guns, pellet guns, air guns, paintball guns, Airsoft-type guns and slingshots on Open Space Lands.

16. Hazardous Activity:

- a. It shall be unlawful for any person to engage in any careless behavior or activity on Open Space Lands that constitutes a hazard to their safety or to the safety of other visitors.
- b. It shall be unlawful for any person to engage in any reckless behavior or activity on Open Space Lands that constitutes a hazard to their safety or to the safety of other visitors.

17. Use of Motorized Vehicles: It shall be unlawful to operate any motorized vehicle including, but not limited to, one wheels and powered scooters, on Open Space Lands except on designated public roadways.

18. Use of E-bikes:

- a. It shall be unlawful to operate a Class 1 electrical assisted bicycle (e-bike) on Open Space Lands except on natural surface trails or paved trails where bicycles are authorized to travel.

- b. It shall be unlawful to operate a Class 2 e-bike on Open Space Lands except on paved trails where bicycles are authorized to travel.
  - c. It shall be unlawful to operate a Class 3 e-bike on Open Space Lands except on roads and in parking lots where motorized vehicles are authorized to travel.
19. Swimming/Boating: It shall be unlawful to swim, boat, wade or float upon any flotation device on any waters on Open Space Lands where so posted.
20. Closed Areas: It shall be unlawful to enter, use or occupy Open Space Lands, or any portion thereof, during the time such Open Space Lands, or any portions thereof, are closed to entry, use or occupancy.
21. Park Hours:
- a. It shall be unlawful to enter, use or occupy Open Space Lands from one (1) hour after sunset to one (1) hour before sunrise, unless posted otherwise.
  - b. It shall be unlawful to park any vehicle and/or trailer on Open Space Lands outside park hours without a valid camping permit clearly posted on said vehicle.
22. Camping: It shall be unlawful to camp overnight, park any vehicle, trailer or camper for overnight camping purposes on Open Space Lands except by advance permit in areas designated for camping, or camp or park a trailer or camper in such a designated area outside the posted or permitted time limits.
23. Parking:
- a. It shall be unlawful to park bicycles, vehicles or trailers on Open Space Lands where prohibited or in such a manner as to create a hazard or to obstruct vehicular, pedestrian, equestrian or bicycle traffic or damage natural resources.
  - b. It shall be unlawful for a vehicle and/or trailer to be parked in a disability parking space on Open Space Lands unless said vehicle and/or trailer displays a valid state-issued disability license plate, tag or placard.
  - c. It shall be unlawful to park any vehicle and/or trailer on any Open Space Lands in such a manner that obstructs access to emergency vehicles and/or equipment.
24. Passing On Trails:
- a. It shall be unlawful to fail to yield on Open Space trails. Yielding Order: When passing from any direction on Open Space trails, all visitors must give the right-of-way to equestrians; bicyclists and other wheeled visitors (except wheelchair visitors) must also give the right-of-way to pedestrians.

- b. It shall be unlawful to fail to pass safely on Open Space trails. At no less than fifteen (15) feet of approach from any direction, slow to a walking speed, communicate and gain the attention of other visitors. Pass safely, in single file and when oncoming traffic is clear. Stop when necessary to allow safe passage.

25. Unreasonable Noise:

- a. It shall be unlawful to use sound amplification devices on Open Space Lands or to permit unreasonably loud noises that would disturb others.
- b. It shall be unlawful to cause a public inconvenience or alarm by making unreasonably loud noises during camping quiet hours from 10:00 p.m. to 6:00 a.m.

26. Projectiles and Piloted Craft:

- a. Except as authorized by law or under this Policy, it shall be unlawful to throw, discharge, launch, operate by remote control or land any type of unpiloted drone (unmanned aircraft system), missile, rocket, car, boat, or other craft from, on or above Open Space Lands including waters.
- b. Except as authorized by law or under this Policy, it shall be unlawful to launch, land or operate any piloted craft including, but not limited to, helicopters, airplanes, ultralights, gliders, hanggliders, paragliders, BASE jumpers, sky divers, powered parachutes, hot air balloons, or boats from, on or above Open Space Lands including waters.

