

**TOWN OF PARKER COUNCIL AGENDA
JULY 5, 2016**

Notes:

Town Council meeting packets are prepared several days prior to the meeting. This information is reviewed and studied by the Councilmembers eliminating lengthy discussions to gain a basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the part of Council.

Ordinances listed for first reading are being approved to introduce them. Public comment will be held upon second reading.

Start times for regular agenda items are tentative; some items may be held earlier than scheduled time.

1. **TOWN COUNCIL MEETING SCHEDULE**

- (a) **5:30 P.M. – Call to Order Town Council Meeting and Roll Call**
- (b) **Executive Session – Immediately following Call to Order/Roll Call – (See Attached)**
- (c) **Reconvene Town Council Meeting at 7:00 P.M. or as soon thereafter as the regular public meeting can be conducted.**

2. **SPECIAL PRESENTATIONS**

3. **PARKER CHAMBER OF COMMERCE UPDATES**

4. **DOWNTOWN BUSINESS ALLIANCE UPDATES (First Meeting of Month)**

5. **PUBLIC COMMENTS – 3 Minute Limit (No action will be taken on these items.)**

6. **REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL**

7. **CONSENT AGENDA**

Consent Agenda Items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless Council votes to remove an item for individual discussion. Ordinances on the Consent Agenda are for introduction only and will not be removed for discussion.

A. **APPROVAL OF MINUTES**

June 20, 2016

B. **ORDINANCE NO. 1.484 – First Reading**

A Bill for an Ordinance Stating the Intent of the Town of Parker to Acquire Easement Interests in Real Property for the Purpose of Constructing, Erecting, Operating and Maintaining Traffic Signals on Crown Crest Boulevard, a Town Roadway, through the Utilization of the Town's Power of Eminent Domain, and Directing the Town's Staff and Town Attorney to Notify All Persons Affected Thereby of the Above-Stated Intent of the Town, and Thereafter to Comply with all Pertinent Provisions of C.R.S. § 38-1-101, et seq., Relating to Good Faith Negotiations

Department: Engineering, Chris Hudson

Second Reading: July 18, 2016

- C. *ORDINANCE NO. 3.324 – First Reading*
A Bill for an Ordinance to Repeal and Reenact Chapter 13.09 of the Parker Municipal Code Concerning the Town of Parker Sign Code
Department: Community Development, Bryce Matthews
Second Reading: July 18, 2016
- D. *ORDINANCE NO. 5.77 – First Reading*
A Bill for an Ordinance to Amend Title 10 of the Parker Municipal Code by the Addition Thereto of a New Chapter 10.13 Concerning Signage within Streets and Sidewalks
Department: Community Development, Bryce Matthews
Second Reading: July 18, 2016
- E. *RESOLUTION NO. 16-049*
A Resolution to Determine that the Cottonwood Drive Property Substantially Complies with the Requirements of the Annexation Act of 1965 and to Set a Public Hearing Date for August 15, 2016
Department: Community Development, Carolyn Parkinson
- F. *CONTRACTS ABOVE \$100,000*
- *Additional Dispatch Radio Consoles*
Amount: \$125,045.00
Contractor: Motorola
Department: Police, Ron Combs
 - *Bradbury Trail (Phase I) [CIP 15-0015] – Contract Modification*
Amount: \$15,000.00
Contractor: T2 Construction Inc.
Department: Engineering, Tom Gill

8. **TOWN ADMINISTRATOR**

- **Reports**

9. **PUBLIC HEARINGS**

A. **MEADOWLARK PROPERTY – Annexation**

Applicant: Meritage Homes
Location: The northeast corner of Crowfoot Valley Road and Richlawn Parkway
Department: Community Development, Ryan McGee

1. **RESOLUTION NO. 16-050**

A Resolution to Set Forth Town Council’s Findings of Fact and Conclusions as to the Eligibility of the Meadowlark Property for Annexation Into the Town of Parker

2. **ORDINANCE NO. 2.248 – Second Reading (To be continued to 9/19/16)**

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Meadowlark Property Located in Douglas County

B. PAWNEE DANIELS PARK 345kV TRANSMISSION LINE – Use by Special Review

Applicant: Derek Holscher, Public Service Company
Location: Public Service Company (Xcel) right-of-way corridor, between Mainstreet and Chambers Road, bisecting the Town of Parker
Department: Community Development, Patrick Mulready

RESOLUTION NO. 16-051

A Resolution to Approve the Public Service Company of Colorado Application for a Use by Special Review for that Portion of the Pawnee-Daniels Park 345kV Transmission Line Project Within the Jurisdictional Boundaries of the Town of Parker

10. ADJOURNMENT

THE PARKER AUTHORITY FOR REINVESTMENT (PAR) MEETING WILL FOLLOW IMMEDIATELY AFTER THE TOWN COUNCIL MEETING IS ADJOURNED.

Parker Town Council

Executive Session Agenda

July 5, 2016

“To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e).”

1. Proposed Tax and Fee Assistance Agreement between the Town and All Fired Up! LLC

"To hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b)."

2. Section 13.04.205 of the Parker Municipal Code

**TOWN OF PARKER COUNCIL
MINUTES
JUNE 20, 2016**

Mayor Mike Waid called the meeting to order at 5:40 P.M. Councilmembers John Diak and Josh Rivero were absent.

Town Attorney Jim Maloney announced that the topics for discussion in Executive Session were three (3) items. Under C.R.S. § 24-6-402(4)(e) there was one item which was a proposed assignment and assumption agreement concerning the Hess Ranch Property; under C.R.S. 24-6-402(4)(b) there were was one (1) item which was a specific legal question concerning Section 13.04.205 of the Parker Municipal Code. The third item under 24-6-402(4)(b) was pulled from the agenda.

EXECUTIVE SESSION

Amy Holland moved and Josh Martin seconded to go into Executive Session to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e) and to hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).

The motion was approved unanimously.

Amy Holland and Josh Martin moved to come out of Executive Session at 6:21 P.M.

The motion was approved unanimously.

REGULAR MEETING

Mayor Waid reconvened the meeting at 6:54 P.M.

The Mayor led the Council and audience in the Pledge of Allegiance.

SPECIAL PRESENTATIONS – None

PARKER CHAMBER OF COMMERCE UPDATES – None

PUBLIC COMMENTS – None

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL – None

CONSENT AGENDA

A. *APPROVAL OF MINUTES*
June 6, 2016

B. *ORDINANCE NO. 2.248 – First Reading*
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Meadowlark Property in Douglas County
Department: Community Development, Ryan McGee
Second Reading: July 5, 2016

C. *RESOLUTION NO. 16-043*
A Resolution to Appoint the Chair and to Appoint Members and Alternates to the Town of Parker Planning Commission
 Department: *Community Development, Rosemary Sietsema*

D. *RESOLUTION NO. 16-044*
A Resolution to Allow a Partial Waiver of Subsections 13.06.040(g) and (h) of the Parker Municipal Code for the Site Plan for the Schoolhouse Gym Demolition
 Department: *Community Development, Stacey Nerger*

E. *RESOLUTION NO. 16-045*
A Resolution to Adopt a Town Council Policy for Telephonic Participation During Town Council Meetings
 Department: *Town Attorney, Jim Maloney*

F. *CONTRACTS ABOVE \$100,000*

- *Trade Contractor Agreement for Parker Schoolhouse Gymnasium Demolition Project*
 Amount: *\$161,148.00*
 Contractor: *FCI Constructors, Inc.*
 Department: *Engineering, Bob Exstrom*

- *East – West Trail – Phase 2 (CIP 15-0013)*
 Amount: *\$789,589.62*
 Contractor: *Premier Earthworks & Infrastructure*
 Department: *Engineering, Tom Gill*

G. *RESOLUTION NO. 16-048*
A Resolution to Approve the Petition to Include Town-Owned Land into the Stonegate Village Metropolitan District
 Department: *Town Attorney, Jim Maloney*

Renee Williams moved and Debbie Lewis seconded to remove Consent Agenda Item 7E.

The motion was approved unanimously.

Josh Martin moved and Amy Holland seconded to approve Consent Agenda Items 7A through 7G with the exception of 7E.

The motion was approved unanimously.

TOWN ADMINISTRATOR

• **Reports**

Randy Young did not add anything to his monthly report that was presented to Council.

PRESENTATION OF CAFR BY CLIFTONLARSONALLEN LLP

Don Warn introduced Paul Niedermuller from CliftonLarsonAllen, LLP, Certified Public Accountants, Consultants and Advisors, who summarized the audit of the financial statements of the Town for the year ended December 31, 2015. Mr. Niedermuller stated that there was one new standard relating to FPPA and it resulted in an asset because the Plan is overfunded as of the year it was implemented.

PUBLIC HEARINGS

- A. **ORDINANCE NO. 1.465.2 – Second Reading**
A Bill for an Ordinance to Adopt the 2016 Revised Budget for the Town of Parker and to Make Appropriations for the Same
Department: Finance, Don Warn

7:03 P.M.

This was an amendment to the 2016 Budget. A detailed list of the carryover and supplemental appropriation requests is attached to the budget ordinance as Exhibit A.

Public Comment – None

The Public Hearing was closed at 7:05 P.M.

Amy Holland moved to approve Ordinance No. 1.465.2 on second reading.

Josh Martin seconded the motion.

The motion was approved unanimously.

- B. **NEWLIN CROSSING PROPERTY ANNEXATION AND ZONING – (Continued from May 16, 2016)**

Applicant: Wes Segelke, 98 W. Parker LTD
Location: Northeast Corner, Mainstreet and Chambers Road
Department: Community Development, Patrick Mulready

7:06 P.M.

The applicant wishes to annex a 94 acre parcel known as the Newlin Crossing property. They are also requesting a PD – Planned Development zoning for the site. If approved, they intend to develop the site for commercial and residential uses with parks/open space and a buffer to the Stonegate neighborhood to the north. The PD includes 6.76 acre-interim detention pond currently owned by the Town of Parker.

The development will be responsible for improvements to Chambers Road and Mainstreet. It proposes to create a new internal collector road connecting Mainstreet with Chambers Road as recommended in the Roadway Network Plan of the Parker 2035 Master Plan. The Newlin Gulch floodplain itself is to be preserved as a 13.2 acre open space area. This open space area includes the Newlin Gulch Trail with a connection from the adjoining Stonegate Trail to Mainstreet. (A detailed report is available in the Community Development Department.)

Applicant

David Brehm of Plan West, 767 Santa Fe Drive, Denver, shared some details and background of the project. In the beginning, it was just residential and at the end of 2013-2014 the commercial retail became a requirement.

Public Comment – None

The Public Hearing was closed at 7:21 P.M.

- (1) **ORDINANCE NO. 2.245 – Second Reading**
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Newlin Crossing Property in Douglas County

Josh Martin moved to approve Ordinance No. 2.245 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

- (2) **ORDINANCE NO. 3.322 – Second Reading**
A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Newlin Crossing Property to PD-Planned Development District Pursuant to the Town of Parker Land Development Code and Amending the Zoning Ordinance and Map to Conform Therewith

Debbie Lewis moved to approve Ordinance No. 3.322 on second reading.

Amy Holland seconded the motion.

The motion was approved unanimously.

- (3) **ANNEXATION AGREEMENT**

Renee Williams moved to approve the Annexation Agreement for Newlin Crossing, based upon staff findings.

Amy Holland seconded the motion.

The motion was approved unanimously.

C. CHAMBERS HIGHPOINT PROPERTY ANNEXATION AND ZONING

Applicant:	Karen Henry, Henry Design Group
Location:	Southwest Corner, Chambers Road and E-470
Department:	Community Development, Patrick Mulready

7:22 P.M.

Compark 190 LLC seeks to annex an undeveloped 44.4 acre parcel located at the southwest corner of Chambers Road and E-470 into the Town of Parker. The property

owner is also requesting a PD – Planned Development zoning for the property. If approved, the intent is to develop the property for commercial, light industrial and multi-family residential uses with open space dedications.

Applicant

Karen Henry of Henry Design Group, 1501 Wazee Street, addressed Council and highlighted some of the project. She pointed out that they had a neighborhood meeting in October 2015 and actually no one showed up. After the meeting, they had a dialog with several people and provided documents to help them understand the project.

Public Comment (7:33)

- Sharon Stockfield, North 6th Street, had concerns with the buffer and density.
- Francis Visocky was concerned about the water and agrees with Ms. Stockfield.

The Public Hearing was closed at 7:36 P.M.

The applicant advised that Stonegate has provided a will serve letter showing they have the capacity and that no wells will be on this property. They also have no intention of grading this property.

- (1) **RESOLUTION NO. 16-046**
A Resolution to Set Forth Town Council’s Findings of Fact and Conclusions as to the Eligibility of the Chambers Highpoint Property for Annexation into the Town of Parker

Renee Williams moved to approve Resolution No. 16-046.

Josh Martin seconded the motion.

The motion was approved unanimously.

- (2) **ORDINANCE NO. 2.247 – Second Reading**
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Chambers Highpoint Property in Douglas County

Renee Williams moved to approve ordinance No. 2.247 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

- (3) **ORDINANCE NO. 3.323 – Second Reading**
A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Chambers Highpoint Property to PD-Planned Development Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

Amy Holland moved to approve Ordinance No. 3.323 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

(4) ANNEXATION AGREEMENT

Renee Williams moved to approve the Annexation Agreement for Chambers Highpoint, based upon staff findings.

Josh Martin seconded the motion.

The motion was approved unanimously.

D. WESTCREEK PROPERTY

Applicant:	Sean Sjodien, NexGen Properties
Location:	North of Pine Lane, West of Parker Road
Department:	Community Development, Patrick Mulready

7:39 P.M.

NexGen Properties is seeking to amend the existing Planned Development (PD) zoning. The intention is to rearrange the internal land use areas to respond to market conditions and achieve greater efficiency in development. NexGen also proposes to modify the Development Guide to allow a greater range of uses within the multi-family residential areas of Westcreek including a senior citizens independent living facility.

The Parker 2035 Master Plan identifies these properties as being located within the E-470 Corridor with the Regional Retail Character Area and the Mixed-Use Residential Emphasis Character Area.

Applicant

Jodie Newton of Masterworks LLC, 360 E. Happy Canyon Road, Castle Pines, spoke on behalf of NexGen Properties (the current owners). They have buyers lined up, including the Marriot Courtyard Hotel, along with a parcel for a restaurant area.

Public Comment – None

The Public Hearing was closed at 7:52 P.M.

ORDINANCE NO. 3.228.1 – Second Reading

A Bill for an Ordinance to Amend the Westcreek Development Guide and Plan and Amending the Zoning Ordinance to Conform Therewith

Debbie Lewis moved to approve Ordinance No. 3.228.1 on second reading.

Josh Martin seconded the motion.

The motion was approved unanimously.

E. DRANSFELDT PLACE – Minor Development Plat and Subdivision Agreement

Applicant: Todd Wright, Dransfeldt Development LLC
Location: Generally located on the west side of Dransfeldt Road south of Lincoln Meadows Parkway
Department: Community Development, Ryan McGe

7:52 P.M.

The applicant requested approval of a minor development plat to create 10 legal lots and three tracts of record to enable development of the Dransfeldt Place property. The applicant has submitted a Subdivision Improvement Agreement that is being processed concurrently with this minor development plat for public improvements associated with the property.

Applicant

The Wright brothers were available for questions.

Public Comment – None

The Public Hearing was closed at 7:57 P.M.

Josh Martin moved to approve Dransfeldt Place Minor Development Plat, based upon staff findings, with the following conditions contained in the staff report:

1. Failure by the applicant to submit all required documentation, including applicable security, within 90 days shall render approval of the minor development plat null and void and result in the necessity for the resubmittal of a minor development plat, along with all required fees and documentation. The Planning Director may grant no more than one extension of time, of no more than 30 days, upon a written request by the applicant or staff for good cause being shown. An extension request, received prior to the extension of the 90 day submittal period, shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the Town Master Plan or this Title that have occurred since approval of the plat as these changes affect the plat and the anticipated time schedule for completing the platting process. A fee schedule is available from the Planning Department. Additional review of the plat may occur resulting in additional conditions as applicable.
2. Approval of this minor development plat does not include signage. All signage for this site will be required to meet the Town of Parker Sign Code Chapter 13.09.010 and will require a separate sign permit application submittal.

NOTE: In order to allow for storage uses as described in Chapter 13.04.300 Storage Overlay District, a complete site plan application(s) for the proposed mini-storage warehouse on Lot 8 of Dransfeldt Place Subdivision and indoor recreational vehicle storage on Lot 10 of Dransfeldt Place Subdivision must be submitted to the Town of Parker by September 7, 2016. The Town Council's six month extension for self-storage uses at the property will expire after this date.

Amy Holland seconded the motion.

The motion was approved unanimously.

F. HESS ROAD PUBLIC WORKS FACILITY LOT 2 CMRS COMMERCIAL MOBILERADIO SERVICES (CMRS) FACILITY

Applicant:	Town of Parker General located on the west side of Tammy Lane south of Lincoln Meadows Parkway
Department:	Public Works, Mike Sutherland Police Department, Ron Combs Community Development, Stacey Nerger

7:58 P.M.

The Town proposes to construct a 60-foot tall free-standing Commercial Mobile Radio Service (CMRS) tower for police and emergency communications at the Public Works Operations Center at the intersection of Hess Road and Tammy Lane. This project is a partnership of the Town of Parker and Douglas County.

Mike Sutherland and Ron Combs both gave a brief presentation. Douglas County is constructing the tower and maintaining it and E-911 is paying for it

Public Comment

- Terry Dagg, Marborough Drive, asked if there was any Ham response?
- Scott Wright, So. Majestic Parkway, asked if this was the best location.

The Public Hearing was closed at 8:12 P.M.

(1) RESOLUTION NO. 16-047
A Resolution to Allow a Partial Waiver of the Requirements of Sections 13.12.030(b)(2), 13.12.030(b)(3)a., Section 13.12.030(b)(4) and 13.12.040(a)(2) of the Parker Municipal Code for the Application Submitted by the Town of a Sixty-Foot Tower to Provide Public Emergency Services for the Benefit of the Members of the Douglas County Emergency Telephone Service Authority

Josh Martin moved to approve Resolution No. 16-047.

Amy Holland seconded the motion.

The motion was approved unanimously.

(2) USE BY SPECIAL REVIEW

Josh Martin moved to approve the Use by Special Review for the CMRS, based upon staff findings, with the following conditions contained in the staff report:

1. The Use by Special Review exhibit submitted to the Community Development Department on March 1, 2016 and reviewed by the Planning Commission on June 9, 2016 shall be the approved plans. **ANY ALTERATION, MODIFICATION, SUBSTITUTION, OR REVISION INCLUDING (BUT NOT LIMITED TO) COLORS, MATERIALS, BUILDING PLACEMENT, MASSING, SITE ACCESS, LANDSCAPING AND SITE LIGHTING SHALL BE AT THE DISCRETION OF THE COMMUNITY DEVELOPMENT DIRECTOR, WHO RESERVES THE RIGHT TO REQUIRE SAID PROPOSED CHANGES TO BE REVIEWED AND APPROVED BY THE PLANNING COMMISSION.**

THIS APPROVAL SHALL EXPIRE SIX (6) MONTHS AFTER THE DATE OF APPROVAL UNLESS A GRADING PERMIT OR BUILDING PERMIT HAS BEEN APPLIED FOR. The Community Development Director, upon written request, may grant a ninety-(90) day extension.

3. Prior to the release of any building permit for the CMRS facility, the applicant shall revise the design of the CMRS tower to incorporate a windmill element at the top of the structure that partially addresses the stealth requirements of the Town's CMRS code. Said design shall be reviewed and approved by the Community Development Department.
4. Prior to the release of any building permits for the CMRS facility, the applicant shall submit the materials and colors of the facility for review and approval by the Community Development Department. The use of neutral colors for the CMRS tower shall be required to minimize the visual impacts of the facility.
5. Prior to the release of any building permits for the CMRS facility, the applicant shall provide a partial site plan incorporating required screening around the base of the CMRS tower including solid fencing for review and approval by the Community Development Department to minimize the visual impacts of the facility.
6. Prior to the release of any building permits for the CMRS facility, the applicant shall provide a partial site plan incorporating landscaping on the exterior of the screen fence for review and approval by the Community Development Department to minimize the visual impacts of the facility.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

The following three items were given as one presentation.

ORDINANCE NO. 1.481 – Second Reading

A Bill for an Ordinance to Vacate a Drainage and Slope Easement on Real Property Previously Owned by Donald F. and Viola R. Miller, Pursuant to Section 13.07.120(c)(5) of the Parker Municipal Code

Department: Engineering, Alex Mestdagh

The Town obtained drainage and slope easements on this property in 1999 to accommodate the construction of Twenty Mile Road and Dransfeldt Road adjacent to the site. The property is currently proposed to be developed, and the improvements associated with the Site Plan will eliminate the need for these existing easements. The developer proposes to vacate these existing easements and dedicate new easements covering the proposed improvements. The applicant will be required to dedicate to the Town new easements covering any remaining roadway embankments and the proposed storm sewer improvements, preserving the Town’s ability to protect roadway base stability and to ensure the safe conveyance of stormwater through the site.

Public Comment – None

Josh Martin moved to approve Ordinance No. 1.481 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

ORDINANCE NO. 1.482 – Second Reading

A Bill for an Ordinance to Vacate a Drainage and Slope Easement on Real Property Previously Owned by Don Miller Greenhouse Company, Pursuant to Section 13.07.120(c)(5) of the Parker Municipal Code

Department: Engineering, Alex Mestdagh

The Town obtained drainage and slope easements on this property in 1999 to accommodate the construction of Twenty Mile Road and Dransfeldt Road adjacent to the site. The property is currently proposed to be developed, and the improvements associated with the Site Plan will eliminate the need for these existing easements. The developer proposes to vacate these existing easements and dedicate new easements covering the proposed improvements. The applicant will be required to dedicate to the Town new easements covering any remaining roadway embankments and the proposed storm sewer improvements, preserving the Town’s ability to protect roadway base stability and to ensure the safe conveyance of stormwater through the site.

Josh Martin moved to approve Ordinance No. 1.482 on second reading.

Amy Holland seconded the motion.

The motion was approved unanimously.

ORDINANCE NO. 1.483 – Second Reading

A Bill for an Ordinance to Vacate a Slope Easement on Real Property Previously Owned by Donald F. Miller, Pursuant to Section 13.07.120(c)(5) of the Parker Municipal Code

Department: Engineering, Alex Mestdagh

The Town obtained drainage and slope easements on this property in 1999 to accommodate the construction of Twenty Mile Road and Dransfeldt Road adjacent to the site. The property is currently proposed to be developed, and the improvements associated with the Site Plan will eliminate the need for these existing easements. The developer proposes to vacate these existing easements and dedicate new easements covering the proposed improvements. The applicant will be required to dedicate to the Town new easements covering any remaining roadway

embankments and the proposed storm sewer improvements, preserving the Town's ability to protect roadway base stability and to ensure the safe conveyance of stormwater through the site.

Renee Williams moved to approve Ordinance No. 1.483 on second reading.

Josh Martin seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 8:16 P.M.

Carol Baumgartner, Town Clerk

Mike Waid, Mayor



ITEM NO: 7B
DATE: 07/05/2016

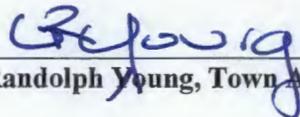
REQUEST FOR TOWN COUNCIL ACTION

TITLE: ORDINANCE NO. 1.484 – A Bill for an Ordinance Stating the Intent of the Town of Parker to Acquire Easement Interests in Real Property for the Purpose of Constructing, Erecting, Operating and Maintaining Traffic Signals on Crown Crest Boulevard, a Town Roadway, Through the Utilization of the Town's Power of Eminent Domain, and Directing the Town's Staff and Town Attorney to Notify All Persons Affected Thereby of the Above-Stated Intent of the Town, and Thereafter to Comply with all Pertinent Provisions of C.R.S § 38-1-101, et seq., Relating to Good Faith Negotiations

- | | | |
|---|---|--------------|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> ORDINANCE FOR 1 ST READING | (07/05/2016) |
| <input type="checkbox"/> CONTRACT | <input type="checkbox"/> ORDINANCE FOR 2 ND READING | (07/18/2016) |
| <input type="checkbox"/> MOTION | <input type="checkbox"/> RESOLUTION | |



Tom Williams, Engineering Director



G. Randolph Young, Town Administrator

ISSUE:

Acquisition of easements needed to construct a traffic signal on Crown Crest Boulevard at the Parker Adventist Hospital/Life Time Fitness access.

PRIOR ACTION:

None.

FUNDING/BUDGET IMPACT:

Funding for the construction of the proposed traffic signal on Crown Crest Boulevard is part of the approved 2016 budget.

BACKGROUND:

In early 2016, Engineering Department staff engaged a traffic engineer to design a proposed traffic signal at the Crown Crest Boulevard intersection with the Parker Adventist Hospital/Life Time Fitness access roadways. While Crown Crest Boulevard is a Town owned roadway (public right-of-way), the access roadways to the north and south are private roadways. In order to construct and maintain the proposed traffic signal, permanent easements are needed north and south of this intersection due to this private roadway configuration.

The property to the south of this intersection (both the southeast and southwest corners) is owned by the PorterCare Adventist Health System. The northeast corner is also owned by the PorterCare

Adventist Health System. The northwest corner of this intersection is owned by LTF Real Estate Company which is a division of Life Time Fitness.

The summary of traffic signal easements needed is as follows:

- 1) Traffic Signal Easements – Two (2) easements (utilizing three (3) legal descriptions that affect two (2) property owners)

The Town has discussed the proposed traffic signal with representatives of both property owners in May and June of this year.

RECOMMENDATION:

Approve the ordinance.

PREPARED/REVIEWED BY:

- 1) Chris Hudson, CIP & Construction Manager
- 2) Jim Maloney, Town Attorney

ATTACHMENTS:

- 1) Vicinity Map (1 page)
- 2) Ordinance (14 pages)

RECOMMENDED MOTION:

"I move to approve Ordinance No. 1.484 on first reading and schedule second reading for July 18, 2016, as a part of the consent agenda."

Crown Crest Blvd Hospital Access Traffic Signal Vicinity Map



Costco

E-470

Cottonwood Dr

Crown Crest Blvd

Traffic Signal Location

Parker Rd

Parker Adventist Hospital

Crown Crest Blvd

Pine Ln



0 500 1,000 Feet

ORDINANCE NO. 1.484, Series of 2016

TITLE: A BILL FOR AN ORDINANCE STATING THE INTENT OF THE TOWN OF PARKER TO ACQUIRE EASEMENT INTERESTS IN REAL PROPERTY FOR THE PURPOSE OF CONSTRUCTING, ERECTING, OPERATING AND MAINTAINING TRAFFIC SIGNALS ON CROWN CREST BOULEVARD, A TOWN ROADWAY, THROUGH THE UTILIZATION OF THE TOWN'S POWER OF EMINENT DOMAIN, AND DIRECTING THE TOWN'S STAFF AND TOWN ATTORNEY TO NOTIFY ALL PERSONS AFFECTED THEREBY OF THE ABOVE-STATED INTENT OF THE TOWN, AND THEREAFTER TO COMPLY WITH ALL PERTINENT PROVISIONS OF C.R.S. § 38-1-101, *ET SEQ.*, RELATING TO GOOD FAITH NEGOTIATIONS

WHEREAS, the Town of Parker, Colorado possesses the power of eminent domain pursuant to the provisions of Article XX, § 1 of the Colorado Constitution, Section 15.5 of the Town of Parker Home Rule Charter, C.R.S. § 38-1-101, *et seq.*, and C.R.S. § 38-6-101, *et seq.*;

WHEREAS, the Town of Parker wishes to acquire traffic signal easements as more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (collectively, the "Subject Properties"), for the purpose of constructing, erecting, operating and maintaining traffic signals on Crown Crest Boulevard, a Town roadway, as generally depicted on **Exhibit B**; and

WHEREAS, the Town Council of the Town of Parker wishes to comply with all applicable provisions of C.R.S. § 38-1-101, *et seq.*, including, but not limited to, the notice and negotiation requirements and provisions thereof.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Notice is hereby given pursuant to C.R.S. § 38-1-121(1) that the Town of Parker, Colorado, intends to acquire traffic signal easement interests in property more particularly described in **Exhibit A** (the "Subject Properties").

