

**MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS
APRIL 26, 2005**

State of Colorado, County of Arapahoe. At a public hearing of the Board of County Commissioners for Arapahoe County, Colorado held at 5334 S Prince St. Littleton CO 80166 there were:

Lynn Myers, Chair	Present
Bernard L. Zimmer, Chair Pro Tem	Present
Susan Beckman, Commissioner	Present
Rodney Bockenfeld, Commissioner	Present
Frank Weddig, Commissioner	Present
Kathryn Schroeder, County Attorney	Present
Nancy A. Doty, Clerk to the Board	Absent & Excused
Jennifer Gayer, Deputy Clerk	Present

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF THE AGENDA

Deputy County Attorney Jack Bush asked to have Consent Agenda Item 8 added to the Consent Agenda as the Authorization for the Chair of the Board of County Commissioners to sign the Contract to Buy and Sell Real Estate between Arapahoe County and Larry C. and Helen F. Toft for the purchase of 71.549 plus or minus acres of real property located in East Arapahoe County for a County highway facility.

The motion was made by Commissioner Zimmer and duly seconded by Commissioner Bockenfeld to adopt the Agenda as amended with the addition of Consent Agenda Item 8 as Authorization for the Chair of the Board of County Commissioners to sign the Contract to Buy and Sell Real Estate between Arapahoe County and Larry C. and Helen F. Toft for the purchase of 71.549 plus or minus acres of real property located in East Arapahoe County for a County highway.

The motion passed unanimously.

ADOPTION OF THE MINUTES

The motion was made by Commissioner Beckman and duly seconded by Commissioner Zimmer to adopt the minutes of the March 22, 2005 Public Hearing.

The motion passed unanimously.

CEREMONIES

There were no ceremonies.

CITIZEN COMMENTS

There were no citizen comments.

CONSENT AGENDA

The motion was made by Commissioner Zimmer and duly seconded by Commissioner Bockenfeld to approve the Consent Agenda as amended with the addition Item 8 as Authorization for the Chair of the Board of County Commissioners to sign the Contract to Buy and Sell Real Estate between Arapahoe County and Larry C. and Helen F. Toft for the purchase of 71.549 plus or minus acres of real property located in East Arapahoe County for a County highway facility.

The motion passed unanimously.

GENERAL BUSINESS AGENDA

Item A – Resolution No. 050243 – Public Hearing, Amendment of the 2005 Budget – Reappropriation of funds for projects and encumbered purchase orders not complete in 2004

Deputy County Attorney Jack Bush established jurisdiction for the Board to consider this Item. He explained once the Board adopts a budget, if there are any modifications, those must go through a formal process requiring public notice. He said the matter being considered today is the reappropriation pursuant to County Financial policies.

Todd Weaver of the Budget Division said this is the resolution to add the 2005 reappropriations in the current year's budget. He said the item was presented in Study Session on March 22, 2004. He said he would answer any questions.

There were no questions.

The motion was made by Commissioner Beckman to adopt the Amendment of the 2005 Budget.

Seconded by Commissioner Weddig.

The motion passed unanimously.

Item B – Resolution No. 050244 – Public Hearing: Consideration of Proposed Engineering Fee Changes

Assistant County Attorney Tom McNish said this Item has no public notice requirement. He stated it is simply an administrative matter.

Chuck Haskins of the Engineering Division said this Item is consideration of proposed engineering fee schedule changes. He said most of the changes relate to the recent adoption of the grading, erosion and sedimentation control regulations that the Board acted upon in February. He said these fees replace the existing erosion control plan review and permit fees on the existing fee schedule. He stated the changes were reviewed with the Home Builders Association in metropolitan Denver and they stated no objection to the revised fee schedule. He stated he would give an example of a 5-acre site under the old fee schedule versus the new fee schedule to demonstrate the magnitude of the increases. He said under the existing plan review process, the fee for a 5-acre development would be \$300 and under the proposed fee would be \$500. He explained the reason for the increase is the County, instead of looking at one erosion control plan, is reviewing an initial plan, interim erosion control plan and a final erosion plan, as well as reviewing a cost estimate for collateral for guaranteeing the erosion control and GEST measures. He said under the old permit fee schedule the permit for that same development would have been \$250 and under the newly proposed fee schedule, the new permit fee would be \$650. He acknowledged it would be a substantial increase, but qualified under the NPDES Program, the County is required certain minimum inspections. He said there is a required pre-construction inspection, perform bi-monthly inspections on each site and submit documentation. He said the other cost associated with that is administrative costs of monitoring collateral to ensure that there are substantial guarantees that the measures are maintained. He said in general there is additional enforcement and review. He said the cities of Aurora and Centennial as well as Douglas County also have similar GEST Programs and are also going through a similar fee adjustment process. He explained those entities have even asked the County for its information in developing the new fees. He said the City of Centennial has almost identical fees as being proposed today. For Arapahoe County.