27. Unlawful Improvements: It shall be unlawful to construct, place or maintain any kind of road, trail, structure, fence, enclosure, fixed hardware, communication equipment or other improvements on Open Space Lands.

28. Abandoned Property: It shall be unlawful to leave any personal property unattended on Open Space Lands in excess of 24 hours unless authorized.

29. Dumping: It shall be unlawful to deposit or leave any residentially or commercially generated refuse, trash, landscaping debris, yard waste, animal remains or any other materials on Open Space Lands.

30. Park Permits:

- a. It shall be unlawful to conduct on Open Space Lands a group or special activity, as defined by the Open Space Division, without first obtaining a valid Park Permit.
- b. It shall be unlawful to violate any term or condition of a Park Permit.

31. Team Sports: It shall be unlawful to organize or participate in any team sport or activity on Open Space Lands involving the placement or use of sporting equipment or apparatus including, but not limited to, goals, nets, pits, hoops or boundary delineation.

32. Posted Notices: It shall be unlawful to violate any posted sign or other notice, or to violate any Park Regulation-based guideline or rule established by the Open Space Division including, without limitation, as set forth in any brochure for any Open Space Lands.
33. Interference: It shall be unlawful while on Open Space Lands to knowingly obstruct, impair, or hinder the performance of the official duties of an Open Space Ranger by, without limitation, failure to comply with a lawful request to immediately leave Open Space Lands, eluding or evading an Open Space Ranger, harassment of an Open Space Ranger, or providing false or misleading information with the intent to mislead said person in the performance of their duties.
34. Trespass Notice: Repeated or severe violations of these Park Regulations may result in the issuance of a Trespass Notice by an Open Space Ranger and a ban from Open Space Lands for up to twelve (12) months. It shall be unlawful for any person to violate the terms of a Trespass Notice issued to that person
35. Habitual Violations: Three (3) or more recorded violations of these Park Regulations within a 24-month period shall result in a fine.
36. Group Size on Trails: It shall be unlawful to exceed the maximum group size of 14 hikers, walkers, or runners, or 8 bikers or equestrians, on Open Space Lands. Affiliated groups may not travel within ¼ mile of each other if the total group size exceeds the regulated limit.
37. Posting: No signs, posters, banners, advertising, or other written materials, shall be constructed, erected, installed, or placed on Open Space Lands.
38. Commercial Activity: It shall be unlawful to sell or advertise a service or product while on Open Space Lands.

# BOARD OF COUNTY COMMISSIONERS BRIEFING PAPER

## Annual Traffic Impact Fee Update

### February 21, 2023

☐ For Information
 ☐ For Discussion/Board Direction
 ☒ Consent to Place on Business/Hearing Agenda

**Issue:** The Transportation & Engineering Division (T&E) manages the Traffic Impact Fee (TIF) program. The TIF policy requires a program update annually to adjust fees and project cost estimates based on the Construction Cost Index calculated by the State of Colorado.

**Background:** The Colorado Legislature granted statutory authority to local governments to impose traffic impact fees on new development to ensure that new development within the County bears a proportional share of the cost of capital expenditures necessary to provide improvements to interchanges, arterials, major collectors, and mountain collectors including capacity improvements, operational improvements, and associated roadway improvements as required by the Jefferson County Land Development Regulation in three funding areas: North, South, and Evergreen/Conifer.

**Discussion:** Staff adjusted the fees and project cost estimates using the most recent four quarters of the Construction Cost Index calculated by the State of Colorado; 2022 costs increased by 13.5638% from 2021 costs.