Section 2. The acquisition of the Subject Properties serves a public purpose and is necessary and essential to the Town's ability to provide public streets and roadways, including traffic signals and appurtenant traffic control devices, for the residents of the Town of Parker.

Section 3. The Town Attorney is hereby directed to provide a copy of this Ordinance to all persons who presently own or maintain an ownership interest in the Subject Properties notifying them of the intent of the Town of Parker to acquire such property through the use of the Town's power of eminent domain.

Section 4. The staff of the Town, together with the Town Attorney, and any and all persons retained or employed by the Town of Parker in the prosecution of this matter, are directed to comply with all notice and good faith negotiation requirements set forth in C.R.S. § 38-1-101, *et seq.*, in the conduct of the within authorized eminent domain actions.

Section 5. In the prosecution of the within authorized eminent domain actions, the Town shall retain all rights and powers lawfully delegated to it by the Colorado Constitution, the Town of Parker Home Rule Charter, and C.R.S. § 38-1-101, *et seq.*

Section 6. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 7. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 8. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2016.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2016.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT A

Traffic Signal Easement Acquisition

Three (3) Legal Descriptions (6 pages)

EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PART OF LOT 1, CROWN POINT F#1 9TH AMENDMENT, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2005113942 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE, LOCATED IN THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER, DOUGLAS COUNTY, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1, WHENCE THE WESTERLY LINE OF SAID LOT 1 BEARS NORTH 05°31'19" EAST, WITH ALL BEARINGS HEREON REFERENCED THERETO;

THENCE ALONG SAID WESTERLY LINE NORTH 05°31'19" EAST, A DISTANCE OF 60.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 562.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 05°42'47" EAST;

THENCE DEPARTING SAID WESTERLY LINE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°03'35", AN ARC LENGTH OF 30.01 FEET;

THENCE NON-TANGENT TO SAID CURVE SOUTH 05°31'19" WEST, A DISTANCE OF 50.06 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 612.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 02°53'17" EAST;

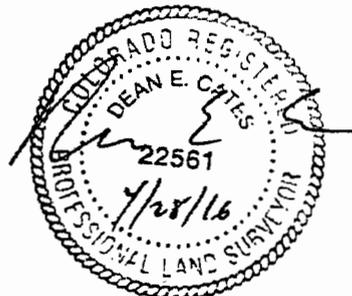
THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°52'42", AN ARC LENGTH OF 30.75 FEET;

THENCE NON-TANGENT TO SAID CURVE SOUTH 00°00'35" WEST, A DISTANCE OF 10.00 FEET TO THE SOUTHERLY LINE OF SAID LOT 1 AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 622.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 00°00'35" EAST;

THENCE WESTERLY ALONG SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF 05°41'06", AN ARC LENGTH OF 61.72 FEET TO THE POINT OF BEGINNING.

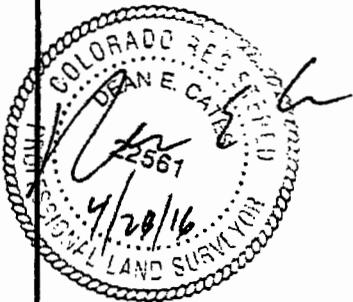
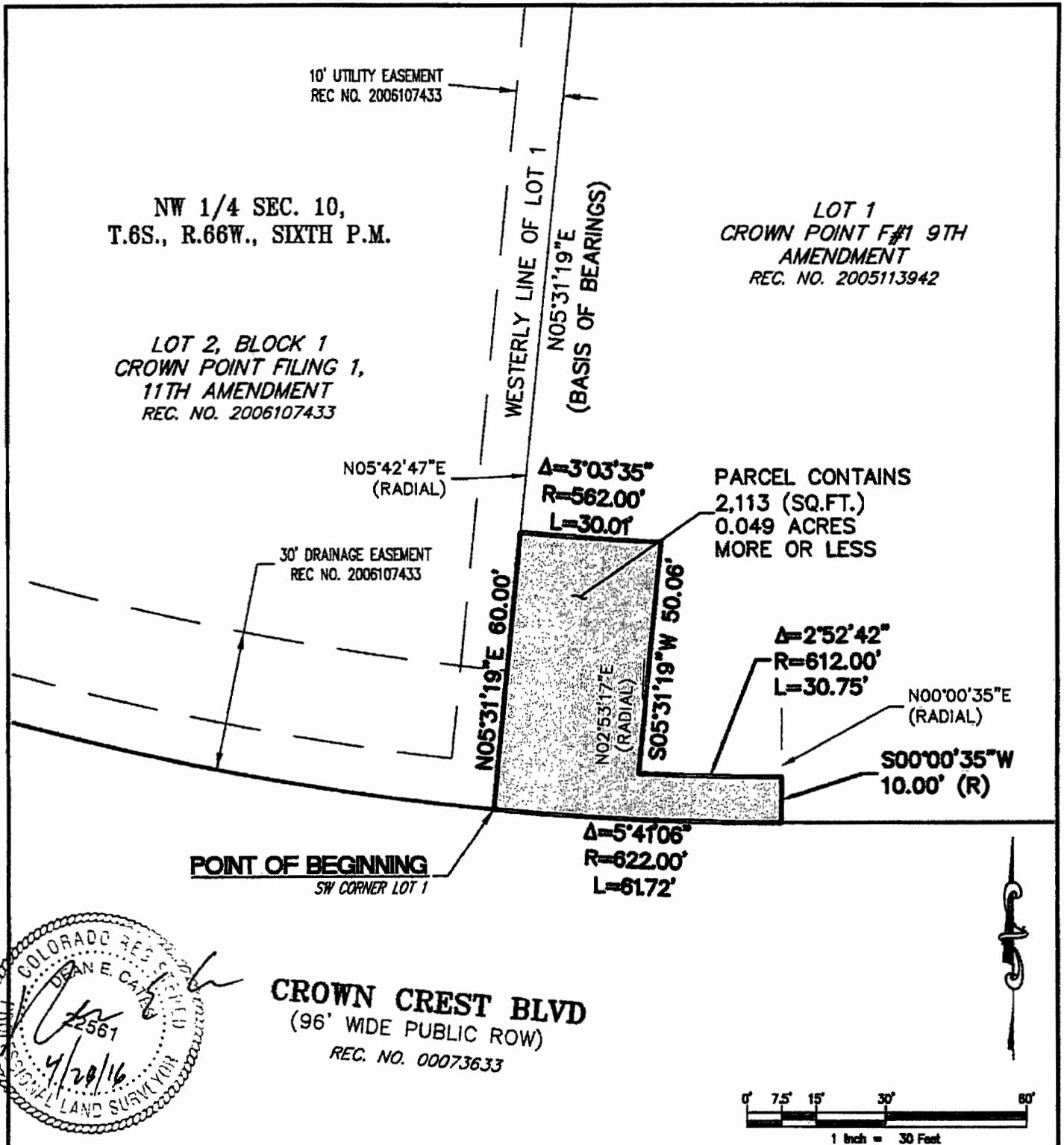
CONTAINING AN AREA OF 0.049 ACRES, (2,113 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



DEAN E. CATES, PLS
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122
303-713-1898

ILLUSTRATION TO EXHIBIT A



NOTE: THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: Q:\24916-10\DWG
 DWG NAME: LOT 1 CROWN PT F1, 9TH AMND ESMT
 DWG: BJM chr DEC
 DATE: 04-28-2016
 SCALE: 1" = 30'



309 East Mineral Ave,
 Suite 1
 Littleton, Colorado 80122
 Phone: (303)713-1898
 Fax: (303)713-1897
 www.aztecconsultants.com

EXHIBIT A
 NW 1/4 SEC. 10, T6S, R66W, 6TH P.M.
 DOUGLAS COUNTY, COLORADO
 JOB NUMBER 24916-10 2 OF 2 SHEETS

EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PART OF LOT 1, CROWN POINT F#1, 18TH AMENDMENT, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2010018462 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE, LOCATED IN THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER, DOUGLAS COUNTY, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, CROWN POINT F#1, 15TH AMENDMENT, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2008019851 IN SAID RECORDS, WHENCE THE EASTERLY LINE OF SAID LOT 1 BEARS SOUTH 08°53'06" WEST, WITH ALL BEARINGS HEREON REFERENCED THERETO, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 920.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 10°45'19" WEST;

THENCE ALONG THE NORTHERLY LINE OF LOT 1, CROWN POINT F#1, 18TH AMENDMENT THE FOLLOWING (4) COURSES:

- 1) EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°19'18", AN ARC LENGTH OF 149.68 FEET;
- 2) TANGENT TO SAID CURVE, SOUTH 69°55'23" EAST, A DISTANCE OF 545.84 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 718.00 FEET;
- 3) EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°58'16", AN ARC LENGTH OF 137.48 FEET TO THE POINT OF BEGINNING;
- 4) CONTINUING EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°05'48", AN ARC LENGTH OF 114.00 FEET;

THENCE NON-TANGENT TO SAID CURVE DEPARTING SAID NORTHERLY LINE SOUTH 00°00'33" WEST, A DISTANCE OF 15.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 733.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 00°00'34" EAST;

THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°22'39", AN ARC LENGTH OF 30.42 FEET;

THENCE NON-TANGENT TO SAID CURVE SOUTH 05°37'29" WEST, A DISTANCE OF 45.07 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 778.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 02°34'28" EAST;

THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°15'47", AN ARC LENGTH OF 85.04 FEET;

THENCE NON-TANGENT TO SAID CURVE NORTH 05°37'29" EAST, A DISTANCE OF 60.10 FEET TO THE POINT OF BEGINNING.

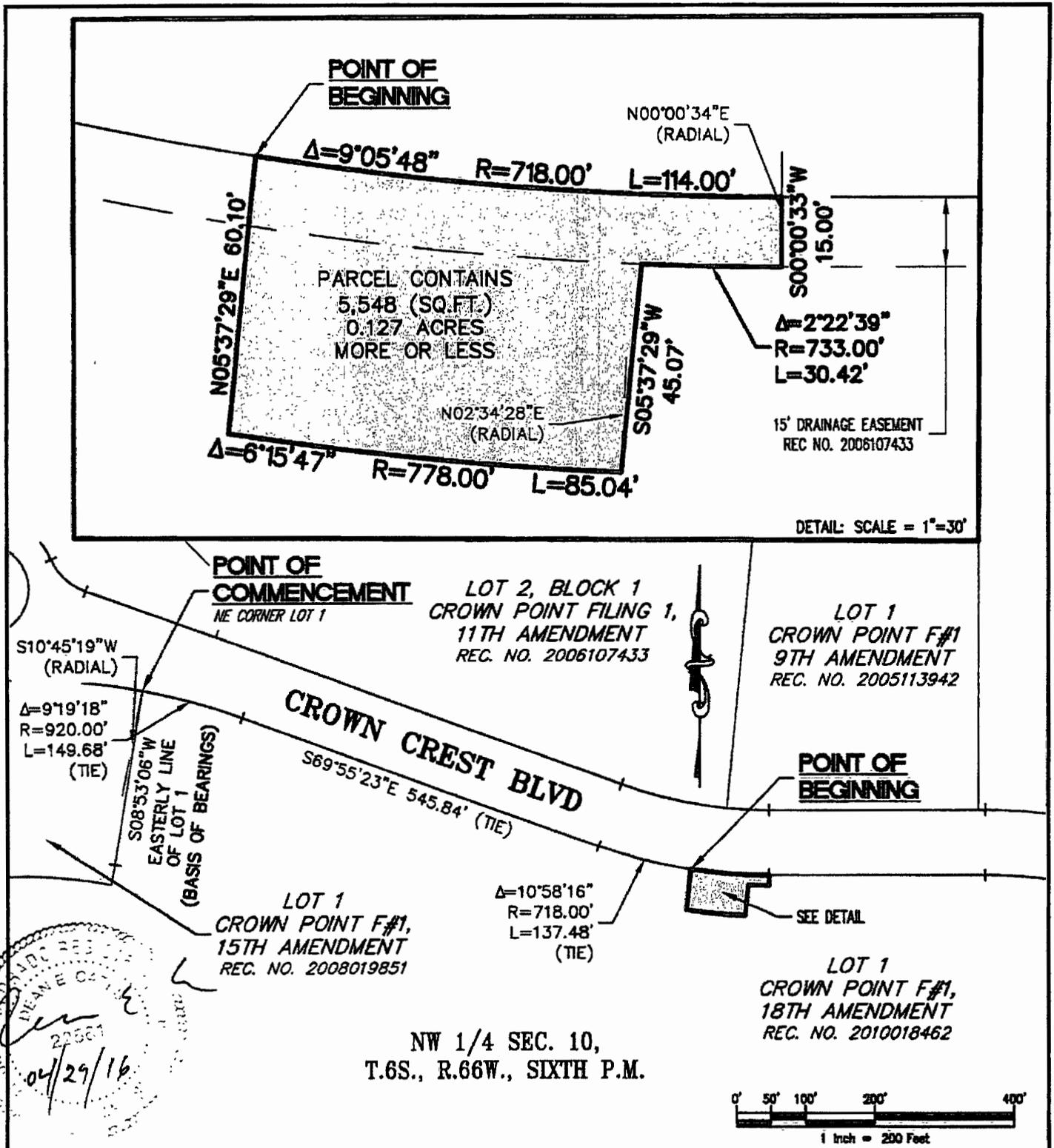
CONTAINING AN AREA OF 0.127 ACRES, (5,548 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.

DEAN E. CATES, PLS
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122
303-713-1898



ILLUSTRATION TO EXHIBIT A



NOTE: THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

22564
04/29/16

PATH: G:\24916-10\DWG
DWG NAME: LOT 1 CROWN PT F1, 18TH AMND ESKT
DWG: B.M. CHK: DEC
DATE: 04-28-2016
SCALE: 1" = 200'



306 East Mineral Ave,
Suite 1
Littleton, Colorado 80122
Phone: (303)713-1898
Fax: (303)713-1897
www.aztecconsultants.com

EXHIBIT B
NW 1/4 SEC. 10, T6S, R66W, 6TH P.M.
DOUGLAS COUNTY, COLORADO
JOB NUMBER 24916-10 2 OF 2 SHEETS

EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 2, BLOCK 1, CROWN POINT FILING 1, 11TH AMENDMENT, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2006107433 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE, LOCATED IN THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER, DOUGLAS COUNTY, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2 WHENCE THE EASTERLY LINE OF SAID LOT 2 BEARS NORTH 05°31'19" EAST, WITH ALL BEARINGS HEREON REFERENCED THERETO, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 622.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 05°41'41" EAST;

THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 2 AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 04°36'41", AN ARC LENGTH OF 50.06 FEET;

THENCE DEPARTING SAID SOUTHERLY LINE NON-TANGENT TO SAID CURVE NORTH 05°31'19" EAST, A DISTANCE OF 10.04 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 612.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 10°23'04" EAST;

THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°24'29", AN ARC LENGTH OF 15.04 FEET;

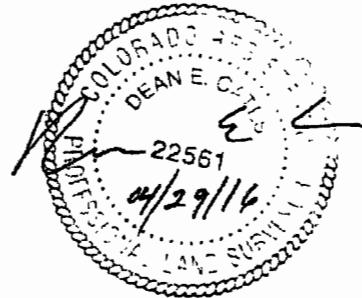
THENCE NON-TANGENT TO SAID CURVE NORTH 05°31'19" EAST, A DISTANCE OF 50.10 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 562.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 09°17'03" EAST;

THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°34'15", AN ARC LENGTH OF 35.03 FEET TO THE EASTERLY LINE OF SAID LOT 2;

THENCE NON-TANGENT TO SAID CURVE ALONG SAID EASTERLY LINE SOUTH 05°31'19" WEST, A DISTANCE OF 60.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 0.052 ACRES, (2,252 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



DEAN E. CATES, PLS
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122
303-713-1898

ILLUSTRATION TO EXHIBIT A

NW 1/4 SEC. 10,
T.6S., R.66W., SIXTH P.M.

LOT 2, BLOCK 1
CROWN POINT FILING 1,
11TH AMENDMENT
REC. NO. 2006107433

10' UTILITY EASEMENT
REC NO. 2006107433

LOT 1
CROWN POINT F#1 9TH
AMENDMENT
REC. NO. 2005113942

PARCEL CONTAINS
2,252 (SQ.FT.)
0.052 ACRES
MORE OR LESS

N09°17'03"E
(RADIAL)

$\Delta=3^{\circ}34'15''$
 $R=562.00'$
 $L=35.03'$

30' DRAINAGE EASEMENT
REC NO. 2006107433

N10°23'04"E
(RADIAL)

$\Delta=1^{\circ}24'29''$
 $R=612.00'$
 $L=15.04'$

N05°31'19"E 50.10'

S05°31'19"W 60.00'

N05°31'19"E
10.04'

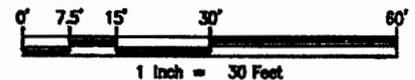
N05°41'41"E
(RADIAL)

$\Delta=4^{\circ}36'41''$
 $R=622.00'$
 $L=50.06'$

POINT OF BEGINNING
SE CORNER LOT 2



CROWN CREST BLVD
(96' WIDE PUBLIC ROW)
REC. NO. 00073633



NOTE: THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: Q:\24916-10\DWG
DWG NAME: 1201 CROWN PT FL, 11TH AMND EMT
DWG: BJM CHK: DEC
DATE: 04-28-2016
SCALE: 1" = 30'



308 East Mineral Ave,
Suite 1
Littleton, Colorado 80127
Phone: (303)713-1998
Fax: (303)713-1897
www.aztecconsultants.com

EXHIBIT A
NW 1/4 SEC. 10, T6S, R66W, 6TH P.M.
DOUGLAS COUNTY, COLORADO
JOB NUMBER 24916-10 2 OF 2 SHEETS

EXHIBIT B

Traffic Signal Construction Plans

(Dated 06/13/2016) (4 pages)

TRAFFIC SIGNALIZATION PLAN

CROWN CREST BLVD AT PARKER ADVENTIST HOSPITAL/LIFETIME FITNESS ACCESS

TOWN OF PARKER, COLORADO

FHU PROJECT NO. 116115-01

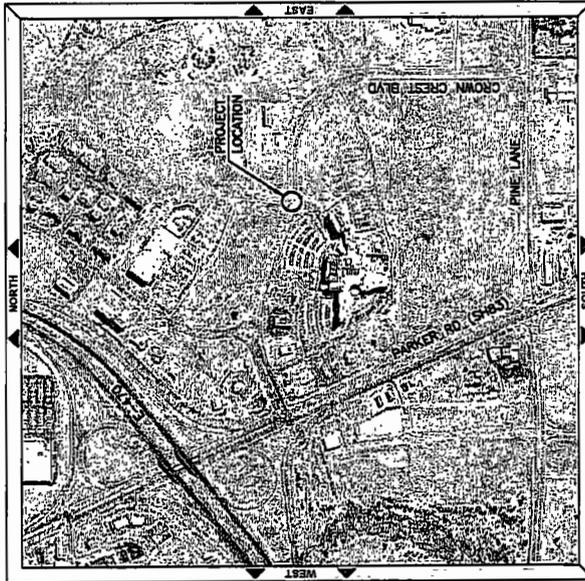
TOWN OF PARKER CIP 16-015

SCALE OF ORIGINAL DRAWINGS

ON PLAN 1"=30'

INDEX OF SHEETS

SHEET NO.	DWG. NO.	DESCRIPTION
1	T-1	TITLE SHEET
2	TAP-1	TABULATION OF TRAFFIC SIGNAL ITEMS
3-4	TS-1 TO 2	TRAFFIC SIGNAL PLANS
5-6	ITS-1 TO 4	INTERCONNECT CONDUIT PLANS
9-16	-	TOWN OF PARKER STANDARD SIGNAL DETAILS



- GENERAL NOTES:**
- ALL TRAFFIC SIGNAL CONSTRUCTION, EQUIPMENT AND MATERIALS SHALL BE IN CONFORMANCE WITH THE TOWN OF PARKER ROADWAY DESIGN AND CONSTRUCTION CRITERIA MANUAL, REVISED JULY 2015. CHAPTER 7 OF THIS MANUAL INCLUDES THE TOWN'S TRAFFIC SIGNAL SPECIFICATIONS, AND APPENDIX D INCLUDES STANDARD TRAFFIC SIGNAL DETAILS. IN CASES OF OMISSION, THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION (2011) AND STANDARD PLANS (JULY 2012) SHOULD BE APPLIED.
 - THE CONTRACTOR SHALL CONTACT THE TOWN OF PARKER ENGINEERING DEPARTMENT A MINIMUM OF 48 HOURS AND A MAXIMUM OF 96 HOURS PRIOR TO STARTING SIGNAL CONSTRUCTION. THE CONTRACTOR WILL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSTRUCTION PERMITS WITH THE TOWN OF PARKER.
 - THE CONTRACTOR SHALL APPLY FOR AND OBTAIN A TOWN RIGHT-OF-WAY USE PERMIT (ENGINEERING) AND AN ELECTRICAL PERMIT (BUILDING) FOR THIS PROJECT. THIS WORK SHALL BE INCIDENTAL TO THE PROJECT. THE PERMITS WILL BE NO-COST TO THE CONTRACTOR.
 - THE TOWN OF PARKER WILL FURNISH ALL TRAFFIC SIGNAL LIGHT POLES, MAST ARMS, LUMINAIRE ARMS AND ANCHOR BOLTS FOR THIS PROJECT. THE CONTRACTOR SHALL COORDINATE WITH DAVE ADEN AT 303-605-3202 PRIOR TO PICKING UP THE POLES AT THE TOWN YARD AT 9045 TAMMY LANE.
 - THE CONTRACTOR SHALL COORDINATE WITH THE INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION (IREA) TO OBTAIN THE NECESSARY POWER CONNECTION TO THE TRAFFIC SIGNAL TO ENSURE THAT IT IS OPERATIONAL IN A TIMELY MANNER.
 - THE CONTRACTOR SHALL VACUUM EXCAVATE ALL TRAFFIC SIGNAL POLE FOOTINGS TO ENSURE THAT EXISTING UTILITIES WILL NOT BE IMPACTED. WORK SHALL BE INCIDENTAL TO THE CAISSON (SPECIAL) PAY ITEM.

Print Date: 6/13/2016 9:34:37 AM File Name: A116115-01TTL01.dwg Horizontal Scale: X Vertical Scale: X	Sheet Revisions <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Date</th> <th>Comments</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Date	Comments							As Constructed No Revisions: Revised: Void:	Parker Adventist Hospital Access Traffic Signal Plans Title Sheet Designer: LCI Detailer: LCI Submitt: LCI	Project No./Code CIP 16-015 Sheet Number 1 of 1
Date	Comments											

Town of Parker
COLORADO

FELSBURO
 CENTRAL, CO 80111
 Phone: 303.721.1440
 Fax: 303.721.0662

TABULATION OF TRAFFIC SIGNAL ITEMS -- SCHEDULE A

COOT ITEM NO.	Parker Sids & Specs	ITEM DESCRIPTION	UNITS		TOTAL	NOTES
			HOUR	LF		
203-01597	-	POTHOLING	SF	40	40	Potholing work in addition to vacuum potholing for pole foundations
202-000250	-	REMOVAL OF PAVEMENT MARKING	SF	78	78	Removal of lane arrows
202-00810	-	REMOVAL OF GROUND SIGN	EACH	2	2	Includes removal of bases and all attached sign panels
903-00024	7.1.3.1	CAISSON (24 INCH) (SPECIAL)	LF	6	6	Vacuum Excavated Footing -- Parker Signal Detail 6
903-00036	7.1.3.1	CAISSON (36 INCH) (SPECIAL)	LF	4	4	Vacuum Excavated Footings -- Parker Signal Detail 2: 1-10', 2-12' and 1-14' Caissons
608-00006	-	CONCRETE SIDEWALK (6 INCH)	SY	8	8	For sidewalk replacement, only if necessary. Includes sawcut and removal of old sidewalk.
613-00206	7.1.3.2	2 INCH ELECTRICAL CONDUIT (BORED)	LF	910	910	PVC Schedule 80
613-00306	7.1.3.2	3 INCH ELECTRICAL CONDUIT (BORED)	LF	950	950	PVC Schedule 80
613-07000	-	PULL BOX (SPECIAL)	EACH	4	4	Waterative Type -- Parker Signal Detail 5
613-07000	7.1.3.3	PULL BOX (17'X30')	EACH	4	4	Large Pull Box -- Parker Signal Detail 5
613-07000	7.1.3.3	PULL BOX (13'X24')	EACH	4	4	Medium Pull Box -- Parker Signal Detail 5
613-20200	7.1.4	WIRING	LS	1	1	Includes All Wiring and Installation of Town furnished EMS Marker Balls at Pull Boxes
614-00001	-	LUMINAIRE (INSTALL ONLY)	EACH	4	4	Furnished by Town of Parker
614-00011	7.2.1	SIGN PANEL (CLASS I)	SF	45	45	Parker Signal Detail 3
614-10130	7.1.7.3	ILLUMINATED SIGN	EACH	4	4	Parker Signal Detail 3
614-70150	7.1.7.2	PEDESTRIAN SIGNAL FACE (16) (COUNTDOWN)	EACH	8	8	LED Type
614-70336	7.1.7.1 & 4	TRAFFIC SIGNAL FACE (12-12-12)	EACH	14	14	LED Type
614-70560	7.1.7.1 & 4	TRAFFIC SIGNAL FACE (12-12-12-12)	EACH	4	4	LED Type
614	7.1.7.9	FIRE PREEMPTION DETECTION SYSTEM	LS	1	1	GIT 2-Model 711, 1-Model 722, and 2-762 Phase Selectors
614-72860	7.1.7.10 & 11	PEDESTRIAN PUSH BUTTON	EACH	8	8	Padra Bulldog (BOLM2) and R10-3e sign
614-72855	7.1.7.16	TRAFFIC SIGNAL CONTROLLER CABINET	EACH	1	1	333 Cabinet (Painted) with UPS. Includes Perch-Style Fiberglass Base
614	7.1.3.5	TRAFFIC SIGNAL VEHICLE DETECTOR (LOOP TYPE) (TYPE I)	EACH	7	7	COOT Sid. 5-614-43. Includes sawcutting, sealing, wiring and cabinet hardware/amplifiers.
614-84100	7.1.7.15	TRAFFIC SIGNAL LIGHT POLE STEEL (1 MAST ARM) (INSTALL ONLY)	EACH	4	4	1-60' Arm, 1-45' Arm, 1-40' Arm and 1-35' Arm. (Furnished by Town of Parker)
614-86248	7.1.7.15	PEDESTRIAN PUSH BUTTON POST ASSEMBLY	EACH	1	1	Parker Signal Detail 4
614-86800	7.1.7.16	TRAFFIC SIGNAL PEDESTAL POLE ALUMINUM CONTROLLER (170E-HG1)	EACH	1	1	15-FT Pole
626-00000	-	UNINTERRUPTED POWER SUPPLY	EACH	1	1	Includes WAPITI WAKS
627-30410	7.2.2	MOBILIZATION	LS	1	1	CLARY SP1250LX
627-30410	7.2.2	PREFORMED THERMOPLASTIC PAVEMENT MARKING (WORD-STMBOL)	SF	59	59	90 MIL
627-30410	7.2.2	PREFORMED THERMOPLASTIC PAVEMENT MARKING (XWALK - STOPLINE)	SF	280	280	90 MIL
630	-	CONSTRUCTION TRAFFIC CONTROL	LS	1	1	
700-70010	-	F/A MINOR CONTRACT REVISIONS	FA	1	1	
700-90084	-	F/A FURNISH & INSTALL ELECTRIC SERVICE CONNECTION AND DISCONNECT	FA	1	1	