Mr. Haskins said there is a low impact fee for disturbed acreage that is less than one acre of \$50 for the plan review and \$50 for the permit. He said that is a fairly nominal charge for the work involved. He said the other changes are administrative and minor. He said he would answer any questions. He said the new fees are proposed to go into effect on projects submitted after adoption by the Board.

He said staff is recommending adoption of the revised fee schedules.

Commissioner Weddig thanked Mr. Haskins for the explanation. He said these are mandates and has concerns about the impact on the builders, but it seems the builders are comfortable with the change in fees. He said this is a responsible approach.

The motion was made by Commissioner Weddig to adopt the proposed Engineering Fees.

Seconded by Commissioner Zimmer.

The motion passed unanimously.

Item C – Resolution No. 050245 - Public Hearing, Case No. U04-004, May Farms at Byers, Use By Special Review

Assistant County Attorney Tom McNish established jurisdiction for the Board to consider this item.

Sue Conaway of the Planning Division presented the staff report, a copy of which has been retained for the file. She said the site is located near Byers Colorado, on Highway 36, just off of I-70. She said the applicant would like to do an Agritainment business in conjunction with his farm operation. She explained the applicant wants to use the agritainment use to provide an educational and entertainment facility on the farm. She said the uses would include animal petting, community event center, concession stands, craft shops, farm tours, farmer's market, pick your own crops, etc. She said the applicant would also like to have a corn maze and a sunflower maze. She explained the Planning Commission does not consider the Use by Special Review; instead it comes straight to the Board of County commissioners. She reminded the Board that the County amended its agricultural zoning regulations to allow for this type of use, which also supports the County's Comprehensive Plan. She said that Plan wanted to ensure that the County is maintaining the rural character of the County outside the County's urban service area. She said this proposal fits well with the County's future plans. She said the applicant would like to build a new 7,000 square foot building, which would be used to host many events.

Gary May, 63645 East Hwy 36, Byers Colorado, applicant, said Byers is primarily an agricultural community and development is not as fast as some development in the I-70 corridor. He speculated as Denver continues to move eastward, Byers would be in its path. He said that he and his wife are trying to conserve the open space in Byers, continue the farming background and continue to live and stay on the farm. He said some of this type of agritainment business has been done in Europe as well as in the east. He said they have approached this in a manner in which to take the "ceiling off" what he perceives to be "agritainment" or agricultural related tourism businesses. He said in working with Planning, they have found ways to work with Tri County, CDOT more to have a substantial economic engine for eastern Arapahoe County. He said it works well within the concept of farming. He said they would be able to host events weather private or public within the agricultural setting.

Commissioner Weddig asked the anticipated attendance.

Mr. May speculated the height of the season would probably be in the fall for the adult family market. He qualified the student market would be in the spring in conjunction with field trips. He said the applicant is trying to involve the senior population. He said there are a number of things that the senior population could identify with. He said there would be different views on the market based upon the time of the year.

Commissioner Weddig asked if there are plans to include animals.

Mr. May said they are sensitive to the news. He said there would be washing stations that are required. He said animals must be part of the program but qualified that the liability issues have to be considered. He said the issue about dogs would also have to be addressed, as some of the farm animals might not be use to the dog.

Mr. Bockenfeld said he would like to make a public record that he has met Mr. May previously. He explained that prior to being sworn in as a County Commissioner, he heard a briefing on this project and another briefing at the regional economic development council. He said as a matter of record he did not pr-judge that matter and is not committed to any particular position.