Traffic Impact Fee Schedule			
Land Use	Unit	Cost per Unit 2021	Cost per Unit 2022
Single Family Detached Dwelling with two (2) or fewer car garage	Dwelling Unit	\$3,371.00	\$3,828.00
Single Family Detached Dwelling with three (3) or more car garage	Dwelling Unit	\$4,588.00	\$5,210.00
Single Family Attached and Multi-Family Dwellings	Dwelling Unit	\$2,805.00	\$3,185.00
Assisted Living	Dwelling Unit or Bed	\$997.00	\$1,132.00
Commercial Retail Buildings	Square Foot of Gross Leasable Area	\$7.33	\$8.32
Office Buildings	Square Foot of Gross Leasable Area	\$4.91	\$5.58
Industrial and Warehouse/Wholesaling Buildings	Square Foot of Gross Leasable Area	\$2.12	\$2.41
Hotel/Motel	Room	\$3,186.00	\$3,618.00
Mini Warehouse	Square Foot of Gross Leasable Area	\$0.88	\$0.99
Churches	Square Foot	\$2.50	\$2.84

**Fiscal Impact:**

- **Year of impact:** 2023
- **TABOR impact:** FY 2023
- **Existing grant or project:** Not applicable
- **New grant or project:** Not applicable
- **Requested in adopted budget:** Revenues from these fees fund projects included in the 5-year Capital Improvement Project schedule and the 2023 annual budget.
- **Ongoing or one-time:** Ongoing
- **General Fund impact:** No impact
- **Staffing impact:** None
- **ARPA impact:** Not applicable
- **Match requirements:** None
- **Mandate/Contractual obligation:** None

**Revenue Limits Impact:** ☒yes ☐no

Revenue received is from a fee increase and therefore impacts TABOR fiscal year spending limits. Actual revenues collected are dependent on development applications to determine the fees and building permits issued to collect the fees.

**SPA Review:** Support with no concerns

**Facilities Review:** No fiscal impact

**BIT Review:** No fiscal impact

**Fleet Review:** No fiscal impact

**Recommendations:** Approve the revised Policy which includes adjusted fees.

**Originator:** Kelly Dunne, Transportation and Engineering

**Contacts for Additional Information:** Abel Montoya, Development & Transportation



<b>Title:</b> Regulatory Policy Traffic Impact Fee Program	<b>Policy No.</b> Part 8, Streets and Roads Chapter 4, Fees Section 1
	<b>Effective Date</b> <del>January 1, 2023</del>
<b>Policy Custodian</b> Transportation and Engineering Division	<b>Adoption/Revision Date</b> <del>February 1, 2023</del>

**Adopting Resolution(s):** ~~CC22-038~~

**References (Statutes/Resos/Policies):** C.R.S 29-20-104.5; Jefferson County Land Development Regulation; CC86-90, CC88-724, CC91-155, CC94-454, CC94-872, CC95-375, CC96-203, CC97-284, CC98-719, CC99-070, CC00-617, CC01-325, CC02-183, CC04-085, CC07-064, CC08-019, CC09-016, CC11-399, CC12-439, CC15-086, CC17-348, CC19-424, CC22-038

**Purpose:** The Colorado Legislature granted statutory authority to local governments to impose traffic impact fees on new development (Colorado Revised Statutes 29-20-104.5) to ensure, consistent with applicable legal principles, that new development within the County bears a proportional share of the cost of capital expenditures necessary to provide improvements to interchanges, arterials, major collectors, and mountain collectors including capacity improvements, operational improvements and associated roadway improvements as required by the Jefferson County Land Development Regulation ("Transportation Improvements") in the three funding areas as defined below.