TABULATION OF TRAFFIC SIGNAL INTERCONNECT ITEMS -- SCHEDULE B

COOT ITEM NO.	Parker Sids & Specs	ITEM DESCRIPTION	UNITS		TOTAL	NOTES
			LF	EACH		
613-00208	7.1.3.2	2 INCH ELECTRICAL CONDUIT (BORED)	LF	2860	2860	PVC Schedule 80
613	7.1.3.3	PULL BOX (13'X24')	EACH	12	12	Medium Pull Box -- Parker Signal Detail 5

Print Date: 6/13/2016 9:34:48 AM
 File Name: T116115-01TAB01.dwg
 Horizontal Scale: NTS Vertical Scale: NTS
 6300 South Syracuse Way, Suite 800
 FOLSOM, CALIFORNIA, CA 95711
 Phone: 925.721.1440
 FAX: 925.721.0622

Sheet Revisions

Date	Comments	Initials
06-13-2016		
06-13-2016		
06-13-2016		

As Constructed

No Revisions:
 Revised:
 Void:

PARKER ADVENTIST HOSPITAL ACCESS
 TABULATION OF TRAFFIC
 SIGNAL ITEMS

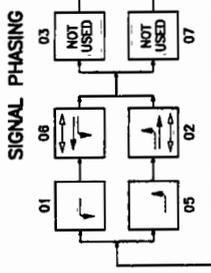
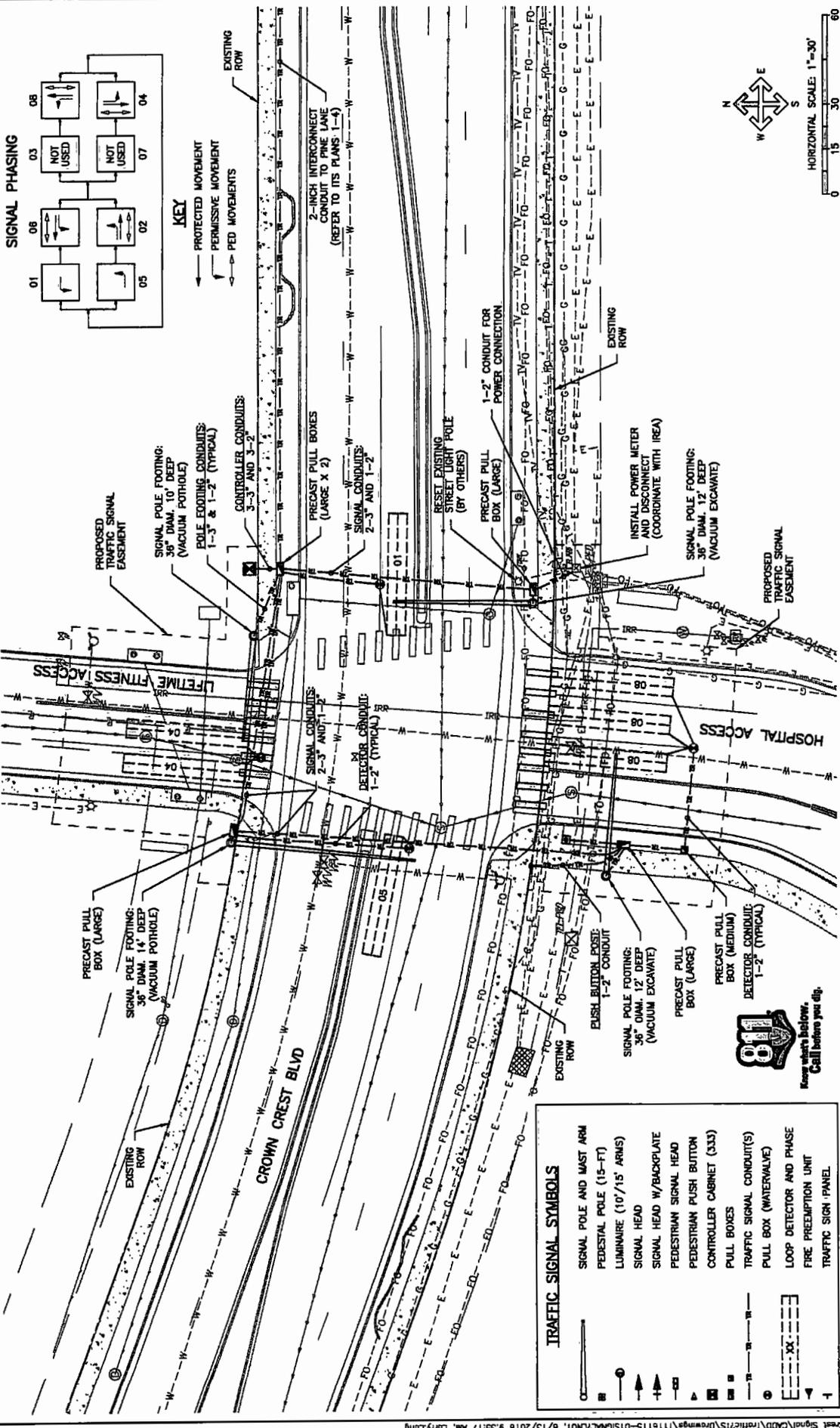
Designer:
 Detailer:
 Subst:

Project No./Code
 CIP 16-015

Sheet Number
 2

TAB-1 of 1





TRAFFIC SIGNAL SYMBOLS

	SIGNAL POLE AND MAST ARM
	PEDESTAL POLE (15'-FT)
	LUMINAIRE (10'/15' ARMS)
	SIGNAL HEAD
	PEDESTRIAN SIGNAL HEAD
	PEDESTRIAN PUSH BUTTON
	CONTROLLER CABINET (333)
	PULL BOXES
	TRAFFIC SIGNAL CONDUIT(S)
	PULL BOX (WATERWALL)
	LOOP DETECTOR AND PHASE
	FIRE PREEMPTION UNIT
	TRAFFIC SIGN PANEL

Print Date: 6/13/2016 9:55:17 AM	Vertical Scale: NA	Project No./Code	CIP 16-015
File Name: T118115-01SIGNAL.TM01.dwg	Horizontal Scale: 1:30	As Constructed	
Horizontal Scale: 1:30	6300 South Syracuse Way, Suite 800 FELSBURG HOLT & PHILLIPS ULLEWIC Phone: 303.721.1440 Fax: 303.721.0628	No Revisions:	Designer: LCL Structure LCL Numbers
		Revised:	Detailer:
		Void:	Subject: TRAFFIC Signal
			Sheet Number 4



Sheet Revisions

Date	Comments	Initials





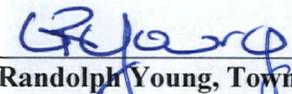
ITEM NO: 7C
DATE: 07/05/2016

REQUEST FOR TOWN COUNCIL ACTION

TITLE: ORDINANCE NO. 3.324 – A Bill for an Ordinance to Repeal and Reenact Chapter 13.09 of the Parker Municipal Code Concerning the Town of Parker Sign Code

- | | | |
|---|---|--------------|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> ORDINANCE FOR 1 ST READING | (07/05/2016) |
| <input type="checkbox"/> CONTRACT | <input type="checkbox"/> ORDINANCE FOR 2 ND READING | (07/18/2016) |
| <input type="checkbox"/> MOTION | <input type="checkbox"/> RESOLUTION | |


John Fussa, Community Development Director


G. Randolph Young, Town Administrator

ISSUE:

The primary purpose of this sign code amendment is to respond to the U.S. Supreme Court decision last summer in *Reed v. Town of Gilbert*. In order to respond to the court case ruling, the Town will need to remove sections of the current sign code that are content based to create a content neutral sign code. For example, the current content based sign types such as election signs, residential entrance signs and governmental flags, are content based where the new sign code will only include categories such as temporary signs, permanent signs, building signs and freestanding signs.

PRIOR ACTION:

None

FUNDING/BUDGET IMPACT:

None

BACKGROUND:

In the summer of 2015, the U.S. Supreme Court ruled on the Reed vs. Gilbert case and the issue of temporary signs. In order to ensure compliance with the new ruling, this proposed code amendment will remove content based sign types and replace them with content neutral sign types and definitions. To the greatest extent possible, the Town has attempted to keep the current setbacks, scale and size requirements consistent with the current code as a part of this phase of updates.

Nonresidential permanent, window and temporary signage calculations and maximum square footage stay extensively the same.

Significant changes proposed to the sign code include the following:

- All temporary signs will no longer require a permit, but will be required to be submitted to an online registry. There will be no charge and no Town approval for signs submitted to the registry. It will be the obligation of the property owner to comply with the code requirements.
- Temporary signs may be displayed:
 - * 150 days per year for freestanding signs (90 days with 60 day extension)
 - * 90 days per year for banners (Six 15 day banners)
 - * Sandwich Board signs shall only be displayed during business hours
- Construction Sites: Temporary signs on nonresidential construction sites with active building permits for a new primary use and for residential subdivisions with active new home permits have been expanded to allow for the following:
 - * Up to three temporary signs per arterial, collector or non-residential local frontage
 - * Up to 32 square-feet per sign on roads with a speed limit of 35 miles per hour (mph) or less; 64 square-feet per sign on other roads
 - * These signs may be attached to fences
- Residential total sign area is permitted as follows:
 - * Six square-feet per dwelling unit; up to 60 square feet per building
 - * Plus six square feet for temporary signage
 - * Illumination of signs is not permitted in single-family lots
- Sandwich boards will be permitted for all businesses within Town, subject to location and size criteria.
- Temporary signs which are approved as a part of a Community Events Permit do not count against temporary sign totals and do not require registry.
- All vacant properties are permitted nonresidential temporary and permanent signage amounts.
- Flags are permitted to be 100 sq ft on nonresidential properties and 25 sq ft on residential properties; and flag pole height requirement are defined.
- Face changes to existing signs do not require a permit.
- Variances: The new code would allow for administrative approval of variances to sign setbacks, height and size up to 15%. Variance request that exceed 15% would be subject to a public hearing process.
- Unified Sign Programs and the Business Advertising Art sections have been removed from the sign code.

- Planned Sign Program requirements remain the same except that a Planned Sign Program is now required for shopping centers with 7 or more businesses versus 3 or more business in the current code.
- Temporary signs displayed between October 1 through November 15 of any given year, do not require sign registry.

RECOMMENDATION:

Planning Commission will make a recommendation to Town Council on July 14, 2016. Staff recommends that the Town Council approve Ordinance No. 3.324 on first reading.

PREPARED/REVIEWED BY:

James S. Maloney, Town Attorney; Bryce Matthews, Comprehensive Planning Manager; John Fussa, Community Development Director

ATTACHMENTS:

Ordinance No. 3.324

RECOMMENDED MOTION:

"I move to approve Ordinance No. 3.324 on first reading and schedule second reading for July 18, 2016, as a part of the consent agenda."

ORDINANCE NO. 3.324, Series of 2016

TITLE: A BILL FOR AN ORDINANCE TO REPEAL AND REENACT CHAPTER 13.09 OF THE PARKER MUNICIPAL CODE CONCERNING THE TOWN OF PARKER SIGN CODE

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Chapter 13.09 of the Parker Municipal Code is repealed and reenacted as follows:

CHAPTER 13.09

Sign Code

13.09.010 Purpose and intent.

The purpose of this Chapter is to promote the public health, safety and welfare by establishing standards and criteria for the construction, installation, maintenance and operation of signs in the Town of Parker, which are subject to the provisions of this Chapter. More specifically, this Chapter is intended to:

- (1) Enhance and protect the physical appearance of the Town;
- (2) Further the values, goals and policies set forth in the Town's Master Plan;
- (3) Protect property values;
- (4) Promote and maintain visually attractive, high-value residential, retail, commercial and industrial areas;
- (5) Promote the economic well-being of the community by creating a favorable physical image;
- (6) Ensure that signs are located and designed to:
 - a. Provide an effective means of way-finding in the community;
 - b. Afford the community an equal and fair way to advertise and promote its products and services;
 - c. Reduce sign clutter and the distractions and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment;

d. Minimize the disruption of the scenic views which when maintained protect important community values; and

e. Afford businesses, individuals and institutions a reasonable opportunity to use signs as an effective means of communication;

(7) Provide review procedures that assure that signs are consistent with the Town's objectives and within the Town's capacity to efficiently administer the regulations; and

(8) Provide for and ensure the protection of the free speech rights of the Town's citizens, residents, businesses, and visitors as established in the United States and Colorado constitutions.

13.09.020 General provisions.

(a) **Applicability.** All construction, relocation, enlargement, alteration, and modification of signs within the Town shall conform to the requirements of this Chapter.

(b) **Permit required.** A sign permit issued in accordance with the administrative procedures set forth in Subsection 13.09.040(c) of this Chapter shall be required for all permanent signs allowed under this Chapter, unless otherwise exempted by Subsection (d) below or as otherwise set forth herein. In addition, a new sign permit shall be required for any change or modification to the sign location, size, shape or other characteristic of the sign except its message.

(c) **Registration required.** Registration in accordance with the administrative procedures set forth in Subsection 13.09.040(b) of this Chapter shall be required for all temporary signs allowed under this Chapter, unless otherwise exempted by Subsection (d) below or as otherwise set forth herein.

(d) **Exemptions.** The following signs and displays are exempted from regulation and permitting under this Chapter:

(1) Any sign required by a valid and applicable federal, state or local law, ordinance or regulation;

(2) Signs and other visual displays erected by, or at the direction of, federal, state or local governmental or quasi-governmental agencies;

(3) Any sign not legible from any right-of-way or abutting property;

(4) Decorative lighting displays, *i.e.*, holiday lights, that do not display a commercial message; provided: (i) that such displays comply with the lighting standards set forth in Section 13.10.140 of this Title; and (ii) that such displays may not be displayed for longer than two consecutive months per year in all zoning districts except such displays are allowed year-round in the

Historic Center and Pikes Peak Center design districts of the Greater Downtown District;

(5) Any sign smaller than two square feet in area, if located on a residential parcel;

(6) Signs conforming to or required by the Manual of Uniform Traffic Control Devices, as published by the Federal Highway Administration from time to time under 23 Code of Federal Regulations, Part 655, Subpart F;

(7) Signs on athletic fields and scoreboards intended for on-premises viewing;

(8) Signs located on any Town-owned property not specifically addressed in this Chapter;

(9) Signs displayed on motor vehicles, including trucks, buses, trailers or other motor vehicles operated in the normal course of business, subject to the following limitations:

a. Any vehicle utilized for the display of a motor vehicle sign must have all required State of Colorado licenses, license plates and inspection stickers, and must be currently operable;

b. Any vehicle utilized for the display of a motor vehicle sign must be regularly operated, which shall mean that the vehicle must leave the premises on a regular basis for a business purpose, and any such vehicle shall not be parked in excess of twelve (12) continuous hours within one hundred fifty (150) feet of a business location unless such vehicle is being offered for sale, lease, or rent from such business; and

c. Any motor vehicle sign shall be magnetic, have vinyl graphics, or be painted directly on the vehicle. A motor vehicle sign may be attached to a hitch on the vehicle, but such sign may not protrude more than eighteen (18) inches from the rear bumper of the vehicle; and

(10) Signs displayed in accordance with an approved community event plan pursuant to Chapter 10.08 of this Code.

(e) Exception to permitting requirement. Any permanent freestanding sign(s) meeting the requirements of Subparagraph 13.09.080(f)(2)a. of this Chapter shall not require a permit.

(f) Prohibited signs. Without limiting the generality of any other permissions or prohibitions contained in this Chapter, the following signs are expressly prohibited by this Chapter:

(1) Except in accordance with Chapter 10.13 of this Code, any sign placed by a nongovernmental person or entity and located within the right-of-way;

(2) Any sign or display that would conflict with the provisions of the Colorado Roadside Advertising Statute, Section 43-1-401, *et seq.*, C.R.S., as the same may be amended from time to time;

(3) Flashing, moving, animated, coursing, blinker, racer-type, intermittent, rotating, moving or revolving signs and/or devices, whirligig devices, inflatable signs and tethered balloons, pennants, ribbons, streamers, spinners and other similar types of attention-getting devices, except for changeable copy signs when in compliance with the applicable regulations in this Chapter;

(4) Handheld commercial signs;

(5) Signs which incorporate projected or three-dimensional images, emit any sound which is intended to attract attention or involve the use of live or preserved animals;

(6) Roof signs and other roof-mounted signs or signs which project above the highest point of the roofline or fascia of a building upon which such sign or signs are attached;

(7) Temporary signs with more than one (1) face where the faces meet at an angle greater than zero (0) degrees, as shown in Figure 1 (otherwise referred to as V-shaped or angle signs);

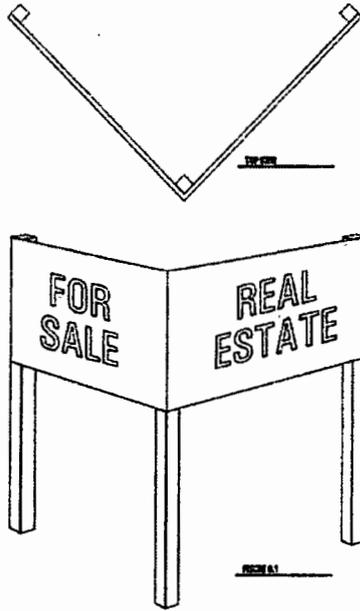


Figure 1
V-Shaped or Angle Signs

(8) Signs advertising or promoting businesses or events of a commercial nature occurring on a parcel other than that upon which the sign is located, except as expressly allowed in this Chapter;

(9) Signs with more than two (2) faces.

(10) Signs with commercial messages that concern illegal activity or are false or misleading, and

(11) All other signs not expressly allowed pursuant to this Chapter.

(g) Interpretations.

(1) Prohibited signs. All signs not expressly allowed in accordance with this Chapter are prohibited.

(2) Interpretation by director. Unless otherwise stated in this Chapter, all determinations, findings, and interpretations shall be made by the Planning Director.

(3) Conflicts. No provision of this Chapter shall be interpreted as authorizing the erection or maintenance of any sign or display in a manner that would conflict with the provisions of the Colorado Roadside Advertising Act, Section 43-1-401, *et seq.*, C.R.S., as the same may be amended from time to time. In the event of a conflict between this Chapter and any other applicable provision of federal, state or local law, the more strict provision will govern.

(4) Substitution of messages. This Chapter is not intended to, and shall not be interpreted to restrict noncommercial speech on the basis of its content, viewpoint, or message. Any commercial sign authorized to be erected by this Chapter may display a noncommercial message.

(h) Severability. The invalidation of any section, subsection, clause, word, or phrase of this Chapter by any court of competent jurisdiction shall not affect the validity of the remaining portions of this Chapter.

(i) Transitional provisions.

(1) Pending permits. If a permit for a sign has been submitted or issued in accordance with all Town regulations in effect prior to the effective date of this Chapter, and provided that construction on such sign is commenced within one hundred eighty (180) days of date upon which the Town approved such permit and such construction is diligently pursued to completion, said sign may be completed in accordance with the approved permit. Following completion of the sign, to the extent such sign does not conform to the provisions of this Chapter as the same may be in effect from time to time, such sign will be subject to the nonconforming use provisions set forth in Section 13.09.100 of this Chapter, as applicable.

(2) Prior violations. All violations of the sign regulations repealed by the adoption of this Chapter shall remain violations of the ordinances of the Town, and all penalties and enforcement remedies set forth herein shall be available to the Town as though the violation were a violation of this Chapter; provided, however, that if the effect of the enactment of this Chapter is to make a sign that was formerly unlawful or nonconforming become lawful and/or conforming, then no enforcement action shall be taken except for the imposition and collection of penalties, other than the removal of the sign, for the violations that occurred prior to the effective date of this Chapter.

13.09.030 Definitions.

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this Section shall have the meanings indicated when used in this Chapter. Words and phrases used in connection with measurement of signs are set forth in Section 13.09.050 of this Chapter.

Architectural feature means any construction attendant to, but not an integral part of, the sign, which may consist of landscape, building or structural forms that enhance the site in general; also, graphic stripes and other architectural painting techniques applied to a structure that serve a functional purpose or, when the stripes or other painting techniques are applied to a building, provided that such treatment does not include lettering, logos or pictures.

Building wall means any vertical surface of a building or structure that is integral to and can reasonably be construed as part of the architecture of the building. Examples of building walls include, but are not limited to: awnings, canopies, marquees, the vertical portion of gable roofs, parapets, mechanical penthouses, etc. Building wall shall not include pitched roofs, mansard roofs, fences or retaining walls.

Commercial means proposing or otherwise encouraging one or more commercial transactions.

Flag means any fabric, banner or bunting containing distinctive colors, patterns or symbols and is attached to a pole and which is intended to be permanently affixed to the ground or attached to a building.

Illumination, internal means lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or that is within letters or designs that are themselves made of translucent materials.

Illumination, external means lighting by means of a light source located outside of the sign.

Noncommercial means any message or other communication that does not meet the definition of commercial.

Nonresidential means any use that does not meet the standard for a residential use, including any vacant parcel.

Parcel means a lot, tract, plot or portion of a subdivision or other parcel of land in single ownership and not divided by a public right-of-way, so long as such area of land complies with the Land Development Ordinance of the Town of Parker. The term *lot* or *tract* may also be referring to a parcel. A business, commercial, industrial or office park or a shopping center shall constitute a single parcel.

Residential means any primary allowed land use that includes one or more dwellings. Residential uses expressly include single-family, duplex, townhome, and multiple-family dwellings.

Right-of-Way (or *ROW*) means a sidewalk, curb, street, alley, bike path or other similar public improvement located in a public right-of-way normally used for the travel of pedestrians, motor vehicles, bicycles or like vehicles.

Sign means any structure, which requires a permanent or temporary location, that has a visual display visible from a public right-of-way and is designed to identify, announce, direct, or inform.

Sign, abandoned means any sign (together with its supporting structure) that no longer advertises or identifies a bona fide business, owner, lessor, person, service, product, event or activity, or for which no legal owner can be found. This definition shall not apply to permanent signs accessory to businesses which are open only on a seasonal basis, provided that there is clear intent to continue operation of the business.

Sign, banner means a sign made of lightweight fabric or similar material with no enclosing framework.

Sign base means the pedestal or other structural feature that is directly affixed to the ground on any ground-mounted sign.

Sign, building means any sign attached to any part of a building and including wall, awning, canopy and projecting signs.

Sign, changeable copy means a portion of a sign with letters, characters or graphics that are not permanently affixed to the structure, framing or background, allowing the letters, characters or graphics to be modified from time to time manually or by electronic or mechanical devices, such as a bulletin board or electronic message board. Changeable copy signs shall be classified as permanent signs.

Sign, electric means any sign containing electric wiring, but not including signs illuminated by exterior light sources, such as floodlights.

Sign, freestanding means a sign supported from the ground and not attached to any building.

Sign, handheld means a sign that is, or was intended to be, held by, attached to, or affixed on an individual.

Sign, Inflatable means any inflatable shape or figure designed or used to attract attention to a business event or location.

Sign, instructional means a sign reasonably necessary for the safe circulation of pedestrian or vehicular traffic within a given parcel, which may be freestanding or attached to a building.

Sign, motor vehicle means a sign displayed on motor vehicles, including trucks, buses, trailers or other motor vehicles such as moving vans, delivery trucks, rental trucks, trailers and the like, but not including vehicles used for commercial transit and licensed by the Public Utilities Commission of the State such as taxies and buses.

Sign, nonconforming means any sign that:

a. On the effective date of the ordinance codified in this Chapter, was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior applicable sign regulation but does not conform to the limitations established by this Chapter; or

b. On or after the effective date of the ordinance codified in this Chapter, was lawfully maintained and erected in accordance with the provisions of this Chapter but, by reason of amendment to this Chapter after the effective date thereof, does not conform to the limitations established by the amendment to this Chapter in the district in which the sign is located.

Sign, permanent means a sign that is designed to be used on a permanent basis and is intended to be attached to a building wall or sign structure or installed in the ground. Permanent signs expressly include blade/bracket signs, building signs, freestanding signs, and projecting signs.

Sign, projecting means a sign that is attached to a building wall and extending perpendicular to (or approximately perpendicular to) the building wall and twelve (12) inches or more beyond the face of the wall. A *projecting sign* shall also include a blade or bracket sign, or a combination of these sign styles, that hangs or extends twelve (12) inches or more from a building wall, eave, fascia, canopy, awning or sign structure.

Sign, roof means a sign, or any portion thereof, erected, constructed or projecting upon or over the roof or parapet wall of any building, whether the principal support for the sign is on the roof, wall or any other structural element of the building.

Sign, sandwich board means a portable sign that is an A-frame-type sign that is hinged or unhinged, or is vertical and located on skids or runners, and which is portable and temporary in nature. A sandwich board sign does not include a sign attached to or affixed on an individual.

Sign structure means the supports, uprights, bracing or framework designed to support or exhibit a sign as it is regulated by the building code for structural soundness; provided, however, that sign structures shall not include fences or retaining walls.

Sign, temporary means a sign that is designed to be used only temporarily and is not intended to be permanently attached to a building wall or sign structure or permanently installed in the ground. Temporary signs expressly include banner signs, and may be building or freestanding signs.

Sign, wall means a type of building sign that is applied or attached to an exterior wall of a building.

Sign, window means a sign that is applied or attached to a window or door or a sign located near a window or door within a building for the purpose of being visible to and read from the outside of the building. Window signs may include permanent or temporary signs.

Subdivision tract means land designated on a final subdivision plat as a “tract” or otherwise designated for conveyance or dedication to a metropolitan district, owners association, or other entity allowing for common ownership of such land by the owners of lots within the subdivision, and used for the purpose of open space, parks, landscaping. For purposes of this Chapter, the term “subdivision tract” applies only to tracts, adjacent to right-of-ways, in subdivisions that contain one or more lots intended for single-family residential development.

13.09.040 Administrative procedures.

(a) Applicability. All signs requiring a sign permit or registration and regulated under this Chapter shall be allowed in accordance with this Section.

(b) Temporary signs. The Town will permit temporary signs on residential and nonresidential parcels in accordance with the following standards and procedures:

(1) Registry. All temporary signs must be registered with the Planning Department prior to being displayed. The Planning Department will maintain an electronic registry of all temporary signs, which registry will include the following information for each sign:

- a. Temporary sign registrant name, address, phone number and email address;
- b. Parcel owner name, address, phone number and email address;
- c. Parcel address;
- d. Approximate sign dimensions;
- e. Approximate sign location; and
- f. Commencement date and anticipated duration of sign display.

(2) Registry Not Required. Notwithstanding Paragraph (1) above, registration of temporary signs will not be required between October 1 and November 15 of each calendar year. During such period, temporary signs will be required to conform in all other respects to the provisions of this Chapter.

(3) Planning Department review. The Planning Department may cause any sign that does not comply with the standards set forth in this Chapter, including any sign that is not registered in accordance with this Section, to be removed immediately and without notice.

(c) Permanent signs. The Town will issue sign permits for permanent signs on residential and nonresidential parcels in accordance with the following standards and procedures:

(1) Submittal requirements. Any person desiring a sign permit shall submit the following materials to the Planning Department for the consideration of the permit request:

a. Completed application form (application forms are available from the Planning Department);

b. Application fee, as set by the Town Council from time to time;

c. A scaled drawing of the proposed signage, including the location of the signage relative to other improvements on the subject property and, for freestanding signs, setbacks from property lines; and

d. Any other supplemental materials deemed necessary for the review of the permit request.

(2) Completeness review. The Planning Department shall check each application submittal for its completeness, and provide notification to the applicant of any deficiencies in the application within a ten (10) days following receipt and review thereof. Upon the Planning Department's determination that the application is complete and receipt of all fees associated with the application, the application shall be reviewed by the Planning Department or its designee for conformity with this Chapter.

(3) Approval or denial. If the Planning Department finds that the sign permit application is in conformance with the provisions of this Chapter, the Code, and any other applicable regulations, including, if applicable, an approved planned sign program, the Planning Department shall issue a sign permit to the applicant within thirty (30) days of the date the completed application and applicable fee was filed. If the Planning Department does not approve the sign permit application, the Planning Department shall provide written notice of the denial, together with the reasons for the denial.