Katty Staller, with the firm Staller & Henry, 1501 Wazee Street, said represents the applicant in their proposal for a USR Agritainment use for May Farms in Byers Colorado. She presented a power point presentation. She said one of the crops of the Farm is sunflowers. She displayed a graphic of the site, which is 192 acres located outside of Byers, but qualified the applicant's are only proposing the agritainment use on a portion of the site. She said currently the property is zoned AE and MU. She said the primary improvement area is only 7.12 acres. She identified the flood plain area and explained the primary improvement area is outside that flood plain.

She displayed pictures of the existing trees on the edge of the property. She displayed several pictures of the property. She displayed several pictures of existing buildings on the site. She said part of the activities on the site show how farm activities are done, including irrigation on May Farms. She displayed an aerial view

She again said the proposed improvements are totally out side the flood plain. The May Family would continue to live on the residence on the property. She identified access to the residence. She said CDOT has granted access to the Agritainment facility off of Highway 36, which would be the only accessed, improved and maintained. She said

most activities would occur in the primary activity area, but qualified that the surrounding area would be included in the USR Agritainment Use so that activities such as looking at crops, and touring the grounds could occur. She again displayed the site plan and identified the site in relation to Highway 36. She identified the existing buildings on the site and the existing irrigation pond. She explained the proposed building for the site is the Sunflower Pavilion, which would be the main event center. She said there is another smaller proposed building for restrooms. She said the site is served by well and septic.

She identified the circulation, access for service, ticket sales and parking for the site. She said the proposed parking lot would be paved with re-cycled asphalt, but additional parking would be available in the fields off to the sides. She said there is more than adequate parking available as the project is proposed. She explained vehicle circulation would be different for maintenance vehicles versus the general public. She said pedestrian circulation is designed throughout the area on trails and established walks in the site plan. She displayed an illustration of the proposed Sunflower Pavilion. She said it is designed to be very flexible in its use to accommodate small or large groups, weddings, conferences, corporate retreats, family reunions, catered events, etc. She said the character is designed to be compatible with existing buildings but to also fit in with the agricultural image. She displayed elevations of buildings that currently exist on the site. She said it is important to remember the proposed use is agritainment, which facilitates a variety of needs during all seasons. She said the applicant has had a maze designed specifically with the May Farm logo. She said other activities include a train for school age children, livestock learning, picnics, family reunions, picnics, and more. She said children riding on farm vehicles, picking their own crops, contemplating water conservation or what crops grow in Colorado, children milking cows, garden demonstrations of flowers, or weddings are all potential activities. She said she has provided a general description but has not provided site details like parking accommodations, emergency services, building heights, number of people anticipated, etc. She said most of that information is included in the staff report, a copy of which has been retained for the file.

Tom Terrell Superintendent Byers Schools, said the agritainment project being proposed by the May's provides an opportunity for the students of Byers and the surrounding community to interact with their community. He said that interaction is becoming more difficult. He said this project does provide so many different opportunities for the school. He said this project would also provide an experimental learning opportunities, chances to form hypothesis and inventions in the rural communities. He said the hands on learning opportunities are difficult to create in the classroom. He said this opportunity and its close proximity is awesome. He said this gives youth and adults a chance to make a contribution to the area, and a chance to call it their own. He said through part time employment to community growth, this agritainment project is a step in providing opportunity for students that is not currently available.

Commissioner Beckman said the pictures of the site are very beautiful. She said those who do not live on the eastern plains and do not drive out there often, forget how absolutely beautiful that part of the County is. She said that is one reason why the County has an open space sales tax in order to try to preserve some of this area. She said it is wonderful to see the private sector and a small family farm move forward in trying to keep the area as open space and continue to work and live on this farm, which is becoming more and more economically difficult. She said the proposal fits so well with the County's Comprehensive Plan and what the County wants to evolve on the eastern plains.

The motion was made by Commissioner Beckman to approve Case No. U04-004, May Farms @ Byers Use By Special Review subject to the condition that prior to signature of the mylar, the applicant agrees to make any minor modifications to the plan in accordance with the Planning and Engineering Divisions.

Seconded by Commissioner Weddig.

Commissioner Weddig wished the applicant luck on this project and thanked staff for working through this process.

Commissioner Bockenfeld said the Byers Development Council has shown strong support for this project.

The motion passed unanimously.

COMMISSIONER COMMENTS

There were no Commissioner comments.

There being no other business before the Board, the Chair adjourned the hearing at 10:20 AM.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

**NANCY A. DOTY, CLERK TO THE BOARD
BY JENNIFER GAYER, DEPUTY**