**Policy:** Traffic Impact Fee Program

- A. Applicability  
Prior to obtaining a building permit for any building/structure, the applicant shall pay traffic impact fees as required herein.
- B. Computation of the Amount of Traffic Impact Fees
  1. The amount of fees shall be determined by the Director of Planning and Zoning, or his/her appointed designee, according to the Traffic Impact Fee Schedule.
  2. In mixed use commercial centers containing retail, office and/or industrial uses, the Director of Planning and Zoning, or his/her appointed designee, shall determine the primary use of each building based upon the percentage of square footage (gross floor area) per use. The fee shall be assessed at the rate of the primary use when such use equals or exceeds 60 percent of the gross floor area. Where the use of a building is unknown or indeterminate at the time of building permit application, the fee shall be assessed at the highest rate for any of the potential use categories.
  3. All other uses shall pay the fee set forth in the Traffic Impact Fee Schedule for the most nearly similar use as determined by the Director of Planning and Zoning, or his/her appointed designee, using comparable trip-generation calculated in the then-current Institute of Transportation Engineers Trip Generation Manual as a guide.
  4. In the case of change of use, redevelopment, expansion, or modification of an existing use which requires the issuance of a building permit, the traffic impact fee shall be based upon the net increase in the traffic impact fee for the new use as compared to the previous use as determined by the Director of Planning and Zoning, or his/her appointed designee.

5. Previously paid traffic impact fees shall not be refunded in the case of change of use, redevelopment, reduction, or modification of an existing use which results in a net decrease in traffic generation compared to the previous use.

C. Inflation Adjustment

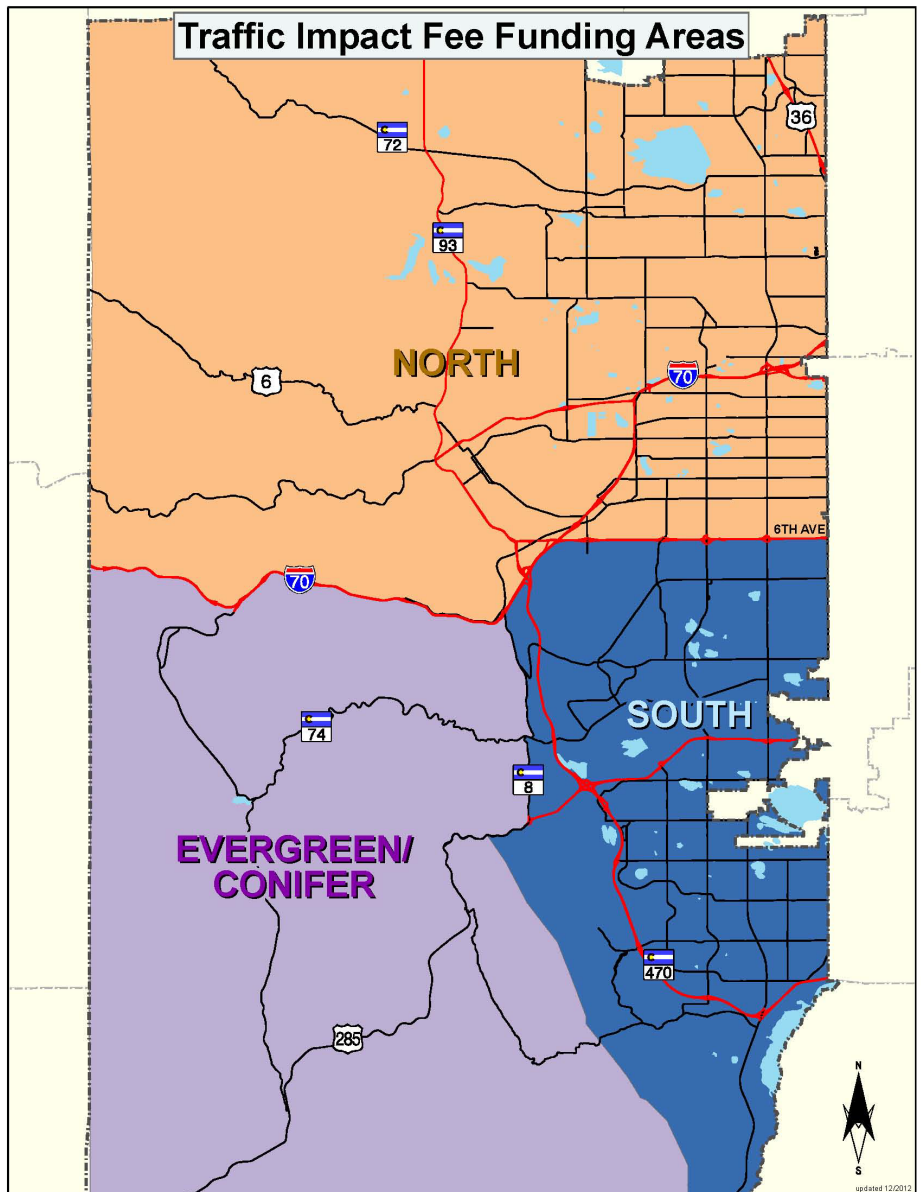
In January of each year, the fees specified in the Traffic Impact Fee Schedule and the cost estimates for projects identified in the Traffic Impact Fee Project Table shall be adjusted by the percentage increase in Construction Costs as determined by the State of Colorado. The Director of Planning and Zoning, or his/her appointed designee, will calculate the applicable increases or decreases and modify the Traffic Impact Fee Schedule and the Traffic Impact Fee Project Table accordingly.