(4) Inspection. Because of the potential hazard to the public resulting from badly constructed or installed signs, all signs shall be inspected by the Building Division immediately after installation. Any signs found not to conform with the requirements of this Chapter and the approved sign permit shall be made to conform or be removed as provided in this Chapter.

(5) Appeals. Any applicant who is denied a sign permit may file a written appeal to the Planning Commission within ten (10) days following receipt of the written copy of the denial. Any nonprevailing party may file an appeal from the Planning Commission decision in accordance with applicable state law.

(6) Expiration. An approved sign permit shall expire one hundred eighty (180) days from the date of approval if no permitted signs have been constructed or erected within such time period.

(d) Variances.

(1) Applicability. Variances and other exceptions to the standards set forth in Sections 13.09.060, 13.09.070 and 13.09.080 of this Chapter may be granted in accordance with this Section; provided, however, that no variance shall be allowed to exceed the allowed sign area or sign height.

(2) Administrative variances. Upon receipt of an application for a variance pursuant to this Chapter, an administrative variance may be approved by the Planning Director if the variance meets all of the following criteria:

a. The applicant shall submit a completed sign application and appropriate fees to the Planning Department.

b. The applicant shall also submit a narrative letter describing the nature of the sign variance request as well as the hardship placed on the applicant resulting in the request.

c. Approval or denial of a variance pursuant to this subsection shall be based upon the criteria contained in Paragraph (d)(4) below.

d. A variance qualifies for an administrative variance if it requires less than a fifteen percent (15%) variance from the applicable regulation.

(3) Major variances. Any sign that does not conform to the provisions of this Chapter and does not qualify as an administrative variance pursuant to Paragraph (d)(2) above may be approved by the Town Council, upon recommendation from the Planning Commission, pursuant to the following:

a. The applicant shall submit a completed variance application and appropriate fees to the Planning Department.

b. The applicant shall also submit a narrative letter describing the nature of the sign variance request as well as the hardship placed on the applicant resulting in the request.

c. The Planning Department shall set a time before the Planning Commission and Town Council to consider the request at a public hearing.

d. Notice of the public hearing shall be provided as outlined in Chapter 13.08 of this Title.

e. Approval or denial of a variance pursuant to this subsection shall be based upon the criteria contained in Paragraph (d)(4) below.

f. All sign variance requests shall be processed in accordance with Section 13.04.260 of this Title.

(4) Approval criteria. No such variance shall be approved or recommended by the approving authority unless it finds that:

a. The strict application of the Chapter would produce peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of such property;

b. Such hardship results from exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Chapter, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property;

c. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity, and the condition or situation of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Chapter;

d. The authorization of such variance will not result in substantial detriment to adjacent property or the public good, materially change character of the district, or substantially impair the intent and purpose of the Chapter; and

e. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

(e) Enforcement.

(1) Revocation of a sign permit.

a. Any signs found not to be in conformance with this Chapter shall be subject to revocation of the sign permit.

b. Except for signage that is included within an approved planned sign program, if any work on the sign as allowed has not commenced within a period of one hundred eighty (180) days from the date the sign permit was issued, the sign permit automatically expires. The Director may allow an extension of up to thirty (30) days for construction delays that are not the result of willful acts or neglect by the permittee.

c. No refund of any fees will be made if the sign permit is revoked or expired under the provisions of this Section.

(2) Fines and penalties.

a. Except as provided by Subparagraph b. below, any person who is convicted of, or pleads guilty or no contest to, a violation of this Chapter shall be punished by a fine not to exceed four hundred ninety-nine dollars (\$499.00). Each and every day on which any violation of this Chapter is committed, exists or continues shall be deemed a separate offense.

b. At the sole discretion of the Neighborhood Services Officer, the penalty assessment procedure provided in Section 3.03.300 of this Code may be used by the Neighborhood Services Officer while adhering to the fine schedules below, which are based on number of violations within a twelve-month period:

1. First violation: fifty dollars (\$50.00).
2. Second violation: one hundred dollars (\$100.00).
3. Third violation: two hundred dollars (\$200.00).
4. Fourth violation: A summons and complaint shall be required.

13.09.050 Rules of measurement.

The following regulations shall control the computation and measurement of sign area, sign height, building frontage and street frontage:

(1) Sign area.

a. General. The sign area shall include the face of all the display area of the sign. The sign area shall include the frame and structural support unless such structural support is determined to be an architectural feature as defined in Section 13.09.030 of this Chapter, or except as specifically exempted by Subparagraph (1)d. below. Architectural features that are either part of a building or part of a freestanding structure as illustrated on approved site plan and sign plan elevations are not considered signs and are thus exempt from these regulations, however, any architectural feature that is part of a sign structure shall be subject to the height restrictions set forth in this Chapter.

b. Backgrounds. For a sign that is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area of the sign shall be the entire area within a single contiguous perimeter of not more than eight (8) straight lines enclosing the extreme limits of the sign, including the background or frame.

c. Irregular shapes. For a sign comprised of individual letters, figures or elements on a wall or similar surface of a building or structure, the area of the sign shall be the entire area within a single contiguous perimeter of not more than eight (8) straight lines enclosing the extreme limits of all the

elements in the display. For other irregularly shaped or circular signs, the area may be measured by means including mathematical methods of calculating area, *i.e.*, πr^2 for a circular sign, etc. When separate elements are organized to form a single sign, but the elements are separated by open space, the area of the sign shall include all the display areas, including the space between the elements.

d. Sign faces. For freestanding and projecting signs, the sign area shall be computed by the measurement of: (a) both of the sign faces when both sign faces contain a display; or (b) only one of the sign faces when the reverse sign face is blank. For any sign that has two (2) display surfaces that do not comply with the above regulation, then each surface shall be included when determining the area of the sign. In determining the area of freestanding signs, the following shall be exempted from being considered as part of the maximum allowed area:

1. The air space under a freestanding sign between supporting posts, other airspace between a projecting sign and the wall to which it is attached. (See Figure 2.)

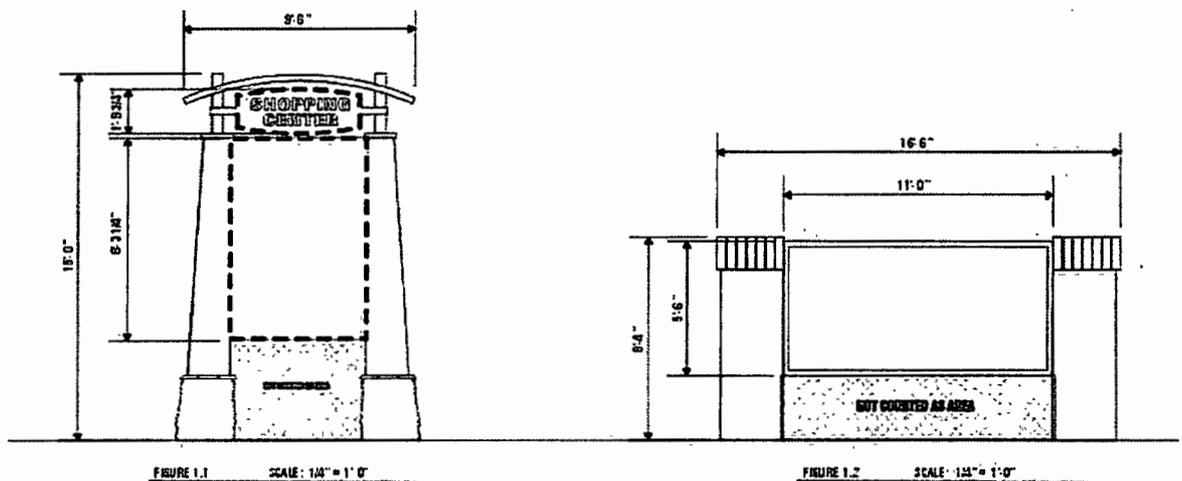


Figure 2
Calculation of Freestanding Sign Area

2. Additional base area, framing or structural supports or other portions of the sign when such areas are determined to be:

- a) Constructed and designed with materials which are similar to, or compatible with, the architecture of the building or other site features;
- b) Not intended or designed to include messages; and

c) Exclusive of colors, trademarks or any other decorative design features that are primarily intended to attract attention rather than be unobtrusive or compatible with the architecture of the building or other site features.

(2) Sign height. The height of a freestanding sign shall be measured from the elevation of the edge of the nearest public right-of-way facility immediately adjacent to or nearest the sign structure, to the highest point of the sign, its frame or decorative features, unless said elevation is higher than the base of the sign, in which case it is measured from the base of the sign or the predevelopment grade, whichever is lower.

(3) Building frontage. For the purposes of this Chapter and for determining allowable wall sign area, the building frontage shall include the building walls that: (1) face a public or Town-approved private street; (2) face a parking lot which serves the use; or (3) contain the primary public entrance to the uses therein. For the purposes of these regulations, a public alley is not considered a public or Town-approved private street.

a. The building frontage shall be measured along such building wall between the exterior faces of the exterior sidewalls.

b. In the case of an irregular wall surface, a single straight line approximating such wall surface shall be used to measure the wall's length.

c. For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

d. The primary frontage shall be the building frontage that includes the main access point to a building or building unit. (See Figure 3.)

e. The secondary frontage shall be all other frontages. (See Figure 3.)

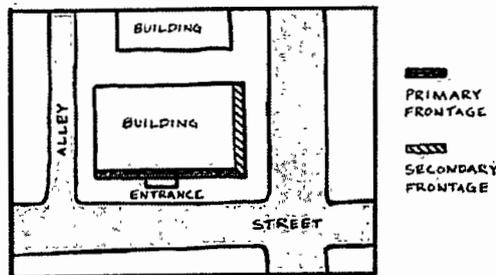


Figure 3
Primary and secondary frontage

(4) Street frontage. For the purposes of this Chapter and for determining allowable freestanding sign area, street frontage is the length of the public or Town-approved private street or both, which is contiguous to the adjacent private parcel for which the sign is being considered. For the purposes of these regulations, a public alley is not considered a public or Town-approved private street. For the purposes of this Chapter, standards, which are based on a minimum length of the street frontage, shall also apply to “any portion thereof” unless the specific section states otherwise.

(5) Sign setbacks. The required setbacks for the sign shall apply to all elements of the sign, including its frame and base. The setback shall be measured from the parcel boundary or the interior line of the sidewalk, whichever is less permissive.

13.09.060 General requirements for all allowed signs.

(a) Applicability. All signs requiring a sign permit under this Chapter shall comply with the provisions set forth in this Section except to the extent superseded by a planned sign program approved in accordance with Section 13.09.090 of this Chapter.

(b) Preservation of sight lines. For the purpose of assuring that drivers and pedestrians have adequate visibility at the intersection of a roadway, street, driveway, trail or alley, no sign or portion of a sign shall be designed or erected in a manner so as to conflict with the Town of Parker Roadway Design and Construction Criteria Manual.

(c) Illumination. Signs shall be allowed to be illuminated in accordance with Paragraph (c)(4) below, subject to the lighting provisions contained in Section 13.10.140 of this Title:

(1) Animation. Signs shall not include animated, flashing, moving or intermittent illumination, except that the message on any changeable copy sign may change at the rate established in Subsection 13.09.070(f) of this Chapter.

(2) Illumination prohibited. Illumination shall be prohibited on: (a) signs accessory to a single-family dwelling, or duplex; or (b) any temporary sign.

(3) Internal illumination.

a. Internally illuminated signs are prohibited on parcels containing multiple-family residential uses.

b. For signs located within two hundred (200) feet of a residential zoning district; internal illumination of the background portion of the sign is prohibited.

c. All internally illuminated signs shall comply with the following:

1. Except as provided in Subparagraph 3. or 4. below, the sign shall be constructed with either: an opaque background and translucent letters and symbols or a translucent darker-colored background with a lighter contrasting color for the letters and symbols;

2. Internal lighting shall not include exposed neon, LED, incandescent, fluorescent or other bulbs;

3. A changeable copy sign may be internally illuminated;

4. Internally illuminated signs shall not be allowed within the Historic and Pikes Peak Districts of the Greater Downtown District.

(4) External illumination.

a. Signs on a parcel containing one or more multiple-family residential uses may be externally illuminated in accordance with the provisions of this Paragraph.

b. Signs located within a subdivision tract may be externally illuminated in accordance with the provisions of this Paragraph.

c. The external illumination of freestanding signs shall comply with the following:

1. Any external lighting for signs that have a height greater than eight (8) feet must be from the top of the sign and directed downward; and

2. The lighting of signs that have a height of eight (8) feet or less may be illuminated from the top of the sign or from the ground.

d. Externally illuminated building signs may only be illuminated from the top of the sign.

e. Light sources for externally illuminated signs must be shielded and directed so that the light shines on the sign and that illumination beyond the sign face is minimized.

(d) Construction. All signs shall be constructed in accordance with the following requirements:

(1) Compliance with building code. The construction, erection, safety and maintenance of signs shall comply with all building regulations of the Town, including building permit requirements where necessary. Electric signs and all permanent signs involving structural requirements of the building code shall be installed, repaired, altered and serviced only by a contractor licensed to perform such tasks.

(2) Safety. Signs shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic. No sign regulated by any of the provisions of this Chapter shall be erected in proximity to railroad crossings or at the intersection of any streets in such a manner as to obstruct free and clear vision; at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign signal or device; or which makes use of any word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

(3) Materials.

a. Permanent signs shall be fabricated on and of materials that are of good quality, durable, weather-resistant, fastened or anchored sufficiently as described in this Section. Fabric or similar materials are not allowed for permanent signs. All wood sign components shall be stained or painted to ensure durability. Permanent freestanding signs shall complement the architectural style, character, materials, color and detail of adjacent buildings.

b. Temporary signs shall be durable and weather-resistant and fastened or anchored sufficiently, whether attached to the building or positioned in the ground. If a lightweight fabric or similar material is being used as a freestanding temporary sign, it shall be mounted securely to a solid, hard-backed, rigid surface.

(4) Support. No sign, including temporary signs, shall be attached to a fence, retaining wall, utility box, utility pole, tree, trash receptacle, bench or other structure not intended or approved as a sign support except as otherwise provided in this Chapter. Notwithstanding the foregoing, temporary signs on a construction site as described in Paragraph 13.09.070(a)(5) of this Chapter may be attached to a fence.

(5) No obstruction. No sign shall be erected and located so as to obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress and egress of any building.

(e) Maintenance. All signs shall be maintained in accordance with the following:

(1) Compliance with building code. The property owner, occupant or other person responsible for the sign shall maintain the sign in a condition fit

for the intended use, and he or she shall have a continuing obligation to comply with all building code requirements.

(2) Repair. The Planning Department may order any sign to be repaired whenever needed to keep the sign in a safe condition. All supports, guys, braces and anchors for such signs shall be maintained in a safe condition. Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, refurbishing or repainting, the same may be done without a permit or any payment of fees, provided that all of the following conditions are met:

- a. There shall be no alteration or remodeling to the sign base, sign support or the mounting of the sign itself;
- b. There shall be no enlargement or increase in any of the dimensions of the sign or its structure; and
- c. The sign shall be accessory to a legally allowed, conditional, or nonconforming use.

(3) Noncompliance. If the Planning Department finds that any sign is unsafe, insecure or a menace to the public, notice shall be given in writing by the Planning Department to the owner. The owner of the parcel shall, within forty-eight (48) hours of such notification, correct such unsafe condition or remove the sign. If the correction has not been made within the forty-eight (48) hours, the sign may be removed or altered by the Town to comply with these regulations at the expense of the owner or occupant of the property upon which the sign is located. The Planning Department may cause any sign which, in the Town's opinion, creates a danger to persons or property to be removed immediately and without notice.

(4) Abandonment. The sign face of any permanent sign which has been abandoned or fails to serve the purposes for which it was intended, or evidences a lack of maintenance, shall be removed by the owner, agent or person having the beneficial use of the building, structure or land upon which such sign is located, within fifteen (15) days after cessation of the use in connection with which the sign was used, the sign area shall be replaced by a neutral, single-background-color panel or similar cover. If the sign is comprised of individually raised letters, then the letters shall be removed. Upon failure to comply with such notice within the time specified in such order, the Planning Department is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property on which such sign is located.

13.09.070 Sign type-specific standards.

The following standards and limitations apply based on the sign type indicated below:

(1) Temporary signs.

a. General. Temporary signs must be registered in accordance with Subsection 13.09.040(b) of this Chapter and must comply with the dimensional limitations set forth in Section 13.09.080 of this Chapter, as applicable. Temporary signs may not be placed within the public right-of-way except pursuant to Chapter 10.13 of this Code.

b. Duration of display for temporary freestanding signs. Any temporary freestanding sign may be displayed for a maximum of ninety (90) days per calendar year, plus one (1) extension of an additional sixty (60) days if resubmitted to the registry in accordance with Paragraph 13.09.040(b)(1) of this Chapter. The display duration set forth in this Section shall not apply to any sign placed on a parcel of real property during any time period in which the parcel is actively listed for sale, as evidenced by such parcel's listing in a multiple listing service or other real estate listing service.

c. Duration of display for temporary banners. Any temporary banner may be displayed for a maximum of fifteen (15) consecutive days per banner. Banners may be displayed on up to six (6) separate occasions per year, however, no extensions shall be permitted.

d. Temporary banners during sign permit review. In addition to the sign(s) allowed on a parcel pursuant to this Chapter, one (1) banner of up to forty (40) square feet and registered in accordance with Subsection 13.09.040(b) of this Chapter shall be allowed on each nonresidential parcel during the pendency of the Town's review of a permit application for one or more permanent signs on such parcel, however, such banner must be removed upon: (i) the completion of the installation of the permanent sign subject to such permit; or (ii) expiration of the approval of such a sign permit, whichever occurs first. The banner allowed by Subparagraph c. above may be affixed to a building; provided, however, that no freestanding banners are allowed. Banners placed in accordance with this Subparagraph c. above shall not be subject to the aggregate sign area limitations of Subsection 13.09.080(e) or Subsection 13.09.080(f) of this Chapter.

e. Temporary signs on construction sites. In addition to any temporary signs allowed pursuant to Subparagraph b. above, temporary signs of any type allowed by Subsection 13.09.080(d) of this Chapter may be displayed on a parcel for the duration of any active construction of a new building that will contain a primary use and requiring a building permit and occurring on that parcel. Each sign placed in accordance with this Subparagraph e. shall meet the following requirements:

1. There shall be no more than three (3) such signs per highway, arterial, collector, or nonresidential local street frontage. Signage

along local residential street frontages shall be required to conform with the provisions of this Chapter and shall not be allowed any additional signage permitted by this Subparagraph e.;

2. The maximum size of any one sign shall be thirty-two (32) square feet along streets with a speed limit less than thirty-five (35) miles per hour or sixty-four (64) square feet along streets with a speed limit of thirty-five (35) miles per hour or greater;

3. Such signs may be attached to fences or construction trailers, or may be freestanding; and

4. For purposes of this Subparagraph e., a subdivision tract shall be deemed to have active construction requiring a building permit so long as any one parcel within the same subdivision filing has active construction of new residential units requiring a building permit.

(2) Projecting signs. Projecting signs shall be allowed for each building occupant with a minimum of ten (10) feet of occupant building frontage. Projecting signs shall comply with the dimensional limitations set forth in Paragraph 13.09.080(f)(1) of this Chapter.

a. Projecting signs may not extend further than five (5) feet from a building frontage.

b. The bottom of any projecting sign must be a minimum of eight (8) feet above the sidewalk and/or grade.

c. Projecting signs may have a zero-lot line setback; provided, however, where projecting signs extend over a public right-of-way, a license agreement must be received from the Town.

d. Projecting signs must be of a scale consistent with and appropriate for the building to which they are affixed.

(3) Freestanding signs. Freestanding signs shall not impede pedestrian movement into and out of structures and along the sidewalk or street right-of-way. Permanent freestanding signs shall comply with the dimensional limitations set forth in Paragraph 13.09.080(f)(2) of this Chapter.

(4) Instructional signs. Instructional signs shall be allowed provided that such signs comply with the following limitations, as determined by the Planning Director:

a. The number of instructional signs located on the site is the minimum needed to serve the intended instructional purpose.

b. The signs are not located or designed to be legible or serve to attract attention beyond the perimeter of the site.

Instructional signs that meet the foregoing requirements shall not count toward the allowed sign area set forth in Section 13.09.080 of this Chapter.

(5) Sandwich board signs. All sandwich board signs shall comply with the following requirements:

a. Sandwich board signs shall not be allowed within the public right-of-way except in accordance with Chapter 10.13 of this Code.

b. Sandwich board signs may only be displayed during the operating hours of the individual or entity posting the sandwich board sign; and

c. Sandwich board signs must be located within twenty (20) feet of the principal entrance of the building or building area occupied by the individual or entity posting the sandwich board sign.

d. Sandwich board signs shall not obstruct any sidewalk, parking areas, drive aisles. The placement of a sandwich board sign shall not result in any noncompliance with the Americans With Disabilities Act.

e. Sandwich board signs shall comply with the dimensional limitations set forth in Subsection 13.09.080(d) of this Chapter.

f. One (1) sandwich board sign shall be permitted in connection with an approved Vendor Permit as described in Section 13.04.215 of this Title.

(6) Changeable copy signs. Signs containing changeable copy shall comply with the following requirements:

a. Changeable copy signs, or any portion of a sign that contains changeable copy, may not exceed twenty (20) square feet;

b. The changeable copy shall not change more than two (2) times per calendar day; and

c. Changeable copy may be changed electronically, mechanically or manually.

(7) Flags. All flags shall conform to the following regulations unless included in an approved planned sign program pursuant to Section 13.09.090 of this Chapter:

a. Flags shall not exceed one hundred (100) square feet per face in area on nonresidential parcels and shall not exceed twenty-five (25) square feet per face in area on residential parcels;

b. The maximum flagpole height for nonresidential parcels shall be determined based on the size of the flag area, as follows:

Schedule 13.09.070
Maximum Flagpole Height for Nonresidential Parcels

<i>Flag Area (per face)</i>	<i>Maximum Flagpole Height</i>
15 s.f. or smaller	20 ft.
15 s.f. – 25 s.f.	25 ft.
25 s.f. – 40 s.f.	35 ft.
40 s.f. – 60 s.f.	45 ft.
Larger than 60 s.f.	50 ft.

- c. No more than two (2) flagpoles shall be allowed per parcel; and
- d. The maximum flagpole height for residential parcels shall be twenty-five (25) feet.
- e. The minimum setback for flagpoles shall be one (1) foot for every one (1) foot of flagpole height.
- f. Illumination of flags is subject to the provisions of Section 13.10.140 of this Title.

Flags that meet the foregoing requirements shall not count toward the allowed sign area set forth in Section 13.09.080 of this Chapter and shall not require a permit pursuant to Section 13.09.030 of this Chapter.

(8) Window signs. Window signs shall not exceed the lesser of: (a) twenty-five percent (25%) of the area of the window upon which such window signs are located; or (b) one hundred fifty (150) square feet of aggregate window sign area for any single occupant of a parcel.

13.09.080 Design standards.

(a) Purpose. The purpose of this Section is to reinforce and enhance the unique character of the residential and nonresidential parcels within the Town in an appropriate manner. An excessive number of signs, improper placement of signs, or excessive sign area can create visual clutter that detracts from the aesthetic quality of the Town’s residential neighborhoods.

(b) Applicability. All signs that require a sign permit shall comply with the provisions set forth in this Section except to the extent superseded by a planned sign program approved in accordance with Section 13.09.090 of this Chapter.

(c) Dimensional and design standards for permanent signs, by sign type. The following dimensional limitations shall apply, by sign type and parcel type, to permanent signs on residential and nonresidential parcels. Permanent signs shall also be subject to the aggregate area limitations per parcel as set forth in

Subsections (e) and (f) below. Additional limitations may apply to the sign types referenced below as set forth in Section 13.09.070 of this Chapter.

Schedule 13.09.080A

<i>Sign Type</i>	<i>Parcel Type</i>	<i>Maximum Sign Area (per sign) (sq. ft.)</i>	<i>Maximum Height (ft.)</i>	<i>Minimum Setback From ROW (ft.)¹</i>
Building (except Projecting or Window)	Nonresidential	Refer to Paragraph (f)(1) below		
Changeable Copy	Nonresidential	20	8 (for single primary use)/ 15 (for multiple primary uses)	10
Freestanding	Residential	24	8	See Subparagraph (f)(2)c. below
	Nonresidential	Refer to Paragraph (f)(2) below		
Instructional	Residential	6	5	5
	Nonresidential	15	5	5
Projecting	Nonresidential	30	--	--
Window	Nonresidential	6	--	--

¹ The minimum setback from the right-of-way is five (5) feet in the Historic and Pikes Peak design districts of the Greater Downtown District. The minimum setback for any sign over six (6) feet in height in all districts except the Historic and Pikes Peak design districts of the Greater Downtown District is twenty (20) feet.

(d) Dimensional and design limitations for temporary signs, by sign type. The following dimensional limitations shall apply, by sign type and parcel type, to temporary signs on residential and nonresidential parcels. Additional limitations may apply to the sign types referenced below as set forth in Section 13.09.070 of this Chapter.

Schedule 13.09.080B

<i>Sign Type</i>	<i>Maximum Area Per Sign</i>	<i>Maximum Total Sign Area</i>	<i>Maximum Sign Height</i>	<i>Display Duration Limitations</i>
Banner	40 sq. ft.	40 sq. ft. per occupant	-	See Subparagraph 13.09.070(1)c.
Flag	See Paragraph 13.09.070(7)			None
Freestanding	32 sq. ft.	64 sq. ft. per parcel	8 ft. ¹	See Subparagraph 13.09.070(1)b.
Sandwich Board	8 sq. ft.	8 sq. ft. per occupant	4 ft.	See Subparagraph (5)b.
Window	See Paragraph 13.09.070(8)			None

¹ Freestanding temporary signs located within the Pikes Peak or Historic Districts shall not exceed five (5) feet in height.

(1) All temporary signs must be registered in accordance with Subsection 13.09.040(b) of this Chapter and may be displayed only in accordance with the limits set forth in Subsection 13.09.070(a) of this Chapter.

(2) In addition to the dimensional limitations above, temporary signs located on residential parcels shall also be subject to the maximum area limitations per residential parcel as set forth in Subsection (e) below.

(e) Aggregate sign area for residential parcels.

(1) Total sign area limitation. Notwithstanding anything to the contrary set forth in this Chapter, the aggregate area of all signs located on a residential parcel shall not exceed the lesser of: (a) six (6) square feet per each dwelling unit located on such parcel; or (b) sixty (60) square feet per building containing one or more dwelling units located on such parcel.

(2) Sign types allowed. The aggregate sign area permitted under Paragraph (1) above may include any combination of signs allowed pursuant to Subsections (c) and (d) above.

(3) Additional temporary signs. Notwithstanding the limitations of Paragraph (1) above, an additional six (6) square feet of sign area used exclusively for one or more temporary signs meeting the requirements of Subsection 13.09.070(a) of this Chapter shall be allowed for each residential parcel. All temporary signs must be registered in accordance with Subsection 13.09.040(b) of this Chapter.

(4) Exemptions from maximum allowed sign area. The following sign types shall be exempt from the maximum allowed sign area per residential parcel pursuant to this Section:

a. Temporary signs located on construction sites allowed per Paragraph 13.09.070(a)(5) of this Chapter; and

b. Instructional signs allowed in accordance with Subsection 13.09.070(d) of this Chapter.

(f) Aggregate sign area for signs on nonresidential parcels.

(1) Building sign area.

a. Subject to the maximum sign area allowances set forth in Subparagraph (f)(1)b. below, for each building on a nonresidential parcel, the area of all allowed permanent building signs per building frontage shall not exceed the following: thirty (30) square feet, plus the greater of either: (i) one (1) square foot per linear foot of frontage over thirty (30) linear feet up to seventy-five (75) linear feet, then one (1) square foot per

two and one-half (2.5) feet over seventy-five (75) linear feet of frontage; or (ii) one (1) square foot per two hundred (200) square feet of gross leasable floor area over nine hundred (900) square feet.

b. For each building on a nonresidential parcel, the aggregate area of all allowed permanent building signs per building shall not exceed the limits set forth in the following table, measured on a per building basis:

Schedule 13.09.080C

<i>Size of Building (square feet)</i>	<i>Maximum Aggregate Building Sign Area</i>	<i>Maximum Area per Building Sign</i>	<i>Aggregate Sign Area Bonuses</i>	
			<i>Planned Sign Program Required to Receive Bonus?</i>	<i>Adjacent ROW Exceeds 65 MPH</i>
< 55,000	450 sq. ft.	150 sq. ft.	N/A	none
≥ 55,000 and < 100,000	500 sq. ft.	300 sq. ft.	yes	150 sq. ft.
≥ 100,000 and < 125,000	550 sq. ft.	300 sq. ft.	yes	275 sq. ft.
≥ 125,000 and < 150,000	600 sq. ft.	350 sq. ft.	yes	300 sq. ft.
≥ 150,000	700 sq. ft.	350 sq. ft.	yes	350 sq. ft.

(2) Freestanding signs.

a. Base sign allowance (“32/64”). Notwithstanding any other provision of this Chapter, each separate nonresidential parcel shall be allowed one (1) permanent freestanding sign for each street frontage, in accordance with the following standards:

Schedule 13.09.080D

	<i>Maximum Sign Area per Face</i>	<i>Maximum Total Sign Area</i>	<i>Maximum Height</i>
Street Frontages with Posted Speed Limits < 45 m.p.h.	16 sq. ft.	32 sq. ft.	8 feet
Street Frontages with Posted Speed Limits ≥ 45 m.p.h.	32 sq. ft.	64 sq. ft.	8 feet

If there is no available land to place such freestanding sign, an additional banner sign may be substituted so long as such banner sign meets the requirements of Subsection 13.09.070(a) of this Chapter. Any sign which meets the requirements of this Subparagraph shall not be subject to the permitting requirements of Section 13.09.040 of this Chapter; however,

the duration of display for any such sign may not exceed twelve (12) months.

b. Additional permanent freestanding sign allowance. In addition to the base allowance for sign(s) set forth in Subparagraph a. above, additional permanent freestanding signs may be placed on nonresidential parcels in accordance with the following table:

Schedule 13.09.080E

<i>Parcel Type</i>	<i>Maximum Sign Area per Face</i>	<i>Maximum Aggregate Sign Area</i>	<i>Maximum Number of Signs Per Parcel</i>	<i>Maximum Height¹</i>
Multiple Primary Uses	100 sq. ft.	200 sq. ft.	1 sign per access driveway	15 ft.
Single Primary Use				
Lot Size < 8 acres	40 sq. ft.	80 sq. ft.	1	8 ft.
Lot Size ≥ 8 acres	40 sq. ft.	80 sq. ft.	1 sign per street frontage	8 ft.

¹ Freestanding signs located within the Pikes Peak or Historic Districts shall not exceed seven (7) feet in height.

c. Sign base and setback limitations. In addition to the limitations set forth in this Section, all freestanding signs shall meet the following standards:

Schedule 13.09.080F

	<i>Sign Base Width Minimum</i>	<i>Minimum Setback from Parcel Boundary</i>
Located in Pikes Peak or Historic Districts	100% of Sign Width	5 ft.
Not Located in Pikes Peak or Historic Districts	50% of Sign Width	10 ft.

d. Signs in easement areas. Freestanding signs may not be located in utility, public access, parking, or circulation easements unless approved in writing by all easement holders.

(3) Exemptions. Instructional signs allowed in accordance with Paragraph 13.09.070(4) of this Chapter shall be exempt from the maximum allowed sign area per nonresidential parcel pursuant to this Section.

(g) Signs on vacant parcels and subdivision tracts. Signage shall be allowed on vacant parcels as follows:

(1) Vacant parcels not subject to a building permit. For any vacant parcel not subject to a building permit, the limitations of Paragraph (f)(2) above shall apply. For purposes of this Chapter, a vacant parcel shall be treated as a nonresidential parcel with no primary use(s).

(2) Vacant parcels subject to a building permit. On any vacant parcel for which a building permit has been issued, permanent signage shall be allowed in accordance with Paragraph (f)(2) above and temporary signage shall be allowed in accordance with Paragraph 13.09.070(a)(5) of this Chapter.

(3) Subdivision tracts. Permanent signs shall be allowed on each subdivision tract in accordance with Paragraph (f)(2) above. Temporary signs shall be allowed on each subdivision tract in accordance with Subsection (d) above or, for subdivision filings with one or more active building permits for new residential dwelling units, in accordance with Paragraph 13.09.070(a)(5) of this Chapter. For purposes of determining maximum and aggregate permitted sign area, subdivision tracts shall be treated as nonresidential parcels.

13.09.090 Planned sign program

(a) Purpose. A planned sign program is a site-specific, written and visual statement that provides for increased creativity of sign design in exchange for flexibility, or even exemption from, certain standards and restrictions set forth in Sections 13.09.060, 13.09.070, and Paragraphs 13.09.080(e)(1) and 13.09.080(f)(2) of this Chapter by undergoing a more comprehensive design review process. The planned sign program may also be used to accommodate irregular site shapes (which are typically characterized by narrow lot frontages, resulting in some buildings with extraordinarily large setbacks and limited visibility to a public street), multiple contiguous lots and/or tracts. Except as set forth below, it is not the intent of these provisions to alter the allowed sign area for any residential or nonresidential use.

(b) Applicability. The owner of any property, or the owners of multiple contiguous properties, may submit an application for a planned sign program for any residential or nonresidential use. Planned sign programs may be allowed under the following circumstances:

(1) To modify any of the standards and requirements for all permanent signs set forth in Section 13.09.060 of this Chapter, including, without limitation, construction materials, and other requirements;

(2) To modify the design standards and requirements for all signs set forth in Section 13.09.080 of this Chapter with respect to setbacks and minimum and maximum heights provided, however, that such modifications may not exceed twenty-five percent (25%) of the requirements set forth in Section 13.09.080 of this Chapter; and

(3) To reallocate sign area allowed in accordance with Sections 13.09.070 and 13.09.080 of this Chapter on individual parcels as among all parcels subject to the planned sign program;

(c) Planned sign program required. A planned sign program shall be required as a prerequisite to the issuance of any sign permit(s) on any parcel containing seven or more primary uses and/or nonresidential tenants.

(d) Application process.

(1) Submittal requirements. Any person desiring a planned sign program shall submit the following materials to the Planning Department for the consideration of the planned sign program:

a. Completed application form (application forms are available from the Planning Department);

b. Application fee and planned sign program fee, as set by the Town Council from time to time;

c. A copy of the approved site plan for the property subject to the planned sign program, drawn to scale, showing existing and approved buildings (including dimensions of building frontages and square footage for each building), lighting, landscaping, and property lines;

d. Location, materials and maximum area for each sign that each occupant will be allowed to display;

e. Scaled, color elevations of the proposed signage with appropriate dimensions, including height, width, and depth drawing of the proposed signage;

f. A calculation of the total amount of sign area for each structure, and for the property as a whole; and

g. Any other supplemental materials deemed necessary for the review of the permit request, which may include, without limitation, a maintenance plan, including responsible parties, a funding source for maintaining the feature and information on materials, paint and other necessary information to assure proper maintenance and upkeep of the piece.

(2) Completeness review. The Planning Department shall check each application submittal for its completeness, and provide notification to the applicant of any deficiencies in the application within ten (10) days following receipt and review thereof. Upon the Planning Department's determination that the application is complete and receipt of all fees associated with the

application, the application shall be reviewed by the Planning Department or its designee for conformity with this Chapter.

(3) Approval. If the Planning Director finds that the planned sign program application conforms with the criteria for approval set forth in Subsection (e) below, the provisions of this Chapter not superseded by the planned sign program, the Code, and any other applicable regulations, the Planning Director shall approve the planned sign program within thirty (30) days of the date the completed application and applicable fee was filed. Any denial of the planned sign program application by the Planning Director shall be in writing and shall be issued within thirty (30) days of the date the completed application and applicable fee was filed.

(e) Criteria for approval. No planned sign program shall be approved by the Planning Director or, if applicable, the Planning Commission, unless it finds that the proposed planned sign program meets the following criteria:

(1) Sight distances. The proposed signs shall not interfere with required sight distances as established in the Code and the Roadway Design and Construction Criteria Manual, or as otherwise determined by the Town.

(2) Safety. The proposed signs shall not provide a safety or security hazard to pedestrians, drivers, or the general public, and shall not interfere with pedestrian and bicycle movements.

(3) Trash and graffiti. The proposed signs shall be designed to minimize graffiti and vandalism and shall be designed to minimize the collection of trash and litter.

(4) Scale. The proposed signs, both individually and in the aggregate, shall be proportional to the building size and massing, relevant to both buildings within the parcel subject to the planned sign program and the neighborhood context.

(5) Architectural features. The proposed signs shall complement the architectural style, character, materials, color and detail of adjacent building.

(f) Approved planned sign programs.

(1) Effect of approval. An approved planned sign program shall supersede the requirements in this Chapter for signs included in the planned sign program. All signs erected or maintained within the structure or property shall conform at all times to the planned sign program. Any deviations from an approved planned sign program shall be unlawful unless and until a revised planned sign program is amended or approved in accordance with this Section.

(2) Sign permit required. No signs may be constructed pursuant to a planned sign program prior to approval of a sign permit in accordance with Subsection 13.09.040(c) of this Chapter.

(3) Noncompliance. An application for a new planned sign program shall be obtained within ninety (90) days of receipt of notice from the Planning Director that an existing sign program for any structure does not contain all of the information required by this Section, or if signs displayed in or upon any structure do not comply with the provisions of this Section. If the Planning Department does not receive such new application within the 90-day period, then the noncompliant planned sign program will expire, and any sign permit(s) issued pursuant to the planned sign program shall be deemed null and void, unless such period is extended by the Director.

(4) Expiration. An approved planned sign program shall expire one (1) year from the date of approval if no allowed signs have been constructed or erected within such time period.

(g) Amendment. Modifications or amendments to an approved planned sign program may be requested and approved in accordance with the procedure for new planned sign programs set forth in this Section.

(h) Appeals. Any applicant who is denied a planned sign program may file a written appeal to the Planning Commission within ten (10) days following receipt of the written copy of the denial.

13.09.100 Nonconforming signs

(a) Continued use. Any nonconforming sign lawfully existing at the time of adoption of the ordinance codified in this Chapter may be continued in operation and maintained after the effective date of the ordinance codified herein; provided that no sign shall be changed in any manner that increases the noncompliance of such sign with the provisions of this Chapter.

(b) Termination. Termination of nonconforming signs shall be:

(1) By Abandonment. Abandonment of a nonconforming sign shall terminate immediately the right to maintain such sign. Abandonment shall mean any sign which meets the definition of an abandoned sign set forth in Section 13.09.030 of this Chapter for at least ten (10) consecutive days.

(2) By Violation of the Chapter. Any violation of this Chapter shall terminate immediately the right to maintain a nonconforming sign.

(3) By Destruction, Damage or Obsolescence. The right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign is damaged or destroyed in excess of fifty percent (50%) of the current

replacement cost of the sign from any cause whatsoever, or becomes obsolete or substandard under any applicable ordinances of the Town.

(c) Nuisance. If the Building Official or the Planning Department shall find that any sign is maintained in violation of the provisions of this Chapter, such violation shall constitute a nuisance to be abated in the manner provided in Chapter 6.01 of this Code.

Section 2. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 3. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2016.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2016.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

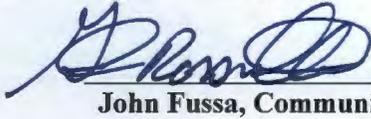


ITEM NO: 7D
DATE: 07/05/2016

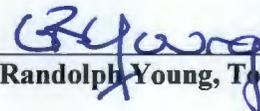
REQUEST FOR TOWN COUNCIL ACTION

TITLE: ORDINANCE NO. 5.77 – A Bill for an Ordinance to Amend Title 10 of the Parker Municipal Code by the Addition Thereto of a New Chapter 10.13 Concerning Signage within Streets and Sidewalks

- | | | |
|---|---|--------------|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> ORDINANCE FOR 1 ST READING | (07/05/2016) |
| <input type="checkbox"/> CONTRACT | <input type="checkbox"/> ORDINANCE FOR 2 ND READING | (07/18/2016) |
| <input type="checkbox"/> MOTION | <input type="checkbox"/> RESOLUTION | |

 For **JOHN FUSSA**

John Fussa, Community Development Director



G. Randolph Young, Town Administrator

ISSUE:

The purpose of this code amendment is to move regulations for limited duration signs in the right-of-way and Town owned kiosks from Chapter 13.09: Signs to Chapter 10: Streets, Sidewalks and Public Spaces of the Municipal Code and create a new section 10.13: Signage Within Streets and Sidewalks.

PRIOR ACTION:

None

FUNDING/BUDGET IMPACT:

None

BACKGROUND:

The limited duration sign section in Chapter 13.09 currently allows for sandwich board signs on sidewalks along Mainstreet and the temporary placement of portable signs in the right-of-way. Typically portable signs in the right-of-way are used for real estate open houses and garage sales. These types of signs are subject to size, number and location standards that are not changing with this amendment.

Sandwich board signs may only be displayed during the business hours of operation and the portable signs in the right-of-way may only be displayed Thursday at 12:00 PM through Sunday at 7:00 PM.

The Town currently operates a home builder kiosk sign program in which home builders can rent directional signage space on Town owned signs in the right-of-way.

There is no significant change to the regulation.

RECOMMENDATION:

Staff recommends that the Town Council approve Ordinance No. 5.77 on first reading. Planning Commission will make a recommendation to Town Council on July 14, 2016

PREPARED/REVIEWED BY:

James S. Maloney, Town Attorney; Bryce Matthews, Comprehensive Planning Manager; John Fussa, Community Development Director

ATTACHMENTS:

Ordinance No. 5.77

RECOMMENDED MOTION:

"I move to approve Ordinance No. 5.77 on first reading and schedule second reading for July 18, 2016, as a part of the consent agenda."

ORDINANCE NO. 5.77, Series of 2016

TITLE: A BILL FOR AN ORDINANCE TO AMEND TITLE 10 OF THE PARKER MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW CHAPTER 10.13 CONCERNING SIGNAGE WITHIN STREETS AND SIDEWALKS

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. The Parker Municipal Code is amended by the addition thereto of a new Chapter 10.13, Signage Within Streets and Sidewalks, to read as follows:

CHAPTER 10.13

Signage Within Streets and Sidewalks

10.13.010 Intent and purpose.

The purpose of this Chapter is to promote the public health, safety, and welfare of the Town and its residents and visitors by establishing standards for the installation, construction, placement, maintenance and operation of signs in the streets, sidewalks, and public rights-of-way in the Town of Parker, all of which are subject to the provisions of this Chapter. The primary purpose of the Town's rights-of-way is to provide safe and efficient transportation and access to and for vehicles, bicycles, pedestrians, and other modes of transportation within and throughout the Town, and the intent of this Chapter is to accommodate communication and expression while maintaining the purposes of the Town's rights-of-way. More specifically, this Chapter is intended to:

- (1) Promote, maintain, and protect the aesthetic and visual quality of the street corridors in the Town through the reduction of sign clutter and the encouragement of high-quality sign design;
- (2) Eliminate obstructions to the safe passage of vehicle, bicycle, and pedestrian traffic along the streets and sidewalks in the Town;
- (3) Minimize distractions to motorists resulting from the proliferation of signage within public rights-of-way;
- (4) Ensure the effectiveness of warning, safety, and wayfinding signage placed by the Town and other governmental agencies within public rights-of-way;
- (5) Assist the Town and other governmental agencies with their responsibility to operate and maintain public rights-of-way in good repair;

(6) Establish the legal rights and authority of the Town and other governmental agencies that own or operate public rights-of-way within the Town; and

(7) Protect the rights of members of the public to utilize public spaces for the purpose of free speech and expression.

10.13.020 Signs prohibited in rights-of-way.

It shall be unlawful for any person, firm, corporation or local entity other than the Town or other governmental agency to install, construct, affix or locate upon any public right-of-way, or any portion thereof, any sign, including any commercial sign that is handheld or affixed to any article of clothing or otherwise held by or attached to any person, except as permitted by this Chapter. Any noncommercial sign that is handheld or affixed to any article of clothing or otherwise held by or attached to any person upon any public right-of-way, or any portion thereof, shall not be a violation of this Chapter; provided that such person and/or signage does not violate Subsections 10.13.040(d) and (e) of this Chapter.

10.13.030 Definitions.

Terms not defined in this Chapter 10.13 shall have the same meanings to which they are ascribed in Section 13.09.030 of this Code.

10.13.040 Sign standards.

(a) The sign standards contained herein do not apply to Section 10.13.080 herein.

(b) Signs must meet the standards and restrictions for “Temporary Signs,” as such term is defined in Section 13.09.030 of this Code and shall meet the standards set forth in Subsections 13.09.060(d) and (e) of this Code.

(c) Permitted sign types include “Freestanding,” “Portable” and “Sandwich Board” signs, as such terms are defined in Section 13.09.030 of this Code; provided, however, Sandwich Board signs are permitted only within the Historic and Pikes Peak Districts of the “Greater Downtown District,” as such term is defined in Section 13.04.110 of this Code.

(d) No sign shall block, otherwise obstruct, or be attached or affixed to any portion of any sign or other traffic control device constructed, installed, or placed by the Town or other governmental entity.

(e) No sign shall block, obstruct, or otherwise interfere in any way with the free and unobstructed movement of vehicle, bicycle, or pedestrian traffic within or along any street, sidewalk or right-of-way, or with maintenance of any street, sidewalk, or right-of-way by the Town or other governmental entity.

(f) No sign shall be illuminated.

(g) No commercial sign may be displayed outside the hours of operation of the registrant's enterprise or the hours at which the event or other matter advertised by the sign is open and accessible to the public, and such signs may not be displayed in any location more than one mile from such enterprise, event or other matter advertised.

(h) No sign shall be displayed within ten feet of any other sign subject to this Chapter.

(i) Any sign that is prohibited pursuant to Subsection (f) above shall be prohibited.

10.13.050 Additional sign standards; sandwich board signs.

In addition to any applicable standards set forth in Section 10.13.040 of this Chapter and Chapter 13.09 of this Code, sandwich board signs located within the right-of-way must meet the following standards:

(1) Location of sandwich board signs.

a. Sandwich board signs shall only be permitted on sidewalks that abut nonresidential or mixed-use parcels; provided that the sandwich board sign is located within that portion of the right-of-way adjacent to said nonresidential parcel;

b. Sandwich board signs shall be located not more than twenty (20) feet from the edge of the building located on the abutting nonresidential parcel; provided that the sign is located in front of the building and on the sidewalk;

g. Sandwich board signs as displayed shall maintain not less than four (4) feet of continuous width of the sidewalk unobstructed so as to permit pedestrian use of the sidewalk, including access for disabled persons;

d. Sandwich board signs shall not block business entrances or exits; and

e. Sandwich board signs shall not block or otherwise interfere with the motoring public's view of pedestrian crossings, intersections, or otherwise create a safety hazard for pedestrians or motorists.

(2) Number of sandwich board signs. Each parcel upon which an occupied structure is located shall be allowed one (1) sandwich board sign per every ten (10) feet of lineal frontage on the public right-of-way. The property owner or designee of said parcels shall be responsible for determining allocation of said sandwich board signs based upon frontage; provided that

ground floor businesses shall be allocated sandwich board signs before any business located above or below the ground floor, except that no business shall have more than one (1) sandwich board sign.

(3) Configuration of sandwich board signs.

a. Sandwich board signs shall be structurally sound, durable and weather resistant;

b. Sandwich board signs shall not exceed four (4) feet in height;

c. Sandwich board signs shall have a maximum area per sign face of eight (8) square feet; and

d. Sandwich board signs shall contain the business owner's full name, phone number and address, the provision of which shall constitute the grant of a license to display the sign, subject to compliance with the standards described in this Chapter.

(4) Sandwich board signs may only be posted during daylight hours.

10.13.060 Additional sign standards; limited-duration signs.

In addition to any applicable standards set forth in Section 10.13.040 of this Chapter and Chapter 13.09 of this Code, limited-duration signs located within the right-of-way must meet the following standards:

(1) Limited-duration signs are limited to one (1) sign per business located in the Town and four (4) signs per parcel located in Town that contains a dwelling unit.

(2) Location of limited-duration signs.

a. Limited-duration signs shall be located at least fifty (50) feet from all intersections;

b. Limited-duration signs shall be located at least six (6) feet from the edge of the roadway; and

c. Limited-duration signs shall not be placed in medians, roadways, shoulders or bike paths/lanes.

(3) Configuration of limited-duration signs.

a. Limited-duration signs shall be structurally sound, durable, weather resistant, and fastened or anchored sufficiently;

b. Limited-duration signs shall not exceed five (5) square feet in surface area;

c. Limited-duration signs shall not exceed four (4) feet in height;

d. Limited-duration signs shall not have anything attached to such signs, including, but not limited to, balloons, streamers, pennants, lighting or moving parts; and

e. Limited-duration signs shall contain the owner's full name and address, the provision of which shall constitute the grant of a license to display the sign, subject to compliance with the standards described in this Chapter.

(4) Limited-duration signs may only be posted from 12:00 p.m. on Thursdays through 7:00 p.m. on Sundays.

10.13.070 Removal of Signs.

(a) Notwithstanding the provisions of this Chapter or Chapter 13.09 of this Code, the Town may, without notice, cause the removal and disposal of any sign that, in the Town's opinion:

(1) Creates a danger or hazard to persons or property within the public right-of-way; or

(2) Does not comply with the standards set forth in this Chapter or any applicable standards set forth in Chapter 13.09 of this Code.

(b) In the event of a conflict between this Chapter and any other applicable provision of federal, state or local law, the more strict provision will govern. The invalidation of any subsection, clause, word or phrase of this Chapter by any court of competent jurisdiction shall not affect the validity of the remaining portions of this Chapter, nor shall any invalidation of this Chapter or any portion thereof affect the validity of Chapter 13.09 of this Code.

10.13.080 Town-owned kiosks.

(a) Establishment and purpose. There is hereby established the Town of Parker Kiosk Program (the "Kiosk Program"). The purpose of the Kiosk Program is to allow the use of panels on kiosks that are owned and maintained by the Town to provide directional signs to real estate developments within the Town. The Kiosk Program is also intended to prevent the proliferation of unlawful off-premises signs, and to provide a reasonable alternative to off-premises signs that allow interested persons to find developments within the Town.

(b) Process. The Town will develop the process for administering the Kiosk Program by Resolution approved by the Town Council. The process for administering the Kiosk Program shall include, but not be limited to, the following:

(1) The style and design of the kiosks, including the size of panels;

(2) What may be depicted on a panel within a kiosk, including whether to include development logos, homebuilder logos or other logos deemed to be in the public interest by the Town Council;

(3) The process for participating in the Kiosk Program, including the process for obtaining any panel and the location of said panel, the number of panels that may be obtained by any one (1) entity, and other provisions to maximize participation in the Kiosk Program; and

(4) The cost for participating in the Kiosk Program.

(c) Location of kiosks. The Town shall determine the location of the kiosks by resolution approved by the Town Council, which resolution may be amended from time to time based on the best interests of the Town.

(d) License agreement. In order to participate in the Kiosk Program based on the provisions identified by the Town as set forth above, a party desiring to obtain a panel must execute a license agreement in the form approved by Town Council resolution.

10.13.090 Enforcement

(a) Enforcement by Neighborhood Services. The Chapter shall be enforced by the Neighborhood Services Division of the Planning Department or its designees, which may include officers of the Police Department or the Public Works Department.

(b) Enforcement Action.

(1) Revocation of license. Any signs found not to be in conformance with this Chapter shall be subject to revocation of the license.

(2) Fines and Penalties.

a. Except as provided by Subsection b below, any person who is convicted of, or pleads guilty or no contest to, a violation of this Chapter shall be punished by a fine not to exceed four hundred ninety-nine dollars (\$499.00). Each and every day on which any violation of this Chapter is committed, exists or continues shall be deemed a separate offense.

b. At the sole discretion of the Neighborhood Services Officer, the penalty assessment procedure provided in Section 3.03.300 of this Code may be used by the Neighborhood Services Officer while adhering to the fine schedules below, which are based on number of violations within a twelve-month period:

1. First violation: fifty dollars (\$50.00).
2. Second violation: one hundred dollars (\$100.00).
3. Third violation: two hundred dollars (\$200.00).
4. Fourth violation: A summons and complaint shall be required.

Section 2. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 3. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2016.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2016.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

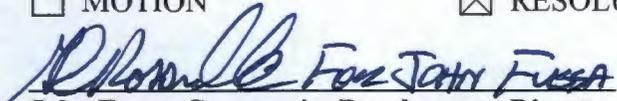


ITEM NO: 7E
DATE: 07/05/2016

REQUEST FOR TOWN COUNCIL ACTION

TITLE: RESOLUTION NO. 16-049 - A Resolution to Determine that the Cottonwood Drive Property Substantially Complies with the Annexation Act of 1965 and to Set a Public Hearing Date for August 15, 2016

- | | |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCE FOR 1 st READING |
| <input type="checkbox"/> CONTRACT | <input type="checkbox"/> ORDINANCE FOR 2 nd READING |
| <input type="checkbox"/> MOTION | <input checked="" type="checkbox"/> RESOLUTION |


John Fussa, Community Development Director


G. Randolph Young, Town Administrator

ISSUE:

The Town proposes to annex a portion of the Cottonwood Drive right-of-way located east of Jordan Road and south of Cottonwood Drive. Cottonwood Drive in this section is currently two lanes and is planned as a four lane arterial. This right-of-way (ROW) was preserved to allow for the future expansion of the roadway. Annexation of the additional ROW will allow for a future four lane Cottonwood Drive to be entirely located within the Town. Colorado Revised Statutes require that Town Council set an annexation public hearing date 30 to 60 days from the date of this resolution approval. The purpose of this resolution is to set an annexation public hearing date of August 15, 2016.

PRIOR ACTION:

This annexation includes two parcels on the south side of Cottonwood Drive. (Cottonwood South Tract B and Cottonwood Subdivision Filing 8 Track L.) Tract B was conveyed by plat to the Town for road ROW purposes in 2003. Tract I was conveyed to the Town by Resolution 16-035 on April 18, 2016.

FUNDING/BUDGET IMPACT:

None

BACKGROUND:

Engineering has determined widening of Cottonwood Drive is needed in light of the development of Cottonwood Highlands, the opening of the new King Soopers and current/future development in Crown Point. Widening of the section of Cottonwood Drive between Jordan Road and Cottonwood Way, across Cherry Creek, has been identified in the Capital Improvement Program (CIP) 10 year plan. The project is currently in design phase. The CIP plans for funding for the construction phase in 2017. Annexation of this ROW allows for the expanded road to be fully located within the Town.

RECOMMENDATION:

Staff recommends setting a public hearing date of August 15, 2016 for consideration of the annexation ordinance.

PREPARED/REVIEWED BY:

Carolyn Parkinson, Planner I; Chris Hudson, CIP and Construction Manager, Bryce Mathews, Comprehensive Planning Manager; John Fussa, Community Development Director; James S. Maloney, Town Attorney

ATTACHMENTS:

1. Vicinity Map
2. Resolution No. 16-049

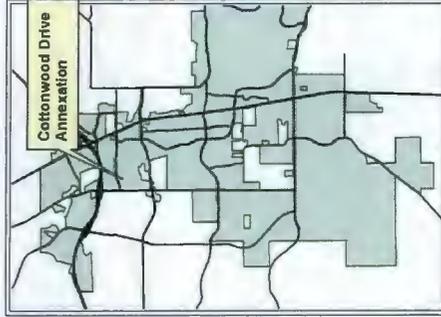
RECOMMENDED MOTION: "I move to approve Resolution No. 16-049, as part of the consent agenda."



Cottonwood Drive Annexation

Attachment 1

Case No. ANX16-005



Legend

- Annexation
- Parcels
- Roads

Narrative:
 Proposal to annex a portion of Cottonwood Drive generally located east of Jordan Road and south of Cottonwood Drive into the Town of Parker.