D. Payment of Fees

Fees as computed by the Director of Planning and Zoning, or his/her appointed designee, shall be paid to the Jefferson County Division of Building Safety at the time of building permit issuance.

E. Traffic Impact Fee Road Fund

There shall be three (3) traffic impact fee funding areas as shown on the Traffic Impact Funding Areas Map. The funding areas are known as: South, North, and Evergreen/Conifer. All monies collected under this Policy shall be properly identified and promptly transferred to the appropriate funding area in the Jefferson County Traffic Impact Fee Fund and shall be held in this separate, interest-bearing account.



F. Use of Funds

All monies deposited in each fund shall be used solely to study, design, plan, and construct Transportation Improvements for the projects identified in the Traffic Impact Fee Project Table within such funding area and must be shown on the current Jefferson County Major Thoroughfare Plan. If after ten (10) years the funds have not been expended, the Board of County Commissioners shall take one of the following actions at a public meeting:

1. Retain the funds for an additional five (5) years. At the end of the first five (5) years' extension, the Board shall again consider an extension of five (5) additional years;
2. Refund the moneys not expended plus interest to the applicant having made the original payment, if the applicant can be located with reasonable effort; or
3. Treat funds as unclaimed property pursuant to County policy.

G. Credit Against Payment of Traffic Impact Fees

1. No credit shall be given for right of way dedications or site-related improvements required by the Jefferson County Land Development Regulation.
2. No credit shall be given for landscaping, except native seeding for erosion control, associated with the projects identified in the Traffic Impact Fee Project Table that is found in the procedure that implements this policy.
3. A person may obtain credit against all or a portion of traffic impact fees otherwise due or to become due by constructing any of the projects within the same funding area identified in the Traffic Impact Fee Project Table. Such construction must be in accordance with County regulations. The credit shall be determined and provided in the following manner:
  - a. An applicant for credit for construction of a project identified in the Traffic Impact Fee Project Table shall submit a request to the County Manager. The County Manager shall award full credit for roadway construction based on the County's cost estimate for the segment or portion of segment or intersection proposed to be constructed by the applicant. Only capital construction items are included in the County's construction cost estimate. Right of way acquisition and landscaping beyond native seeding are not included in the County's construction cost estimate. The County Manager shall provide the applicant with a letter setting forth the dollar amount of the credit, the reason for the credit, and an adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter indicating agreement to the terms of the letter and return such signed letter to the County Manager before credit will be given. The failure of the applicant to sign, date, and return such letter within sixty (60) days of the date of the letter shall nullify the credit.
  - b. Except as provided in G.3.a, credit against traffic impact fees otherwise due will not be provided until:
    - (1) The construction is completed and accepted by the County;
    - (2) A suitable maintenance and warranty performance guarantee is received and approved by the County; and
    - (3) All design, construction, inspection, testing, bonding, and acceptance procedures are in strict compliance with the then-current county requirements, when applicable.