Planner: Carolyn Parkinson

Hearing Schedules:
 Eligibility Compliance: July 5, 2016
 Town Council 1st reading: August 1st
 Town Council Hearing: August 15, 2016



RESOLUTION NO. 16-049, Series of 2016

TITLE: A RESOLUTION TO DETERMINE THAT THE COTTONWOOD DRIVE PROPERTY SUBSTANTIALLY COMPLIES WITH THE REQUIREMENTS OF THE ANNEXATION ACT OF 1965 AND TO SET A PUBLIC HEARING DATE FOR AUGUST 15, 2016

WHEREAS, the Petitioner Town of Parker owns certain real property in Douglas County, which is described on attached **Exhibit A**;

WHEREAS, pursuant to Colo. Rev. Stat. § 31-12-107, this Town Council, sitting as the governing body of the Town of Parker, Colorado, hereby determines that the proposed annexation of the real property described in Exhibit A is in substantial compliance with § 31-12-107(1); and

WHEREAS, the Town Council of the Town of Parker, Colorado, has satisfied itself concerning the substantial compliance for the proposed annexation to and by the Town of Parker, Colorado.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, AS FOLLOWS:

Section 1. The proposed annexation of the real property described in Exhibit A (the "Property"), substantially complies with Colo. Rev. Stat. § 31-12-107(1).

Section 2. A public hearing on said annexation will be conducted on August 15, 2016, at the Town of Parker Town Hall, which is located at 20120 East Mainstreet, Parker, Colorado, 80138, to determine if the proposed annexation complies with C.R.S. §§ 31-12-104 and 31-12-105 or such part thereof as may be required to establish eligibility under the terms of Title 31, Article 12, Part 1, as amended, known as the Municipal Annexation Act of 1965, and the Constitution of the State of Colorado, Article II, Section 30, as amended.

Section 3. Any person living within the area proposed to be annexed, any landowner of lands thereof, any resident of the municipality to which the area is proposed to be annexed, any municipality located within one mile of the proposed annexation, or the Board of County Commissioners of Douglas County, may appear at such hearing and present evidence upon any matter to be determined by the Town Council.

RESOLVED AND PASSED this _____ day of _____, 2016.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

EXHIBIT A

A PARCEL OF LAND BEING TRACT I, COTTONWOOD SUBDIVISION FILING NO. 8, RECORDED AT RECEPTION NO. 317378 AND TRACT B, COTTONWOOD SOUTH, RECORDED AT RECEPTION NO. 2003029540 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5 AND THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, ADDITIONALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 4 WHENCE THE WEST QUARTER CORNER OF SAID SECTION 4 BEARS NORTH $00^{\circ}27'16''$ EAST, A DISTANCE OF 2,656.98 FEET;

THENCE NORTH $11^{\circ}22'51''$ WEST, A DISTANCE OF 1,025.80 FEET TO THE SOUTHWEST CORNER OF SAID TRACT I AND THE POINT OF BEGINNING;

THENCE ALONG THE WESTERLY AND NORTHERLY BOUNDARY LINES OF SAID TRACT I THE FOLLOWING (3) COURSES:

- 1) NORTH $17^{\circ}13'42''$ WEST, A DISTANCE OF 50.01 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 840.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH $16^{\circ}32'47''$ EAST;
- 2) EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $15^{\circ}32'51''$, AN ARC LENGTH OF 227.94 FEET;
- 3) TANGENT TO SAID CURVE NORTH $89^{\circ}00'04''$ EAST, A DISTANCE OF 262.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT B;

THENCE ALONG THE NORTHERLY BOUNDARY LINE OF SAID TRACT B CONTINUING NORTH $89^{\circ}00'04''$ EAST, A DISTANCE OF 703.39 FEET TO THE NORTHEAST CORNER OF SAID TRACT B AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 1,150.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH $16^{\circ}09'19''$ WEST;

THENCE ALONG THE SOUTHERLY BOUNDARY LINES OF SAID TRACTS B AND I THE FOLLOWING (5) COURSES:

- 1) WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $15^{\circ}09'23''$, AN ARC LENGTH OF 304.21 FEET;
- 2) TANGENT TO SAID CURVE SOUTH $89^{\circ}00'04''$ WEST, A DISTANCE OF 393.48 FEET;

- 3) SOUTH $86^{\circ}08'19''$ WEST, A DISTANCE OF 200.25 FEET;
- 4) SOUTH $89^{\circ}00'04''$ WEST, A DISTANCE OF 71.23 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 790.00 FEET;
- 5) WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $15^{\circ}30'15''$, AN ARC LENGTH OF 213.77 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 1.088 ACRES, (47,392 SQUARE FEET), MORE OR LESS



ITEM NO: 7F(1)
DATE: 07/05/2016

REQUEST FOR TOWN COUNCIL ACTION

TITLE: CONTRACTS ABOVE \$100,000 - Additional Dispatch Radio Consoles

- | | |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCE FOR 1 ST READING |
| <input checked="" type="checkbox"/> CONTRACT | <input type="checkbox"/> ORDINANCE FOR 2 ND READING |
| <input checked="" type="checkbox"/> MOTION | <input type="checkbox"/> RESOLUTION |

DKK
David King, Chief of Police

G. Young
G. Randolph Young, Town Administrator

ISSUE:
Approval of a contract with Motorola to purchase two additional dispatch radio positions for the Police Department communications center.

PRIOR ACTION:
None

FUNDING/BUDGET IMPACT:
Funding for this project has been appropriated by the Douglas County 911 Authority and is reflected in the Police Communications Budget

BACKGROUND:
The Town of Parker Police Department currently operates six (6) dispatch consoles in its emergency communications center. Due to growth and increased call handling, two (2) additional dispatch positions are needed. This contract covers the purchase and installation of the two (2) additional radio positions that will be installed in the new dispatch consoles. The Douglas County Emergency Telephone Service Authority approved funding for this project through its 2016 budget. The additional radio positions are an exact match to the equipment currently installed in the other dispatch consoles. The additional consoles will improve the department's ability to serve the community through improved communications capability.

RECOMMENDATION:
Award the contract with Motorola to provide two additional dispatch radio consoles in the amount of \$125,045

PREPARED/REVIEWED BY:
Ron Combs, Police Captain

ATTACHMENTS:

None

RECOMMENDED MOTION:

"I move to approve the staff recommendation, as part of the consent agenda."



ITEM NO: 7F(2)
DATE: 07/05/2016

REQUEST FOR TOWN COUNCIL ACTION

**TITLE: CONTRACTS ABOVE \$100,000 – Bradbury Trail (Phase 1) (CIP 15-0015) –
Contract Modification**

- | | |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCE FOR 1 ST READING |
| <input checked="" type="checkbox"/> CONTRACT | <input type="checkbox"/> ORDINANCE FOR 2 ND READING |
| <input checked="" type="checkbox"/> MOTION | <input type="checkbox"/> RESOLUTION |



Tom Williams, Director of Engineering



G. Randolph Young, Town Administrator

ISSUE:

Award of a contract modification with T2 Construction, Inc., for the Bradbury Trail (Phase 1) (CIP15-0015) project.

PRIOR ACTION:

Town Council approved the award to T2 Construction, Inc., on March 21, 2016, for the Bradbury Trail (Phase 1) (CIP 15-0015) project.

FUNDING/BUDGET IMPACT:

Funding for this project’s construction has been appropriated in the Parks, Recreation & Open Space fund (203-4520). The Bradbury Trail is a HOA trail and the Town will not be providing maintenance following construction.

BACKGROUND:

Once the project was underway, groundwater began to appear making it impossible to proceed with trail grading work. Consequently, geogrid and rock was needed to stabilize the grade. And in order to keep this groundwater from draining down to residential backyards, a trench drain was needed. These two unforeseen items were not expected and therefore were not on the original contract. To address this shortfall, a contract modification is required.

RECOMMENDATION:

Award the contract modification with T2 Construction, Inc., in the amount of \$15,000 for the Bradbury Trail (Phase 1) (CIP 15-0015) project for a revised total contract of \$175,444.

PREPARED/REVIEWED BY:

Thomas Gill, Associate Project Manager
Chris Hudson, CIP & Construction Manager

ATTACHMENTS:

None

RECOMMENDED MOTION:

"I move to approve the staff recommendation, as a part of the consent agenda."



REQUEST FOR TOWN COUNCIL ACTION

TITLE: MEADOWLARK PROPERTY – Annexation

1. RESOLUTION NO. 16-050

A Resolution to Set Forth Town Council’s Findings of Fact and Conclusions as to the Eligibility of the Meadowlark Property for Annexation into the Town of Parker

2. ORDINANCE NO. 2.248 - Second Reading (To be continued to 9/19/16)

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Meadowlark Property Located in Douglas County

- | | | |
|--|--|--------------|
| <input checked="" type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCE FOR 1 ST READING | (06/20/2016) |
| <input type="checkbox"/> CONTRACT | <input type="checkbox"/> ORDINANCE FOR 2 ND READING | (09/19/2016) |
| <input type="checkbox"/> MOTION | <input checked="" type="checkbox"/> RESOLUTION | |


John Fussa, Community Development Director


G. Randolph Young, Town Administrator

ISSUE:

The applicant, Meritage Homes, is proposing to annex an unincorporated Douglas County parcel into the Town of Parker. The 91 acre parcel known as the Meadowlark property is located on the northeast corner of Crowfoot Valley Road and Richlawn Parkway. The property is currently undeveloped.

The purpose of this agenda item is to determine that the Meadowlark property is eligible for annexation into the Town of Parker. Meritage Homes is requesting that the public hearing for the second reading of Ordinance 2.248 be continued to the September 19, 2016 Town Council meeting. The Town Council public hearing on September 19, 2016 will also consider the zoning of the Meadowlark Property.

PRIOR ACTION:

On May 16, 2016, Town Council adopted Resolution No. 16-038 which set the public hearing date for this annexation request to July 5, 2016. On June 20, 2016, Town Council approved Ordinance No. 2.248 on first reading as a part of the consent agenda.

FUNDING/BUDGET IMPACT:

None

BACKGROUND:

The Meadowlark property being considered for annexation is located within the Town's Urban Growth Area boundary as described in the Intergovernmental Agreement (IGA) and Comprehensive Development Plan between the Town of Parker and Douglas County last amended August 25, 2015. It currently exists as an unplatted parcel in unincorporated Douglas County. The Parker 2035 Master Plan identifies the property within the Medium Density Residential Character Area. The Medium Density Residential Character Area allows a maximum gross density of 3.5 dwelling units per acre. The permitted density will be established during the zoning review. The Meadowlark property meets the minimum contiguity requirement to be annexed into the Town of Parker.

RECOMMENDATION:

Staff recommends Town Council approve Resolution No.16-050 and continue the public hearing for Ordinance No. 2.248 to September 19, 2016.

PREPARED/REVIEWED BY:

Ryan McGee, Associate Planner; Bryce Matthews, Comprehensive Planning Manager; John Fussa, Community Development Director; James S. Maloney, Town Attorney

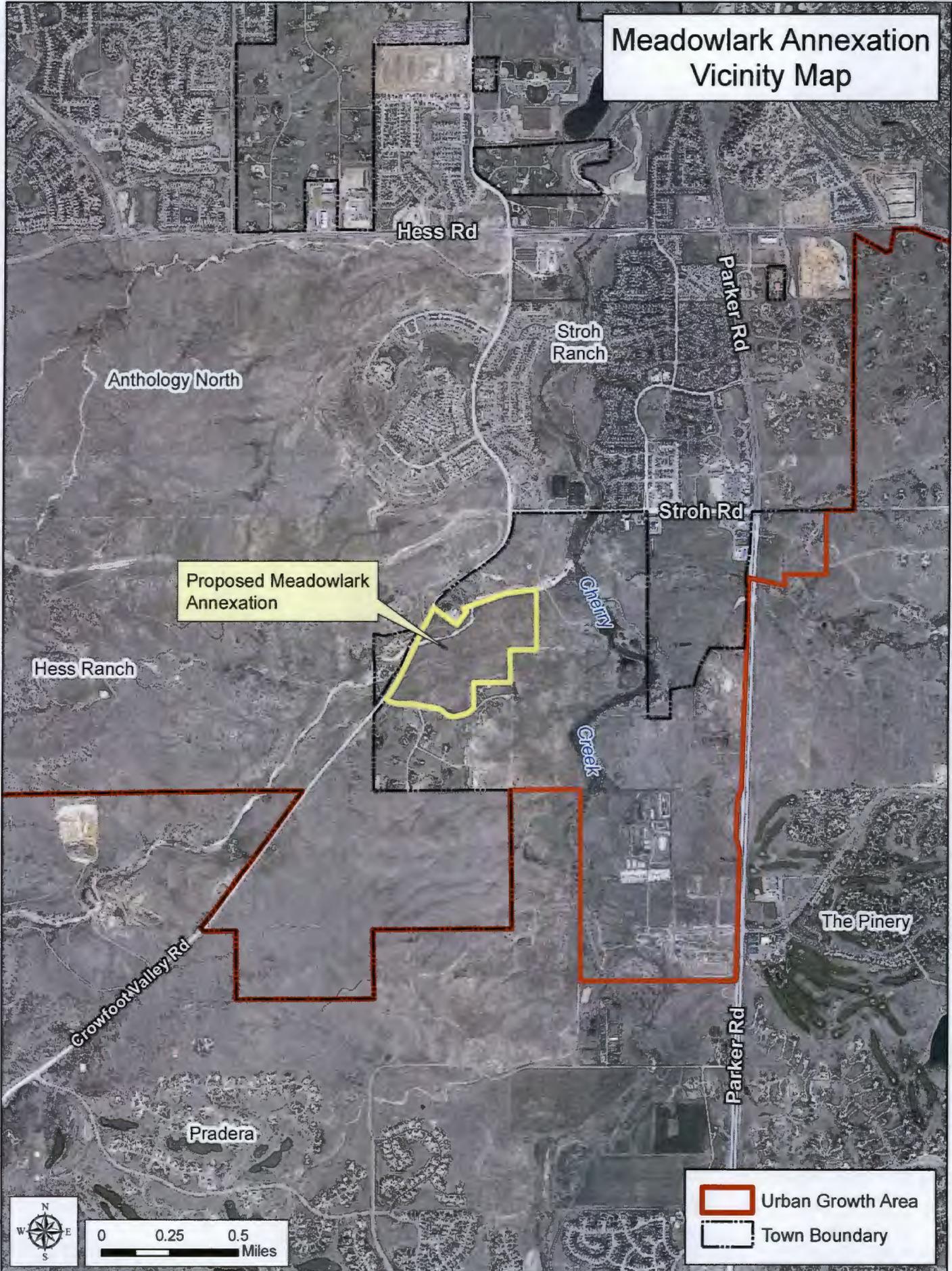
ATTACHMENTS:

1. Vicinity Map
2. Annexation Plat
3. Resolution No. 16-050
4. Ordinance No. 2.248
5. Citizen Comments

RECOMMENDED MOTION:

1. "I move to approve Resolution No. 16-050."
2. "I move to continue the public hearing to consider Ordinance No 2.248 to the September 19, 2016 Town Council meeting."

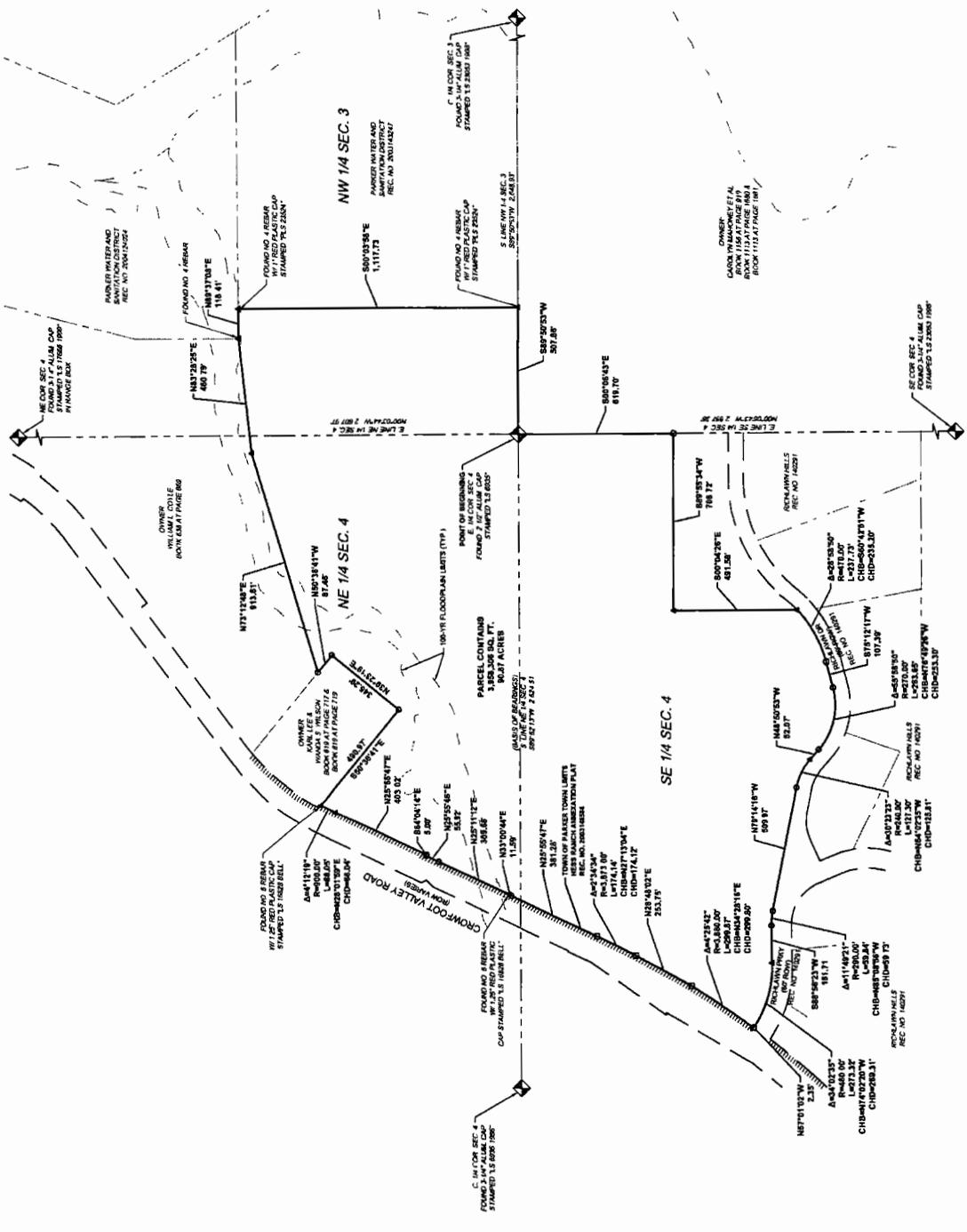
Meadowlark Annexation Vicinity Map



MEADOWLARK ANNEXATION PLAT

LOCATED IN PORTIONS OF SECTION 3 & 4,
TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
COUNTY OF DOUGLAS, STATE OF COLORADO
SHEET 2 OF 2

- LEGEND**
- PROPERTY BOUNDARY
 - LOT LINE
 - - - SECTION LINE
 - - - SECTION CORNER
 - - - CURRENT TOWN LIMITS
 - - - SECTION CORNER AS NOTED
 - FOUND NO. 4 REBAR W/ 1" YELLOW PLASTIC CAP PLS 25666
 - FOUND NO. 3 REBAR W/ 1.25" RED PLASTIC CAP PLS 8082
 - FOUND NO. 5 REBAR W/ 1.25" YELLOW PLASTIC CAP PLS 17066
 - FOUND NO. 2 REBAR UNLESS OTHERWISE NOTED



SCALE 1" = 200'
ONE INCH REPRESENTS 200 FEET

MEADOWLARK ANNEXATION PLAT
Scale 1" = 200'
Date DECEMBER 1, 2015
Job No. 15000
Sheet 2 of 2

ENGINEER / SURVEYOR

JANSEN STRAWN
REGISTERED PROFESSIONAL ENGINEER
1500 WEST 10TH AVENUE
DENVER, CO 80202
P. 303.528.1339

Drawn By: []
Checked By: []
Date: []

RESOLUTION NO. 16-050, Series of 2016**TITLE: A RESOLUTION TO SET FORTH TOWN COUNCIL'S FINDINGS OF FACT AND CONCLUSIONS AS TO THE ELIGIBILITY OF THE MEADOWLARK PROPERTY FOR ANNEXATION INTO THE TOWN OF PARKER**

WHEREAS, an annexation petition was filed with the Town Clerk requesting the annexation of certain unincorporated territory located in the County of Douglas and State of Colorado, otherwise known as the Meadowlark Property, and hereafter described in **Exhibit A** attached hereto and made a part hereof (the "Property");

WHEREAS, said petition was forwarded by the Town Clerk to the Town Council;

WHEREAS, the Town Council of the Town of Parker, Colorado, found substantial compliance of said petition with Colo. Rev. Stat. § 31-12-107;

WHEREAS, the Town Council of the Town of Parker, Colorado, conducted a public hearing as required by law to determine the eligibility for annexation of the Property;

WHEREAS, public notice of such public hearing was given as required by law;

WHEREAS, the public hearing on the annexation petition was conducted in accordance with the requirements of the law; and

WHEREAS, pursuant to Colo. Rev. Stat. § 31-12-110, the Town Council, sitting as the governing body of the Town of Parker, Colorado, is required to set forth its findings of fact and its conclusion as to the eligibility of the Property for annexation to the Town of Parker.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, AS FOLLOWS:

Section 1. A service plan for that area encompassing the Property has been adopted by the Town Council, pursuant to Colo. Rev. Stat. § 31-12-105(1)(e).

Section 2. Not less than one-sixth (1/6th) of the perimeter of the Property is contiguous with the existing boundaries of the Town of Parker, as required by law.

Section 3. A community of interest exists between the Property and the Town of Parker, and the Property will be urbanized in the near future.

Section 4. The Property is integrated or is capable of being integrated within the Town of Parker.

Section 5. The limitations of the Municipal Annexation Act and the Constitution of the State of Colorado do not prevent the annexation of the Property or any part thereof since:

a. No land in the territory to be annexed which is held in identical ownership and consists of either a single tract or parcel, or two or more contiguous tracts or parcels, has

been divided or portion thereof excluded from the area to be annexed without the written consent of the owners thereof;

b. No land in the territory to be annexed which is held in identical ownership and comprises twenty (20) or more acres, having an assessed valuation for ad valorem tax purposes in excess of \$200,000.00 in the year next preceding the annexation, has been included in the area to be annexed without the written consent of the landowners;

c. No proceedings have been commenced by another municipality for the annexation of all or part of the territory to be annexed by the Town of Parker; and

d. The annexation will not result in the detachment of the area from the school district in which it is currently located.

Section 6. The petition(s) for the annexation of the Property meets the requirements of law and are in proper order for annexation for the Property.

Section 7. No election is required, pursuant to Colo. Rev. Stat. § 31-12-107(2) or any other law of the State of Colorado or the Town of Parker, and no additional terms and conditions within the meaning of Colo. Rev. Stat. § 31-12-111 are to be imposed on the annexation of the Property.

Section 8. The proposed annexation will not have the effect of extending a municipal boundary more than three (3) miles in any direction from any point of the Town boundary in any one year.

Section 9. The entire width of any street or alley to be annexed is included within the annexation.

Section 10. The Property is eligible for annexation to the Town of Parker and all requirements of law have been met for such annexation, including the requirements of section 30 of article II of the state constitution and the applicable requirements of Colo. Rev. Stat. §§ 31-12-104 and 31-12-105, as amended.

Section 11. The ordinances annexing the Property to the Town of Parker shall be considered by this Town Council, pursuant to Colo. Rev. Stat. § 31-12-111.

RESOLVED AND PASSED this _____ day of _____, 2016.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

Exhibit A**LEGAL DESCRIPTION:**

A TRACT OF LAND SITUATED IN THE NORTHWEST 1/4 OF SECTION 3, AND IN THE EAST 1/2 OF SECTION 4, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 3 AND CONSIDERING THE NORTH LINE OF SAID NORTHWEST 1/4 TO BEAR 89 DEGREES 52 MINUTES 31 SECONDS EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE NORTH 89 DEGREES 52 MINUTES 31 SECONDS EAST ALONG SAID NORTH LINE A DISTANCE OF 1740.60 FEET;

THENCE SOUTH 00 DEGREES 07 MINUTES 29 SECONDS EAST A DISTANCE OF 34.37 FEET; THENCE SOUTH 23 DEGREES 12 MINUTES 25 SECONDS WEST A DISTANCE OF 1054.94 FEET;

THENCE SOUTH 31 DEGREES 26 MINUTES 50 SECONDS EAST A DISTANCE OF 550.78 FEET TO THE SOUTHEAST CORNER OF THE TAP PROPERTIES PARCEL (BOOK 982 AT PAGE 524) AND TO THE

TRUE POINT OF BEGINNING;

THENCE SOUTH 31 DEGREES 26 MINUTES 50 SECONDS EAST A DISTANCE OF 259.41 FEET;

THENCE SOUTH 24 DEGREES 40 MINUTES 14 SECONDS EAST A DISTANCE OF 846.84 FEET;

THENCE SOUTH 07 DEGREES 07 MINUTES 00 SECONDS EAST A DISTANCE OF 134.18 FEET TO THE SOUTH LINE OF SAID NORTHWEST 1/4;

THENCE SOUTH 89 DEGREES 51 MINUTES 10 SECONDS WEST ALONG SAID SOUTH LINE A DISTANCE OF 2118.05 FEET TO THE EAST 1/4 CORNER OF SAID SECTION 4;

THENCE SOUTH 00 DEGREES 04 MINUTES 26 SECONDS EAST ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 4 A DISTANCE OF 619.79 FEET TO THE NORTHEAST CORNER OF RICHLAWN HILLS ACCORDING TO THE PLAT FILED ON JANUARY 12, 1971 PER RECEPTION NO. 140291;

THENCE ALONG THE NORTHERN BOUNDARY OF RICHLAWN HILLS FOR THE NEXT 12 COURSES:

1. THENCE SOUTH 89 DEGREES 55 MINUTES 34 SECONDS WEST A DISTANCE OF 710.00 FEET;
 2. THENCE SOUTH 00 DEGREES 04 MINUTES 26 SECONDS EAST A DISTANCE OF 491.54 FEET;
 3. THENCE SOUTHWESTERLY ALONG THE ARC OF OF CURVE TO THE RIGHT A DISTANCE OF 238.13 FEET, SAID CURVE HAS A RADIUS OF 470.00 FEET AND A CENTRAL ANGLE OF 29 DEGREES 01 MINUTES 48 SECONDS TO A POINT OF TANGENT;
 4. THENCE SOUTH 75 DEGREES 12 MINUTES 17 SECONDS WEST ALONG SAID TANGENT A DISTANCE OF 107.39 FEET TO A POINT OF CURVE;
 5. THENCE WESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 263.65 FEET, SAID CURVE HAS A RADIUS OF 270.00 FEET AND A CENTRAL ANGLE OF 55 DEGREES 58 MINUTES 50 SECONDS TO A POINT OF TANGENT;
 6. THENCE NORTH 48 DEGREES 50 MINUTES 53 SECONDS WEST ALONG SAID TANGENT A DISTANCE OF 52.07 FEET TO A POINT OF CURVE;
 7. THENCE WESTERLY ALONG THE ARC OF A CURVE TO THE LEFT A DISTANCE OF 127.30 FEET, SAID CURVE HAS A RADIUS OF 240.00 FEET AND A CENTRAL ANGLE OF 30 DEGREES 23 MINUTES 23 SECONDS TO A POINT OF TANGENT;
 8. THENCE NORTH 79 DEGREES 14 MINUTES 16 SECONDS WEST ALONG SAID TANGENT A DISTANCE OF 509.97 FEET TO A POINT OF CURVE;
 9. THENCE WESTERLY ALONG THE ARC OF A CURVE TO THE LEFT A DISTANCE OF 59.84 FEET, SAID CURVE HAS A RADIUS OF 290.00 FEET AND A CENTRAL ANGLE OF 11 DEGREES 49 MINUTES 21 SECONDS TO A POINT OF TANGENT;
 10. THENCE SOUTH 88 DEGREES 56 MINUTES 23 SECONDS WEST ALONG SAID TANGENT A DISTANCE OF 151.71 FEET TO A POINT OF CURVE;
 11. THENCE WESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 273.32 FEET, SAID CURVE HAS A RADIUS OF 460.00 FEET AND A CENTRAL ANGLE OF 34 DEGREES 02 MINUTES 35 SECONDS TO A POINT OF TANGENT;
 12. THENCE NORTH 57 DEGREES 01 MINUTES 62 SECONDS WEST ALONG SAID TANGENT A DISTANCE OF 76.93 FEET TO THE EAST RIGHT OF WAY LINE OF THE COUNTY ROAD;
- THENCE NORTH 32 DEGREES 58 MINUTES 58 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 1116.38 FEET;
- THENCE NORTH 25 DEGREES 06 MINUTES 42 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 780.91 FEET TO A POINT OF CURVE;

THENCE NORTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 56.88 FEET, SAID CURVE HAS A RADIUS OF 925.25 FEET AND A CENTRAL ANGLE OF 03 DEGREES 31 MINUTES 21 SECONDS TO THE MOST WESTERLY CORNER OF THE WILSON PARCEL (BOOK 819 AT PAGE 717);

THENCE SOUTH 50 DEGREES 36 MINUTES 41 SECONDS EAST A DISTANCE OF 504.57 FEET TO THE MOST SOUTHERLY CORNER OF SAID WILSON PARCEL;

THENCE NORTH 39 DEGREES 23 MINUTES 19 SECONDS EAST A DISTANCE OF 345.29 FEET TO THE MOST EASTERLY CORNER OF SAID WILSON PARCEL;

THENCE NORTH 50 DEGREES 36 MINUTES 41 SECONDS WEST ALONG THE NORTHEASTERLY LINE OF SAID WILSON PARCEL A DISTANCE OF 87.46 FEET TO THE MOST SOUTHERLY CORNER OF THE COYLE PARCEL (BOOK 638 AT PAGE 869);

THENCE NORTH 73 DEGREES 12 MINUTES 48 SECONDS EAST ALONG THE SOUTH LINE OF THE COYLE PARCEL A DISTANCE OF 913.61 FEET;

THENCE NORTH 83 DEGREES 28 MINUTES 25 SECONDS EAST ALONG THE SOUTH LINE OF THE COYLE PARCEL A DISTANCE OF 460.79 FEET TO THE SOUTHEAST CORNER OF THE COYLE PARCEL, BEING THE SOUTHWEST CORNER OF THE TAP PROPERTIES PARCEL;

THENCE NORTH 89 DEGREES 28 MINUTES 28 SECONDS EAST ALONG THE SOUTH LINE OF THE TAP PROPERTIES PARCEL A DISTANCE OF 1226.29 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THOSE PORTIONS CONVEYED IN DEED RECORDED OCTOBER 20, 1999 IN BOOK 1768 AT PAGE 1098.

AND EXCEPTING THEREFROM THAT PORTION TAKEN IN RULE AND ORDER RECORDED SEPTEMBER 26, 2003 AT RECEPTION NO. 2003143247.

COUNTY OF DOUGLAS, STATE OF COLORADO.

SAID PARCEL CONTAINS 3,958,306 SQUARE FEET, OR 90.87 ACRES, MORE OR LESS, AFTER SUBTRACTION OF THE EXCEPTIONS.

ORDINANCE NO. 2.248, Series of 2016**TITLE: A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY KNOWN AS THE MEADOWLARK PROPERTY IN DOUGLAS COUNTY**

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Town Council of the Town of Parker, Colorado, written petition(s) for annexation to and by the Town of Parker, Colorado, of that property described in attached **Exhibit A** (the "Property"), being contiguous unincorporated territory situated, lying, and being in the County of Douglas, State of Colorado;

WHEREAS, the Town Council of the Town of Parker, Colorado has conducted a public hearing, as required by law, to determine the eligibility for annexation of the Property; and

WHEREAS, the Town Council of the Town of Parker, Colorado, has satisfied itself concerning the eligibility for annexation of the Property, and concerning the conformance of the proposed annexation to the applicable law and the annexation policy of the Town of Parker, Colorado.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, THAT:

Section 1. The annexation by and to the Town of Parker, State of Colorado, of the Property, situated, lying, and being in the County of Douglas, State of Colorado, meets all requirements of law and the annexation policy of the Town of Parker, and therefore, the said annexation is hereby approved.

Section 2. More than fifty percent (50%) of the owner(s) of more than fifty percent (50%) of the Property have petitioned for annexation.

Section 3. Rezoning of the Property shall be completed simultaneously with the annexation of the Property, pursuant to Section 15.9 of the Home Rule Charter for the Town of Parker (the "Charter").

Section 4. Upon the effective date of this Annexation Ordinance, the Property shall become subject to the Municipal Laws of the State of Colorado pertaining to cities and to the Charter, ordinances, resolutions, rules and regulations of the Town of Parker, except general taxation, which shall be effective on and after January 1 of the next succeeding year following the passage of this Annexation Ordinance.

Section 5. The Town Council hereby approves the Annexation Agreement that is attached hereto as **Exhibit B**, and incorporated by this reference, and authorizes the execution of the Annexation Agreement by the Mayor and Town Clerk.

Section 6. Considering all of the foregoing, and based on the conviction that annexation of the Property to the Town of Parker will serve the best interests of the Town of Parker and the owner(s) of the Property, the Property is hereby annexed to the Town of Parker, Colorado.

Section 7. The Town Clerk shall file for recording one certified copy of the Annexation Ordinance and one copy of the Annexation Map for the Property with the Clerk and Recorder of the County of Douglas, State of Colorado.

Section 8. The Annexation Map showing the boundaries of the newly annexed territory, as above described, shall be kept on file in the office of the Douglas County Clerk and Recorder.

Section 9. The Town Clerk shall file two certified copies of the Annexation Ordinance and two certified copies of the Annexation Map for the Property with the Clerk and Recorder of the County of Douglas, State of Colorado, for such Clerk and Recorder's filing with the Division of Local Governments of the Department of Local Affairs and the Department of Revenue.

Section 10. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 11. This Annexation Ordinance shall become effective ten (10) days after the publication date of this Annexation Ordinance, except for the purpose of general taxation, and for such purposes it shall become effective on January 1st of the next succeeding year following passage of this Annexation Ordinance.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2016.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2016.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

Exhibit A

LEGAL DESCRIPTION:

A TRACT OF LAND SITUATED IN THE NORTHWEST 1/4 OF SECTION 3, AND IN THE EAST 1/2 OF SECTION 4, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 3 AND CONSIDERING THE NORTH LINE OF SAID NORTHWEST 1/4 TO BEAR 89 DEGREES 52 MINUTES 31 SECONDS EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE NORTH 89 DEGREES 52 MINUTES 31 SECONDS EAST ALONG SAID NORTH LINE A DISTANCE OF 1740.60 FEET;

THENCE SOUTH 00 DEGREES 07 MINUTES 29 SECONDS EAST A DISTANCE OF 34.37 FEET; THENCE SOUTH 23 DEGREES 12 MINUTES 25 SECONDS WEST A DISTANCE OF 1054.94 FEET;

THENCE SOUTH 31 DEGREES 26 MINUTES 50 SECONDS EAST A DISTANCE OF 550.78 FEET TO THE SOUTHEAST CORNER OF THE TAP PROPERTIES PARCEL (BOOK 982 AT PAGE 524) AND TO THE

TRUE POINT OF BEGINNING;

THENCE SOUTH 31 DEGREES 26 MINUTES 50 SECONDS EAST A DISTANCE OF 259.41 FEET;

THENCE SOUTH 24 DEGREES 40 MINUTES 14 SECONDS EAST A DISTANCE OF 846.84 FEET;

THENCE SOUTH 07 DEGREES 07 MINUTES 00 SECONDS EAST A DISTANCE OF 134.18 FEET TO THE SOUTH LINE OF SAID NORTHWEST 1/4;

THENCE SOUTH 89 DEGREES 51 MINUTES 10 SECONDS WEST ALONG SAID SOUTH LINE A DISTANCE OF 2118.05 FEET TO THE EAST 1/4 CORNER OF SAID SECTION 4;

THENCE SOUTH 00 DEGREES 04 MINUTES 26 SECONDS EAST ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 4 A DISTANCE OF 619.79 FEET TO THE NORTHEAST CORNER OF RICHLAWN HILLS ACCORDING TO THE PLAT FILED ON JANUARY 12, 1971 PER RECEPTION NO. 140291;

THENCE ALONG THE NORTHERN BOUNDARY OF RICHLAWN HILLS FOR THE NEXT 12 COURSES:

1. THENCE SOUTH 89 DEGREES 55 MINUTES 34 SECONDS WEST A DISTANCE OF 710.00 FEET;
 2. THENCE SOUTH 00 DEGREES 04 MINUTES 26 SECONDS EAST A DISTANCE OF 491.54 FEET;
 3. THENCE SOUTHWESTERLY ALONG THE ARC OF OF CURVE TO THE RIGHT A DISTANCE OF 238.13 FEET, SAID CURVE HAS A RADIUS OF 470.00 FEET AND A CENTRAL ANGLE OF 29 DEGREES 01 MINUTES 48 SECONDS TO A POINT OF TANGENT;
 4. THENCE SOUTH 75 DEGREES 12 MINUTES 17 SECONDS WEST ALONG SAID TANGENT A DISTANCE OF 107.39 FEET TO A POINT OF CURVE;
 5. THENCE WESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 263.65 FEET, SAID CURVE HAS A RADIUS OF 270.00 FEET AND A CENTRAL ANGLE OF 55 DEGREES 58 MINUTES 50 SECONDS TO A POINT OF TANGENT;
 6. THENCE NORTH 48 DEGREES 50 MINUTES 53 SECONDS WEST ALONG SAID TANGENT A DISTANCE OF 52.07 FEET TO A POINT OF CURVE;
 7. THENCE WESTERLY ALONG THE ARC OF A CURVE TO THE LEFT A DISTANCE OF 127.30 FEET, SAID CURVE HAS A RADIUS OF 240.00 FEET AND A CENTRAL ANGLE OF 30 DEGREES 23 MINUTES 23 SECONDS TO A POINT OF TANGENT;
 8. THENCE NORTH 79 DEGREES 14 MINUTES 16 SECONDS WEST ALONG SAID TANGENT A DISTANCE OF 509.97 FEET TO A POINT OF CURVE;
 9. THENCE WESTERLY ALONG THE ARC OF A CURVE TO THE LEFT A DISTANCE OF 59.84 FEET, SAID CURVE HAS A RADIUS OF 290.00 FEET AND A CENTRAL ANGLE OF 11 DEGREES 49 MINUTES 21 SECONDS TO A POINT OF TANGENT;
 10. THENCE SOUTH 88 DEGREES 56 MINUTES 23 SECONDS WEST ALONG SAID TANGENT A DISTANCE OF 151.71 FEET TO A POINT OF CURVE;
 11. THENCE WESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 273.32 FEET, SAID CURVE HAS A RADIUS OF 460.00 FEET AND A CENTRAL ANGLE OF 34 DEGREES 02 MINUTES 35 SECONDS TO A POINT OF TANGENT;
 12. THENCE NORTH 57 DEGREES 01 MINUTES 62 SECONDS WEST ALONG SAID TANGENT A DISTANCE OF 76.93 FEET TO THE EAST RIGHT OF WAY LINE OF THE COUNTY ROAD;
- THENCE NORTH 32 DEGREES 58 MINUTES 58 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 1116.38 FEET;
- THENCE NORTH 25 DEGREES 06 MINUTES 42 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 780.91 FEET TO A POINT OF CURVE;

THENCE NORTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 56.88 FEET, SAID CURVE HAS A RADIUS OF 925.25 FEET AND A CENTRAL ANGLE OF 03 DEGREES 31 MINUTES 21 SECONDS TO THE MOST WESTERLY CORNER OF THE WILSON PARCEL (BOOK 819 AT PAGE 717);

THENCE SOUTH 50 DEGREES 36 MINUTES 41 SECONDS EAST A DISTANCE OF 504.57 FEET TO THE MOST SOUTHERLY CORNER OF SAID WILSON PARCEL;

THENCE NORTH 39 DEGREES 23 MINUTES 19 SECONDS EAST A DISTANCE OF 345.29 FEET TO THE MOST EASTERLY CORNER OF SAID WILSON PARCEL;

THENCE NORTH 50 DEGREES 36 MINUTES 41 SECONDS WEST ALONG THE NORTHEASTERLY LINE OF SAID WILSON PARCEL A DISTANCE OF 87.46 FEET TO THE MOST SOUTHERLY CORNER OF THE COYLE PARCEL (BOOK 638 AT PAGE 869);

THENCE NORTH 73 DEGREES 12 MINUTES 48 SECONDS EAST ALONG THE SOUTH LINE OF THE COYLE PARCEL A DISTANCE OF 913.61 FEET;

THENCE NORTH 83 DEGREES 28 MINUTES 25 SECONDS EAST ALONG THE SOUTH LINE OF THE COYLE PARCEL A DISTANCE OF 460.79 FEET TO THE SOUTHEAST CORNER OF THE COYLE PARCEL, BEING THE SOUTHWEST CORNER OF THE TAP PROPERTIES PARCEL;

THENCE NORTH 89 DEGREES 28 MINUTES 28 SECONDS EAST ALONG THE SOUTH LINE OF THE TAP PROPERTIES PARCEL A DISTANCE OF 1226.29 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THOSE PORTIONS CONVEYED IN DEED RECORDED OCTOBER 20, 1999 IN BOOK 1768 AT PAGE 1098.

AND EXCEPTING THEREFROM THAT PORTION TAKEN IN RULE AND ORDER RECORDED SEPTEMBER 26, 2003 AT RECEPTION NO. 2003143247.

COUNTY OF DOUGLAS, STATE OF COLORADO.

SAID PARCEL CONTAINS 3,958,306 SQUARE FEET, OR 90.87 ACRES, MORE OR LESS, AFTER SUBTRACTION OF THE EXCEPTIONS.

From: Wanda Wilson [Wanda@TripleCrownVenturesLLC.com]
Sent: Monday, June 13, 2016 12:37 PM
To: Mayor, Council, and TA
Subject: ANNEXATION AND REZONING JULY 5,2016 Meeting

TO: Mayor Mike Waid, John Diak, Amy Holland, Debbie Lewis, Josh Martin, Joshua Rivero & Renee Williams as the Town Council Members, Parker, CO

We are pleading with the Town of Parker Council Members to consider a date change for the first Annexation and Rezoning Eligibility Public Hearing Meeting currently set for July 5, 2016 for the Meadowlark Project by Meritage Homes, to a date that is not falling on a major American Holiday week, where the majority of the "public" is out of town that week and will not be able to voice an objection against this project because of such.

As a citizen and as a small Richlawn community of Douglas County, we are greatly objecting against the Meritage Homes annexation and zoning (ANX16-004 and Z16-007) project that the Town of Parker Council Members will be first reviewing on July 5th. Attached is our March 16, 2016 letter to the Town of Parker Planning for your review, voicing some of the concerns we have with this project.

Thank you for your consideration in a change of date on this most important issue that will GREATLY impact our small Richlawn Rural Community. We would all like an opportunity to speak to you upon the FIRST review process meeting.

We look forward to your response,

Representing Citizens against ANX16-004 and Z16-007
Wanda Wilson
7600 N. Crowfoot Valley Road
303-921-2268

Karl & Wanda Wilson
7600 North Crowfoot Valley Road
POB 4805
Parker, Colorado 80134
(303) 947-5201

Town of Parker
Community Development Department
20120 East Mainstreet
Parker, CO 80134
Attn: Mr. Ryan McGee
Delivery Email: RMcGee@parkeronline.org

RE: Meritage Homes Application for Annexation and Zoning
Meadowlark Parcel/ ANX16-004 and Z16-007

March 16, 2016

Dear Mr. McGee,

It was a pleasure speaking to you yesterday and thank you for your time. We are Colorado natives and for 28 years, residents of (6900) 7600 North Crowfoot Valley Road and the Richlawn Rural Community Neighborhood. After reviewing the submitted application for the Meadowlark parcel, below are some of our concerns and issues, where we pray for relief that the Town of Parker will deeply consider when reviewing.

WILDLIFE: According to the Wildlife Resources Map Douglas County Comprehensive Master Plan 2035, the area that is being proposed for Residential Homes is designated as "High Habitat Value". We will attest to the significant wildlife habitat that roams this area, have breeding grounds, nesting areas, feeding grounds and migration routes to Cherry Creek, essential to survival. A family of Horn Owls have lived in this field longer than any of us and have nesting grounds in the dirt banks of Lemon Gulch. Along with numerous deer, mountain lion, coyote, fox, migrating geese, hawks, jumping mice and prairie dogs that use the open area. As Douglas County designated, this area IS of High Habitat Value and with no plans or studies as to what this project will do to this natural wildlife corridor, we strongly believe this should be taken into consideration.

ESTABLISHED LAND PATTERN: According to the Agreement between Douglas County and The Town of Parker, 3/14/06, it states "Building out in the established land pattern." It is of great importance to understand that we believe the current established land pattern represents rural horse property with 4+ acre dwelling sites. Whereas the Meritage proposes 3.5 dwellings per acre, negating the long standing established RURAL land pattern that Richlawn Community created decades ago and that Douglas County supported. We don't believe this project fits the rural community that was first established.

KEEP CROWFOOT RURAL. Again, according to the agreement with Douglas County and the Town, a plan was put into place to protect the "Rural Roadside" character of Crowfoot Valley Road by establishing an open space buffer zone along this corridor. According to The Henry Group Design, it appears as if no plans are in place for the protection of Crowfoot Valley Road. The plan shows 19 homes backing right to Crowfoot Valley Road, with no indication of protective buffer zones. Additional, where is the community buffer zones for our neighbors on Richlawn Drive, including the property that has over 20 homes within fence line distances?

TRAFFIC: According to the Douglas County Traffic Volumes Study and The Henry Group Design Traffic Volumes Study, discrepancies in these reports are of great concern. The 1/27/16 Douglas County Traffic Counts Report shows that Crowfoot East of Lemon Gulch in a 24 hour period represents 6,262 vehicles, yet the Henry Groups independent traffic study counted a total of 1,442 in a 24 hour period. In addition, the Henry Group calculated that an additional 2,666 will be added to Crowfoot Valley Road. That is a significant difference in traffic count and needs to be further examined, as it is already difficult for us to get out of own our driveway! Please also consider, that this area of Crowfoot is 40mph, not 50mph as stated by the Henry Group report. The speed limit should remain 40mph up past Richlawn Drive, for safety concerns, such as the school bus stops on that part of Crowfoot Valley Road. Noise pollution from the concrete paving surface of Crowfoot Valley Road causes great concern with the additional traffic that will be put onto the road from this project. Sound barriers and asphalt paving need to be addressed around this project, assisting in keeping Crowfoot Valley Road quieter.

HAZARDS AND ENVIRONMENT: According to the Class 3 Hazards and Environment Constraints Comprehensive Master Plan 2035, the proposed area for build rests in a HIGH SLOPE FAILURE AREA, causing us concerns The Henry Group Design did not address the significant danger of such area in their proposed plan of the 2 acre park surrounding Lemon Gulch, leaving a high liability possibility to the Town. In addition to the Hazards of Slope Failure problems, environmental concerns such as the noise pollution from concrete paving, storm drainage issues addressing the 100 year flood plan, "sub-division" noise, light pollution, infringement of unwanted domestic animal trespassing and increased crime patrol.

In conclusion, we believe there are other locations better suited for this type of project.

Thank you for time and consideration in our concerns with this project.

Submitted on this day of March 16, 2016

Karl & Wanda Wilson

Cc: Richlawn Neighbors/ mailing

Douglas County Planning Division
100 Third Street
Castle Rock, Colorado 80104

McGee, Ryan

From: Sietsema, Rosemary
Sent: Thursday, March 17, 2016 8:22 AM
To: McGee, Ryan
Cc: Fussa, John; Greer, Steven
Subject: FW: Z16-007 Meadowlark Subdivision

Follow Up Flag: Follow up
Flag Status: Completed

Ryan,
Fyi please respond to Mr. Hamill.

Thank you,

Rosemary

From: Mark Hamill [<mailto:Mark.Hamill@southmetro.org>]
Sent: Wednesday, March 16, 2016 5:50 PM
To: Planning
Subject: Z16-007 Meadowlark Subdivision

Dear Planning,

I am writing you in concern of the proposed development in the area of my home. Upon reviewing the Development Plan, I see an entrance that is directly across from my parcel and is pointing directly into my picture window. I'm the 2nd newest in the area and have enjoyed this rural living for 17 years. Needless to say, NONE of the current residents of Richlawn Hills are excited or welcome this development. None of us can understand how you could approve the density level from Agriculture/ Rural Residential= Zero homes, to the proposed 315-275 homes on this acreage. This development will impact our way of life drastically. We shoot, ride dirt bikes, fly airplanes, ride horses, raise chickens, have parties, etc. These may not be your thing, but it's what many of us enjoy and we don't bother anyone. Now with 300 neighbors, I can imagine someone will complain because that's what people do. Yes, land gets sold and development is good for the owners, I understand. We all live out here to get away from the stress and riff raff of the town. We are not at all interested in being annexed into the town. County does just fine with services provided. I know I can't stop this development, but I would really appreciate your working with current residents in the area to minimize the impact this will have on our lifestyle. I have served this community for 21 years now as a fire officer with SMFRA and would like to retain my peaceful domicile.

Sincerely,

Mark Hamill
7210 Richlawn Pkwy
Parker 80134

303-908-4715

Fireflyn69@aol.com

April 14, 2016

Town of Parker
Community Development Department
Mr. Ryan McGee
20120 East Mainstreet
Parker, CO 80134
Delivery email:

Re: Annexation and Zoning ANX16-004/Z16-007 - Richlawn

Dear Mr. McGee:

I have lived in Colorado almost all of my life (since 1967). I grew up in Littleton - went to Arapahoe H.S. and University of Denver where I met my husband. We chose to live in Parker in 1985 because of the small rural community it was at that time. Our families thought we were crazy!!! I worked in Cherry Creek and my husband, a P.E. teacher and coach, worked at Acres Green initially and then taught PE and coached in Castle Rock for 28 years until he retired 4 years ago.

Our first house was in Parker North which we bought in 1985, and where we lived until we out grew our home. We had three young daughters, and we both wanted to continue to live in Parker, but we wanted to live in a rural community.

We were lucky enough to buy our home in 1991. It was a foreclosure that no one wanted. We have lived here since 1991 and almost all our immediate neighbors were already here when we moved in - Sharon and Mark Luhrs, Jennifer and Daryl Van Kooten, Mel & Helen Rich, Nancy and Frank Gustafson, and the Serranos. We moved here because we wanted to live in rural Parker. Parker has grown into a town that doesn't look like it did in the day. The town has actually moved to us - which I will admit hasn't been all bad. The trail is about 1 mile from our house, and a grocery store 2 miles from our house. The homes just keep on being built everywhere you look (Pinery, Stepping Stone, Main Street Parker etc).

I'm no expert on "The Master Plan", but I believe many Parker residents don't like what appears to be uncontrolled growth in our town. It sure seems like there is a new sub-division going up daily. It appears that there are plenty of homes being built and it's just a shame that we can't keep the reason so many of us live in Parker special. Parker could very well be Highlands Ranch or any other city in Colorado, because we don't seem to be concerned about the wild life and the land that made Parker so special to begin with.

I tried to look at all the paperwork and surveys that Meritage Homes has filed to try and cram 315 homes into a beautiful piece of land and buffer from the city, and it's really disheartening. I don't want an entrance on our small dirt road which services maybe 14 homes. I know I don't own the land and whoever owns it has the right to sell it, but why can't the land remain rural like it was intended and zoned? Why not sell the land to someone that will appropriately use the land instead of building as many homes as possible just to ensure a profit for them (they don't even live in the community let alone the state)? If the land can't remain open, why not put homes that would at least blend in with the rural nature of the land?

I now have three grown daughters, and five granddaughters (with a grandson on the way), and really thought we would live here until we no longer could. The thought of living in a congested city (which is what we were getting away from 25 years ago) ruins those dreams. While my husband is retired, I am not, and commute to the Tech Center daily. If I wasn't working, I would certainly consider moving to Elizabeth.

I am in full agreement with our neighbors, Karl & Wanda Wilson, who did an excellent job expressing their and our concerns. I know we're just one homeowner, but these are my concerns too and I hope that someone is looking out for those of us who feel like I do.

I have attached pictures of what I see when I drive home, and the view on a walk with my granddaughter.

I hope there is something that can be done - but my husband says - "You can't fight city hall!"

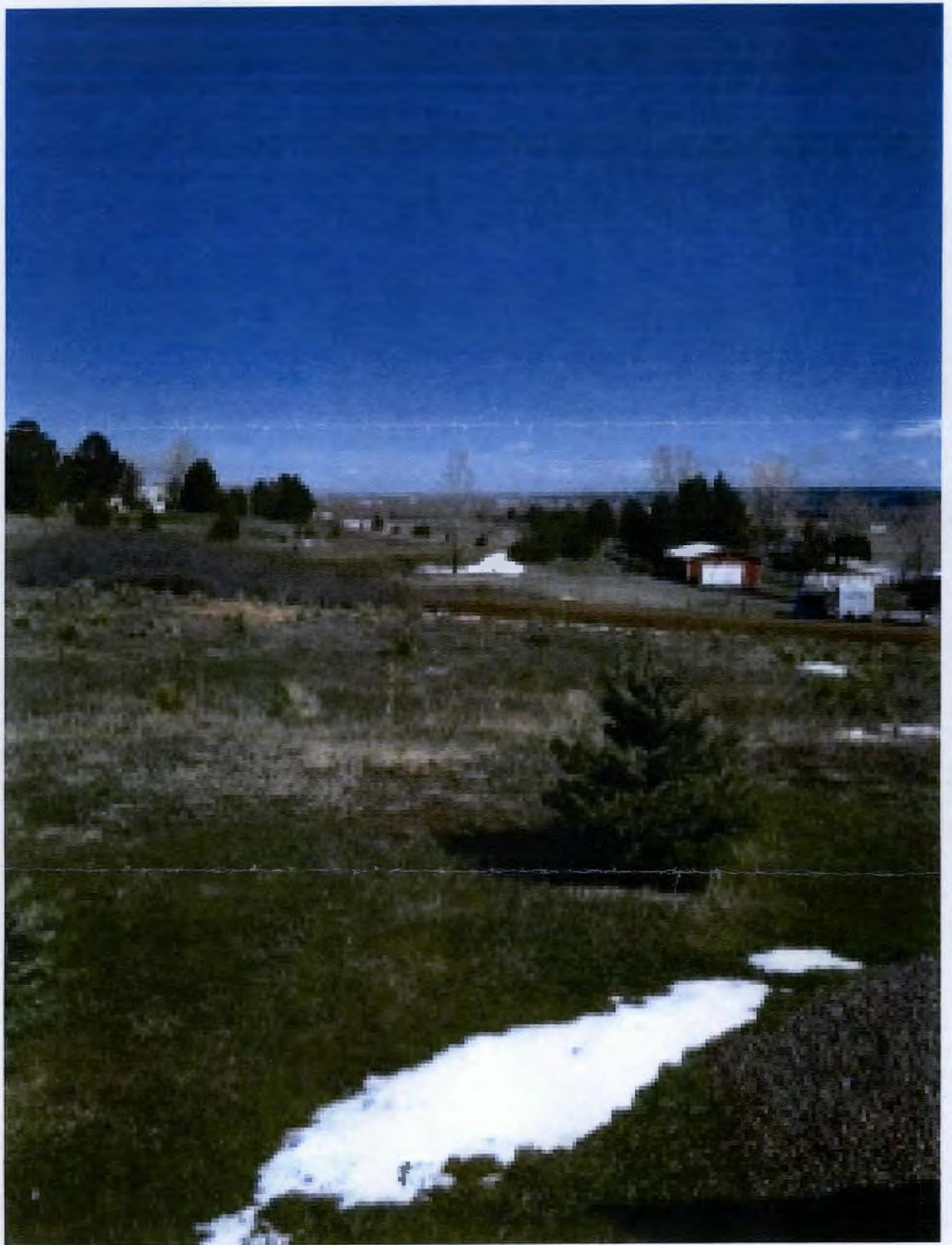
I appreciate your time in listening to my concerns.