- c. Credit may be provided before completion of construction if the traffic impact fee payer posts security as provided below for the cost of construction. Security in the form of an irrevocable letter of credit or cash escrow shall be tendered to the County in an amount determined by the County Planning and Zoning Division and in a form acceptable to the County Attorney.
- d. Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

#### H. Exemptions from Payment of Traffic Impact Fees

The following shall be exempt from payment of the traffic impact fee:

- 1. Alteration or expansion of an existing building where no additional units are created, where the use is not changed, and where no additional vehicular trips will be produced over those produced by the existing use as determined by the Director of Planning and Zoning, or his/her appointed designee.
- 2. Accessory building or structure which will not produce additional vehicular trips over those produced by the principal building or use as determined by the Director of Planning and Zoning, or his/her appointed designee.
- 3. Replacement of a wholly or partially destroyed building or structure with a new building or structure of the same size and use provided that no additional vehicular trips will be produced over those produced by the original use as determined by the Director of Planning and Zoning, or his/her appointed designee

#### I. Periodic Review

- 1. Projects identified in the Traffic Impact Fee Project Table will be reviewed every five years beginning January 1, 2022.
- 2. The Transportation and Engineering Division will analyze the roadways identified in the Major Thoroughfare Plan every five years beginning January 1, 2022, to identify transportation improvements that should be included in the Traffic Impact Fee Project Table. To be eligible for inclusion in the Traffic Impact Fee Project Table, a project:
  - a. must be identified in the Jefferson County Major Thoroughfare Plan;
  - b. currently operates at or better than Level of Service D; and
  - c. be projected to operate worse than Level of Service D within a ten (10) year period based on procedures used in the most current version of the Highway Capacity Manual.
- 3. Because the program is reviewed periodically, funds will be collected and will accumulate in funding areas where no projects may be listed in the Traffic Impact Fee Project Table for such area.

#### J. Program Termination

The Traffic Impact Fee Program will terminate:

- 1. For any single funding area, if the projects identified in the Traffic Impact Fee Project Table are constructed, and no additional projects are added during the periodic review to such funding area, then the Board of County Commissioners may choose to terminate the program within that funding area and refund the moneys not expended plus interest to the applicant(s) having made the original payment(s).

- a. Fees will be refunded to applicants with the most recent building permits who have paid traffic impact fees until all of the moneys within the funding area are exhausted.
2. When it is determined by the Board of County Commissioners that the projects identified in the Traffic Impact Fee Project Table will not be constructed.

K. Definitions.

1. Gross Floor Area: Area of each floor based upon exterior dimensions of building.
2. Gross Leasable Area: Eighty percent (80%) of gross floor area, unless it can be demonstrated otherwise to the Director of Planning and Zoning, or his/her appointed designee, based on the GLA definition contained in Section 32 of the Zoning Resolution.
3. Single-family attached: Dwelling units attached by a livable space or garage totally enclosed with full foundation.
4. Multi-family Attached: Totally enclosed single-family structures or dwelling units where more than one dwelling unit shares the same foundation or roof.
5. Assisted Living: Residential setting, usually with separate living quarters, that provides oversight or assistance with activities necessary for independent living; common services such as dining, transportation, and medication administration may be provided.

Traffic Impact Fee Schedule		
Land Use	Unit	Cost Per Unit
Single Family Detached Dwelling with two (2) or fewer car garage	dwelling unit	<del>\$3,828</del> \$3,371
Single Family Detached Dwelling with three (3) or more car garage	dwelling unit	<del>\$5,210</del> \$4,588
Single Family Attached and Multi-Family Dwellings	dwelling unit	<del>\$3,185</del> \$2,805
Assisted Living	dwelling unit or bed	<del>\$1,132</del> \$997
Commercial Retail Buildings	square foot of gross leasable area	<del>\$8.32</del> \$7.33
Office Buildings	square foot of gross leasable area	<del>\$5.58</del> \$4.91
Industrial and Warehouse/Wholesaling Buildings	square foot of gross leasable area	<del>\$2.41</del> \$2.12
Hotel/Motel	room	<del>\$3,618</del> \$3,186
Mini Warehouse	square foot of gross leasable area	<del>\$0.99</del> \$0.88
Churches	square foot	<del>\$2.84</del> \$2.50



## Traffic Impact Fee Projects

### SOUTH PROJECTS

<u>Segment</u>	<u>From</u>	<u>To</u>	<u>2022+ Construction Cost (for 2032)</u>
Bowles Avenue	Eldridge St	C-470	\$1,200,000 <del>681,934</del>
Quincy Avenue	Alkire St	Simms St	\$2,500,000 <del>8,625,826</del>
<u>Quincy Avenue</u>	<u>Turkey Creek Rd</u>	<u>Eldridge St</u>	<u>\$2,500,000</u>
Ute Avenue	Kipling Pkwy	Owens St	\$3,651,050
Waterton Road	0.2 miles south of Wadsworth Blvd	County Line	\$4,539,897 <del>5,000,000</del>
Alameda Ave	Rooney Road (West of C-470)	C-470 Southbound Ramps	\$1,834,147 <del>921,501</del>

### NORTH PROJECTS

<u>Segment</u>	<u>From</u>	<u>To</u>	<u>2022+ Construction Cost (for 2032)</u>
Indiana Street	96th Ave	86th Ave	\$11,978,814
Wadsworth Boulevard	108th Ave	Church Ranch Blvd	\$16,409,402
Wadsworth Boulevard	Church Ranch	96th Ave	\$5,538,671
Simms Street	SH128	112th Ave	\$11,849,182
S. Golden Road	Ulysses St	Quaker St	\$3,088,182
S. Golden Road	Moss Street	Indiana St	\$3,632,370
32nd Avenue	Eldridge St	Zinnia St	\$4,074 <del>574</del> ,330
20th Avenue	Denver West Pkwy	Youngfield St	\$3,970 <del>270</del> ,768

### EVERGREEN/CONIFER PROJECTS

<u>Intersection</u>	<u>2022+ Construction Cost (for 2032)</u>		
US285/Light Lane Interchange (includes Main Street, Light Lane to Conifer Town Center Drive, and Light Lane from US285 to Main Street)	\$5,939,884		
<u>Segment</u>	<u>From</u>	<u>To</u>	<u>2022+ Construction Cost (for 2032)</u>
JC 73	<u>S. Centaur Dr.</u> <del>N Turkey Creek Rd</del>	Flying J Access Rd	\$14,173,632 <del>11,132,619</del>
JC 73	Barkley Rd	SH-285	\$4,430,588 <del>5,678,760</del>

**BOARD OF COUNTY COMMISSIONERS BRIEFING PAPER**  
**Jefferson County Business Personal Property Tax Multi-Year**  
**Extension Request for Lockheed Martin**  
**February 21, 2023**

- ☐ For Information                      ☐ For Discussion/Board Direction                      ☒ Consent to  
Place on Business/  
Hearing Agenda

**Issue:** Lockheed Martin Corporation is requesting a six-year extension of the deadline in its business personal property tax (BPPT) agreement due to delayed construction.

**Background:** C.R.S. § 30-11-123 authorizes Colorado counties to offer business personal property tax credits to companies to incentivize them to establish new facilities, or expand existing facilities, within the county. Jefferson County operated a BPPT incentive program from 2010 to 2018, during which time the BCC approved a number of BPPT agreements with individual companies, upon the recommendation of the Jefferson County Economic Development Corporation (“JCEDC”).

In 2017, the BCC approved a BPPT agreement with Lockheed Martin, the terms of which provided that the County would refund Lockheed 100% of the BPPT due on the personal property attributable to the expansion of one or both of two existing Lockheed facilities in the County for 15 years, provided Lockheed commenced operation of the expansion facility and met certain specified investment and employment requirements at the expanded facility no later than December 31, 2020. Lockheed agreed that the expansion facility would employ 300 new employees within 5 years of operation, at an average salary of \$90,000.00.

In 2018, in an effort to reduce property tax burdens on businesses, the County repealed the BPPT payable to the county general fund. The repeal did not impact the county’s BPPT for the Road & Bridge, Social Services, Developmentally Disabled and Library Funds, which the County continues to collect. Shortly thereafter, the County discontinued its BPPT incentive program, but determined that it would honor BPPT incentive agreements entered into previously.

**Discussion:** Lockheed is still constructing the facility expansion and is therefore not yet eligible for the rebate. Lockheed is requesting that the County amend the deadline in the BPPT agreement to give Lockheed until December 31, 2026, to begin operations at the expansion facility and meet its other obligations under the agreement.

County staff and the JCEDC recommends that the BCC approve the requested extension through an amendment to the contract. Extending the start date based on construction schedules is consistent with past practices. The amendment would not reduce the minimum employment or investment obligations that Lockheed would have to meet to qualify for the personal property tax rebate.

**Fiscal Impact:** The fiscal impact of approving the extension is impossible to state with precision, because any BPPT refunds that Lockheed qualifies for would not occur until future years, when tax rates may be different. At the current tax rate, the fiscal impact would be \$67,964 total over 15 years, as shown in the table below.

Mill Levy Funds	2023 Mill Levy	Tax Rate	Estimated Revenue
General Fund	19.166	Exempt from BPPT	
Capital Expenditures Fund	0	0	\$ -
Road & Bridge Fund	1.143	0.001143	\$ 663
Social Services Fund	1.169	0.001169	\$ 678
Developmentally Disabled Fund	1	0.001	\$ 580
Library Fund	4.5	0.0045	\$ 2,610
<b>Annual Property Tax Revenue Estimate</b>			<b>\$ 4,531</b>
<b>15-Year Property Tax Revenue Estimate</b>			<b>\$ 67,964</b>

- Year of impact: 2026 - 2041
- TABOR impact: No
- Existing grant or project: No
- New grant or project: No
- Requested in adopted budget: No
- Ongoing or one-time: Ongoing business personal property tax exemption for 15-years
- General Fund impact: Yes
- Staffing impact: No
- ARPA impact: No
- Match requirements: No Match Required
- Mandate/Contractual obligation: N/A

**Revenue Limits Impact:** ☒ yes ☐ no

There is no impact to the County's TABOR Fiscal Year Spending Limit while the business personal property tax exemption is in place.

After the exemption term is expired an estimated \$4,531 additional property tax revenue will be collected by the County annually based on present value estimates.

**SPA Review:** Support, no concern.

**Facilities Review:** No fiscal impact

**BIT Review:** No fiscal impact

**Fleet Review:** No fiscal impact

**Human Resources Review (new FTE only):** No FTE

**Recommendations:** That the Board of County Commissioners extends Lockheed Martin's deadline under the August 9, 2017 Personal Property Tax Incentive Agreement to qualify for the business personal property tax incentive refund to December 31, 2026, and authorizes the Chairman to execute an amendment to the Agreement extending this deadline, following approval as to form by the County Attorney's Office.

**Originator:** Heather Frizzell, Finance Director, ext. 8575 and Stephanie Corbo, Chief Financial Officer ext. 8542

**Contacts for Additional Information:** Jean Biondi, Assistant County Attorney, ext. 8963 and Leigh Seeger, Vice President of Economic Development, Jeffco Economic Development Corp - 720.544.5505