Thank you.



Linda K. Roberts
7122 Richlawn Parkway
Parker, CO 80134
(303) 947-9473











ITEM NO: 9B
DATE: 07/05/2016

REQUEST FOR TOWN COUNCIL ACTION

TITLE: PAWNEE DANIELS PARK TRANSMISSION LINE – Use by Special Review

RESOLUTION NO. 16-051

A Resolution to Approve the Public Service Company of Colorado Application for a Use by Special Review for that Portion of the Pawnee-Daniels Park 345kV Transmission Line Project Within the Jurisdictional Boundaries of the Town of Parker

- | | |
|--|--|
| <input checked="" type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCE FOR 1 ST READING |
| <input type="checkbox"/> CONTRACT | <input type="checkbox"/> ORDINANCE FOR 2 ND READING |
| <input type="checkbox"/> MOTION | <input checked="" type="checkbox"/> RESOLUTION |

Rosemary Sietsema for

John Fussa, Community Development Director

G. Randolph Young

G. Randolph Young, Town Administrator

ISSUE:

Public Service Company of Colorado (PSCO/the Company) proposes to locate a second transmission line using monopole towers within the existing PSCO right-of-way (ROW). This is part of a regional project to construct a new 345 Kilovolt (kV) transmission line between the Daniels Park electrical substation northeast of Castle Pines and the Pawnee substation in northeastern Colorado.

PRIOR ACTION:

None

FUNDING/BUDGET IMPACT:

None

BACKGROUND:

The Colorado State Legislature approved Senate Bill (SB) 07-100 in 2007 which establishes an expectation for utility service providers whose rates are regulated by the Public Utilities Commission (PUC) to file a biennial transmission development plan. This plan is intended to demonstrate how the utility provider will meet anticipated future growth demands as well as expanding the range of renewable energy resources such as solar and wind. SB07-100 specifically affected PSCO in that it is required to expand electrical capacity on the existing Pawnee to Daniels Park transmission line and also generate power from renewable resources.

PSCO made an application to the PUC in 2015 and obtained a Certificate of Public Convenience and Necessity (CPCN) beginning work on the design of a new transmission line to bring the Company into compliance with the provisions of SB07-100.

The proposed project is known as the Pawnee-Daniels Park 345 kV Transmission Line. In order to obtain land use approval for the portion of the Pawnee-Daniels Park 345 kV Transmission Line within the Town of Parker, PSCO must file an application and obtain approval of a use by special review for public utilities as defined in Section 13.04.205 of the Town's Land Development Ordinance.

The PSCO corridor within Parker is approximately 5.4-miles long, 210-feet wide and contains buried natural gas lines in addition to the existing 230 kV transmission line. The PSCO corridor through the Town may be characterized as industrial in nature, bordering multiple residential neighborhoods, proximate to sensitive receptors such as parks and schools and having limited maintenance. Portions of this corridor contain parks within it, such as in Rowley Downs, or adjacent to it, such as in Bradbury Ranch. The Town has obtained license agreements to allow public streets to cross the right-of-way in a perpendicular direction. The Town has also designed the East/West Regional Trail, from the Cherry Creek Trail to its western border within the existing PSCO corridor. Portions of it pass through parking lots as it progresses through the Greater Downtown District/Market Center on Twenty Mile Road. The vast majority of the corridor has been left in a natural, ungraded and lightly vegetated state. This is despite the fact that the entire alignment within Parker is adjacent to residential or commercial development.

PSCO proposes to locate 34 monopole structures within the existing 5.4-mile utility corridor parallel with the existing 230 kV on lattice towers. These monopoles will be between 100 and 150-feet in height depending upon the existing grades at the base of the monopole. Staff has determined that the proposal will create significant impacts along the length of the PSCO corridor including the following:

Visual:

The proposed second line will increase the number and visibility of electric transmission lines and monopole towers in the corridor. This will further impede views of the mountains, surrounding bluffs, the Black Forest and will blight sight lines through town.

Nuisance:

The proposal is for an industrial use with identified nuisances including noise, vibrations and impact from construction. It will increase nuisance impacts over that which can already be experienced near the existing 230 kV power line. The addition of a 345 kV line is anticipated to exacerbate the situation with the expansion of the industrial use.

Industrial Nature of the Utility Use:

Transmission line structures, whether lattice towers or monopoles, are facilities of an industrial nature. The utility corridor progresses through existing residential neighborhoods, parks/open space and the Greater Downtown District/Market Center commercial retail and restaurant use areas. Installing a second transmission line in this area will intensify an industrial use which is already not compatible with surrounding land uses. This will exacerbate the land use conflicts associated with the proposal.

Sensitive Area Intrusion (Parks, Schools, Open Space):

The PSCO corridor and proposal for a second transmission line will adjoin and be located in close proximity to multiple sensitive receptors such as housing, parks/open space and schools. There are existing schools near the power line, as well as community parks within the utility corridor or immediately adjacent to it. There are also existing open space resources impacted by the proposal such as Cherry Creek and Harvie Open Space. A second transmission line will impact these sensitive receptors and the residents and visitors enjoyment of these resources.

Segmentation/Fragmentation of Neighborhoods along Utility Corridor:

The existing utility corridor already bisects several neighborhoods within Parker. Those neighborhoods must accept the fragmentation and segmentation which comes from having such an intrusive industrial use located through their neighborhood. A second transmission line will intensify the industrial use of the corridor and increase the negative impact generated by the proposal because it bifurcates neighborhoods and physically separates the Town north to south. The addition of a second transmission line towers will make the corridor an even greater barrier through Town.

Construction:

PSCO anticipates that construction of the second transmission line will not occur until 2019, however when construction commences there will be heavy equipment, grading apparatus and multiple points of access to the utility corridor from existing Town streets. If not managed properly, construction activity will generate noise, dust, fumes, vibration and may displace animals/vermin/rodents within the utility corridor to adjoining properties.

From a planning perspective, it is necessary to address the impacts through mitigation to reduce the detrimental effects and satisfy the use by special review criteria. The following six mitigation strategies are proposed:

1. **Rowley Downs Trail Connection to Reata North** – This trail addition will run from the central open space within Rowley Downs southeast within the PSCO corridor and connecting with the existing trail running north/south within the Willow Park community. There will also be an at-grade crossing of Seibert Circle. The trail will be 10-foot wide concrete and approximately 1,700-foot long. The new trail will connect to the existing Willow Park Trail which will eventually connect to the trail system being developed within the Reata North development. Staff would also support improvements to the Rowley Downs Homeowners' Association (HOA) owned park on Siebert Circle that is partly bisected by the PSCO right-of-way and will be impacted by the proposal, should the HOA seek mitigation and PSCO agree to improvements as part of the mitigation.

2. **Olde Town Mid-block Trail Connection** – Olde Town filing 1A established several open space tracts between East NeuTowne Parkway and the southerly boundary of Olde Town at Parker. Olde Town at Parker Filing 1B will locate a trail within these open space tracts. The mitigation trail connection will run from the terminus of Olde Town Trail at the south boundary of the property and continue south through the existing PSCO corridor to link with the existing East/West Regional Trail adjacent to Todd Drive. This will provide existing and future residents of this area convenient regional trail access. The trail will be 10-foot wide concrete and approximately 225-feet long.
3. **Completion of Bradbury Hills Community Park** – Bradbury Park was constructed approximately 12 years ago in cooperation with Ryland Homes which developed the community at that time. Their land plan included a centrally located 11-acre community park. Since the proposed community park was bisected by the PSCO corridor (210-foot wide), the Town requested permission from the Company to include the three-acre property that bisected the park in its design and construction. This prior request was denied by PSCO. As a result, the current park has an unimproved, PSCO owned strip of land dividing the improved northerly and southerly sections. Proposed improvements will include irrigated sod and planter/shrub beds as well as walking paths, resulting in a fully completed and integrated 11-acre community park. PSCO has agreed to allow these park improvements within their ROW with the approval of a license agreement.
4. **East/West Regional Trail Grade Separated Under Crossing At Jordan Road** – The East-West Regional Trail crosses Jordan Road at-grade adjacent to the PSCO corridor with limited bike/pedestrian improvements. The Trail is expected to be completed in several years within Parker greatly increasing its usage. A grade separated under-crossing at Jordan Road would provide a safer and more convenient route for pedestrians and bicyclists using the Trail within the PSCO corridor. This Trail is ultimately planned to run from the Cherry Creek Trail on the east within Parker to Chatfield State Park in the west. We anticipate significant use by Parker residents, County residents and visitors. Based upon anticipated usage, this trail corridor improvement will be constructed 10-foot wide with an all-weather concrete surface.
5. **Public Service Company Right-of-Way Vegetation Enhancement Program** – Within the PSCO corridor are a number of native grasses which lend to the open space feel of the area. However, there are substantial areas of invasive, non-native plant species along the corridor that threaten the native, xeric vegetation and are a nuisance to adjacent property owners. The vegetation enhancement program is targeted to increase the viability of the native, xeric plant species found within the 5.4-mile PSCO corridor through Parker by managing the invasive species to reduce their negative impact upon the landscape.

6. **Tree/Landscape Grant Program** – The proposed monopoles for the 345 kV transmission line are anticipated to be between 100 and 150-feet high. There is no practical way to completely screen an object that tall, particularly if you are the owner of a property adjacent or proximate to the edge of the PSCO corridor. This mitigation strategy will create a grant program for the owners of residential properties which are located within 100 feet of the PSCO corridor and provide them with a maximum \$500 reimbursement for the planting of trees or landscaping for screening of the monopoles.

PSCO has agreed to these mitigation improvements as a condition of approval. They have also requested that the duration of any use by special review approval be extended until construction begins in 2019. These provisions have been incorporated into Resolution 16-051.

RECOMMENDATION:

Staff recommends that the Town Council approve Resolution 16-051, approving the Public Service Company (“The Company”) 345 kV Pawnee-Daniels Park Transmission Line, subject to the 26 conditions contained in the Planning Commission staff report and included within the resolution. The Planning Commission will make a recommendation regarding the use by special review on June 30, 2016. The 26 conditions are as follows:

1. The monopoles used by the Company for the Project will be grey steel poles. If a lattice tower is removed as a part of the Project, it will be replaced by the Company with a monopole of a type similar to the monopoles being installed as a part of the Project. The Company will also provide the Town with an estimate of the cost to replace all of lattice structures within the Company ROW with monopoles within 90 days of the date of this Resolution.
2. Noise and electromagnetic field levels will not exceed those levels provided in the CPCN.
3. The Company will restore any disturbance to the Site, including the removal of all soil that is displaced on the Site as a result of the installation of the new monopoles, as a part of the Project.
4. The Company will reconstruct to Town Standards any recreational trails disturbed by the Project, including any recreational trails that cross the Site or are located within the Site, including, but not limited to, the Town of Parker East-West Trail.
5. The installation of monopoles by the Company as a part of the Project will not reduce the number of parking spaces that currently exist in the commercial areas of the Town.
6. The Company, in lieu of a two-track access through the Site, will construct as approved by the Town, a fixed permanent access made of soft surface materials that allows for recreational use, as well as access for the Company.

7. The Company will provide to the Town a construction access plan (the “Construction Access Plan”) based upon Town Standards, at least six (6) months prior to the issuance of any permits by the Town for the Project. No permits will be issued until the Construction Access Plan is approved by the Town. The Construction Access Plan will describe where the Company and its designated contractors can access the Site from Town streets with large construction vehicles. The Town will not permit access to the Site from residential local streets, except as provided in the Town-approved Construction Access Plan and the associated right-of-way permit.
8. The Company will provide a Construction BMP (GESC) Plan to the Town based upon Town and/or County standards, at least six (6) months prior to the issuance of any permits by the Town for the Project. No permits will be issued until the Construction BMP (GESC) Plan is approved by the Town. This plan will ensure that construction activities do not create erosion/sediment impacts as a result of the Project and associated construction access to the Project. This plan will also identify all existing drainage facilities to ensure that they are not adversely impacted by the proposed improvements and construction activities.
9. The Company will be required to obtain a Town grading (GESC) permit prior to the start of construction. The Company will be required to prepare and submit for review all necessary CBMP plans (GESC) and technical information associated with this permit. The application associated with this permit, including all required information, must be submitted to the Town for review a minimum of ninety (90) days prior to the start of construction.
10. The Company will provide a construction mitigation plan (the “Construction Mitigation Plan”) to the Town based upon Town standards, at least six (6) months prior to the issuance of any permits by the Town for the Project. No permits will be issued until the Construction Mitigation Plan is approved by the Town. The Company will address in this plan how the Company will prevent the generation of dust, fumes, vibration, displacement to residential properties of animals/vermin/rodents and construction-related noise, or, if generated, how the Company will mitigate impacts to adjacent neighborhoods. The Company will provide to the Town a single point of contact for public communication with the Company. The Company will provide for public outreach prior to and during the construction of the Project, such as a newsletter, open house and hotline.
11. The Company will provide to the Town a pre-construction visual survey of the Town streets, sidewalks, trails and landscaping adjacent to the Site prior to the issuance of any permits for the Project to establish a base line of the existing conditions of these streets prior to the start of construction.
12. The Company will provide to the Town a post-construction visual survey of the Town streets, sidewalks, trails and landscaping adjacent to the Site upon completion of the Project to determine that any damage has been properly repaired, including the restoration of any landscaping that is damaged. The Company will repair all damage to Town roadways and adjacent landscaping.

13. The Company will meet with each of the board of directors of the homeowners' associations that represent the neighborhoods adjacent to the Site at least six (6) months prior to the issuance of any permits for the Project. The purpose of these meetings is to brief the directors concerning the pertinent construction details associated with the Project.
14. The Company will obtain a Town right-of-way permit for any construction activities that will impact adjacent public roadways. These activities include temporary staging of materials or equipment within the roadways. The Company will submit an application for this permit at least ninety (90) days prior to the issuance of any permits for the Project. The application will include the preparation and submission of all necessary traffic control plans to ensure that pedestrians and the traveling public are not adversely impacted by the construction activities associated with the Project.
15. The staging of Project equipment and/or materials on Town roadways will generally not be permitted. However, there are likely to be some construction activities within the Town roadways that may be unavoidable (stringing of power lines). These activities must be approved as part of a Town right-of-way permit. The Company will be required to repair any street damage associated with the construction activities, in accordance with Town standards.
16. Project construction traffic and access to the Company's right-of-way should be limited to arterial or collector roadways. Construction traffic on residential local streets will not be permitted, unless authorized by the Town through the associated Town grading (GESC) and/or right-of-way permit.
17. The Company will be required to submit an application for a Town floodplain development permit for any disturbance within regulatory floodplains within the Town at least ninety (90) days prior to the issuance of any permits for the Project. This includes permanent impacts as well as temporary construction impacts. The Company will need to provide an engineering analysis showing the impacts of permanent structures/impacts within the limits of the Cherry Creek floodplain. If the engineering analysis suggests no adverse impact (0.00 ft. rise in the base flood elevation), a no-rise certification will need to be prepared by a registered professional engineer and submitted along with the floodplain development permit application. If the activity results in a change to the base flood elevation, the Company will be required to submit necessary letter of map change applications to FEMA. The Company is strongly encouraged to organize construction in a manner that will not cause any impacts (permanent and/or temporary) to all other regulatory floodplain crossings within Town.
18. Since the proposed improvements (monopoles) are isolated, including minimal impervious area, and are not changing the existing topography, a drainage report/plan will not be required. However, care should be taken by the Company during construction to ensure existing drainage facilities are not adversely impacted or damaged.

19. The proposed pole located at the northeast corner of Dransfeldt Road and Twenty-Mile Road is within the inundation area of an existing stormwater retention pond. The pole is not within the permanent pool, but may be inundated (less than 2-3 feet) for short durations after heavy precipitation events. The Company should evaluate any potential impacts to the associated pole foundation. Technical information pertaining to this detention pond can be provided by the Town upon request.
20. It appears that the proposed poles are outside of the Preble's Meadow Jumping Mouse (riparian conservation zone) along Cherry Creek. However, the Company should verify and be aware that any permanent or temporary impacts/disturbance to the riparian conservation zone will require authorization from the U.S. Fish and Wildlife Service.
21. The Company will obtain all municipal, state and federal permits associated with the construction of this project, including Section 404 (Wetlands) permits.
22. The Company will hold a pre-construction meeting with the Town prior to the release of any permits and the start of construction. This meeting can be scheduled through the Town's Engineering Department. The Company will also hold regular progress meetings between the Town, the Company and the contractor(s) used by the Company, based on a schedule provided by the Town.
23. The Company will ensure that construction activities related to the Project will not interfere with the following events and races that are held in the Town, including Parker Days (second weekend in June); Parker Farmer's Market (Sundays May through October; Trick or Treat on Mainstreet (Oct. 31); Let Freedom Sing (July 4); Valentine's Day Race (second weekend in February); So Long to Summer Race (first or second weekend in August); Arbor Day Race (Last Saturday in April); as well as other events and races that take place along the Company ROW during construction. The Company will contact the Town at least six (6) months prior to the issuance of any permits for the Project to determine the events and races that will be subject to this condition.
24. The Company will comply with the Parker Municipal Code and all applicable state and federal laws during the construction of the Project.
25. The Department of Community Development is authorized to make minor changes to the conditions/safeguards contained herein to the extent provided in Section 13.03.030 of the Parker Municipal Code.
26. The Company agrees to the mitigation strategy as presented in this staff report.

PREPARED/REVIEWED BY:

Patrick Mulready, Senior Planner; Bryce Matthews, Comprehensive Planning Manager; John Fussa, Community Development Director; Tom Williams, Engineering Director; Dennis Trapp, Project Administrator; James S. Maloney, Town Attorney

ATTACHMENTS:

1. Vicinity Map
2. Resolution 16-051
3. Site Plan Exhibits
4. Staff Report & Referral Agency Comments

RECOMMENDED MOTION :

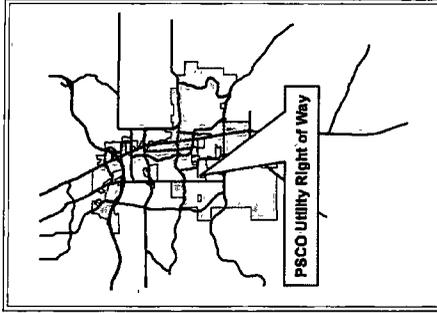
"I move to approve Resolution No. 16-051."



PARKER
COLORADO

**PSCO Pawnee Daniels 345 kV
Transmission Line
Utility Use by Special Review**

Attachment 1



Legend

-  Town Boundary
-  Site
-  Roads

Narrative:
Applicant seeks approval of a Utility Use By Special Review for location of a 345 kilovolt transmission line adjacent to an existing transmission line within right of way owned by the utility provider.

Planner: Patrick Mulready
Hearing Schedules:
Planning Commission: June 23, 2016
Town Council: July 5, 2016



RESOLUTION NO. 16-051, Series of 2016

TITLE: A RESOLUTION TO APPROVE THE PUBLIC SERVICE COMPANY OF COLORADO APPLICATION FOR A USE BY SPECIAL REVIEW FOR THAT PORTION OF THE PAWNEE-DANIELS PARK 345kV TRANSMISSION LINE PROJECT WITHIN THE JURISDICTIONAL BOUNDARIES OF THE TOWN OF PARKER

WHEREAS, on April 3, 2014, the Public Service Company of Colorado (the "Company"), pursuant to C.R.S. § 29-20-108, notified the Town that it planned to construct a 345 kV transmission project referred to as the Pawnee to Daniels Park transmission project ("the Project");

WHEREAS, the Project will consist of approximately 115 miles of new transmission, including approximately 5.42 miles located within the Town of Parker within the existing utility corridor that is owned by the Company (the "Site");

WHEREAS, concurrent with the submittal of notice to the Town, the Company filed an application for a Certificate of Public Convenience and Necessity (the "CPCN") with the Public Utilities Commission of the State of Colorado (the "CPUC") seeking approval of the Project and specific findings that the noise and electromagnetic field levels resulting from the Project are reasonable;

WHEREAS, on July 14, 2014, the Town entered into an agreement with Exponential Engineering Company, to provide technical support for fiscal years 2014 and 2015 to Town staff regarding the Project, including the application that was submitted to the CPUC for the CPCN, which agreement was amended in 2016, to include further technical support related to the land use applications submitted by the Company to the Town related to the Project;

WHEREAS, on March 11, 2015, the CPUC granted the CPCN sought by the Company (CPUC Decision No. C15-0316), and the decision approving the CPCN makes findings that the Project is just and reasonable and the noise and electromagnetic field levels resulting from the Project are reasonable;

WHEREAS, the CPUC, as a part of the decision, conditioned approval of the Project on a requirement that the Company not begin construction of the Project until May 1, 2020, in order to avoid premature rate impacts of the Project;

WHEREAS, the CPUC, as a part of its decision, also recognized that "the specific siting concerns expressed by the public are outside of the scope of this proceeding and should be addressed to the governing land use permitting authorities;"

WHEREAS, on February 24, 2016, the Company submitted a land use application consisting of a Site Plan Application to the Town pursuant to Section 13.06.030 of the Parker Municipal Code ("Site Plan Application");

WHEREAS, on February 24, 2016, the Company submitted an application for Use by Special Review-Public Utility (“Special Review Application”) pursuant to Section 13.04.205 of the Parker Municipal Code;

WHEREAS, on March 10, 2016, the Town Attorney retained Ken Fellman, Esq, a partner in the law firm of Kissinger & Fellman, P.C., who works with local governments in connection with utility related litigation and administrative proceedings before the CPUC, to provide the Town Attorney with legal support related to the Site Plan Application and Special Review Application;

WHEREAS, on March 24, 2016, the Town and the Company entered into an agreement for the purpose of waiving the requirements of C.R.S. § 29-20-108(2), which provides that final local government action is required on any application of a public utility for construction, or improvement of major electrical or natural gas facilities within ninety (90) days after submission of a final application (the “Agreement”);

WHEREAS, the Agreement waived the 90-day requirement contained in C.R.S. § 29-20-108(2) and provided for an alternate review timeline that included dates for referrals, review of referral comments, review by the Town Development Review Team, as well as deadlines for public notice and public hearings before the Town Planning Commission and Town Council;

WHEREAS, the Agreement also provided for mitigation meetings to be held between the Town staff and the Company “to discuss impacts associated with the proposal and measures the Company can take in order to address Town concerns and mitigate impacts of the Project or provide a public benefit;”

WHEREAS, mitigation meetings were held between Town staff and the Company on May 19, 2016, June 3, 2016 and June 16, 2016;

WHEREAS, the mitigation meetings concluded with an agreement that was approved by the Company and is attached hereto as **Exhibit A** and incorporated by this reference (the “Mitigation Agreement”);

WHEREAS, the Site Plan Application was subject to an administrative review process by the Planning Director and Town staff as provided by Section 13.06.040(f) of the Parker Municipal Code;

WHEREAS, public notice for the public hearing before the Planning Commission concerning the Special Review Application was published for the June 23, 2016, which public hearing was continued to June 30, 2016, in the manner provided by the Parker Municipal Code and as specified in the Agreement;

WHEREAS, on June 30, 2016, the Planning Commission, following the public hearing on the Special Review Application, recommended that the Town Council

_____;

WHEREAS, public notice for the public hearing before the Town Council concerning the Special Review Application was published for the July 5, 2016, Town Council meeting in the manner provided by the Parker Municipal Code and as specified in the Agreement; and

WHEREAS, on July 5, 2016, the Town Council, following the public hearing on the Special Review Application, made the final decision described below.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, AS FOLLOWS:

Section 1. The Town Council, following proper notice and hearing and considering the competent evidence contained in the public hearing record for the Special Use Application, finds, pursuant to Section 13.14.205(d) of the Parker Municipal Code, that the Company has fully demonstrated by clear and convincing evidence that: (1) there is a compelling need for the Project to be located on the Site described in the Special Use Application that is owned by, operated by, and held in the name of the Company, subject to Sections 3 and 4 of this Resolution; and (2) the Company cannot adequately perform its utility functions on another site which is zoned to permit such a use, either by right or by special review, whether within or without the Town, including the alternate sites described in the Special Use Application, subject to Sections 3 and 4 of this Resolution. The specific findings of the Town Council are attached as **Exhibit B** and incorporated by this reference.

Section 2. The Town Council, following proper notice and hearing, considered the criteria contained in Section 13.04.205(h) of the Parker Municipal Code together with the competent evidence contained in the public hearing record for the Special Use Application, and after considering such criteria determines to approve the Special Use Application, subject to Sections 3 and 4 of this Resolution. The specific findings of the Town Council are attached as **Exhibit C** and incorporated by this reference.

Section 3. Section 13.04.205(a) of the Parker Municipal Code authorizes the Town Council to approve the Special Review Application “subject to such conditions and safeguards as may be imposed by the Town Council.” The Town Council hereby imposes the conditions and safeguards described in **Exhibit D**, which is attached hereto and incorporated by this reference.

Section 4. The Town Council hereby approves the Mitigation Agreement that is attached as Exhibit A to this Resolution.

Section 5. Section 13.01.140(b) of the Parker Municipal Code provides that the “[a]pproval by the Town Council ... of any ... use by special review shall remain in effect for a period of six (6) months. Any approval of an application for which a grading permit or building permit has not been issued or for which the use by special review has not commenced within six (6) months after approval of the ... use by special review shall be null and void.” The CPUC as a part of the CPCN decision conditioned approval of the Project on a requirement that the Company not begin construction of the Project until May 1, 2020, in order to avoid premature rate impacts of the Project. Section 13.01.100 of the Parker Municipal Code authorizes waivers from the Parker Land Development Ordinance “if it is deemed by Town Council to be in the public interest and does not impair the intent and purposes of this Title.” For the reason that the

Company cannot begin construction of the Project until May 1, 2020, the Town Council determines that it is in the public interest and does not impair the intent and purposes of the Parker Land Development Ordinance to partially waive is Section 13.01.140(b) of the Parker Municipal Code, and further determines that the Special Use Application approval described herein shall remain in effect until December 31, 2020.

Section 6. The Recitals of this Resolution are incorporated herein by this reference.

RESOLVED AND PASSED this ____ day of _____, 2016.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

Exhibit A

MITIGATION AGREEMENT

This Mitigation Agreement ("Agreement") is made and entered into this ___ day of July, 2016, by and between the Town of Parker, Colorado (the "Town") and Public Service Company of Colorado (the "Company" or "PSCo") addresses the terms and conditions of the mitigation required by the Town for approval of the Company's Proposed Pawnee to Daniels Park Transmission Project ("the Project") within the jurisdictional boundaries of the Town.

WHEREAS, on April 3, 2014, the Company, pursuant to C.R.S. § 29-20-108, notified the Town of its plans to construct the Project; and

WHEREAS, on February 24, 2016, the Company submitted an application for Use by Special Review-Public Utility ("Special Review Application") pursuant to Section 13.04.205 of the Parker Municipal Code ("Code") for the Project;

WHEREAS, on March 24, 2016, the Town and the Company entered into an agreement for the purpose of waiving the requirements of C.R.S. § 29-20-108(2), which provides that final local government action is required on any application of a public utility for construction, or improvement of major electrical or natural gas facilities within ninety (90) days after submission of a final application (the "Waiver Agreement");

WHEREAS, the Waiver Agreement provided in part for meetings to be held between the Town staff and the Company "...to discuss impacts associated with the proposal and measures the Company can take in order to address Town concerns and mitigate impacts of the Project or provide a public benefit";

WHEREAS, such meetings were held between Town staff and the Company on May 19, 2016, June 3, 2016 and June 16, 2016 (the "Mitigation Meetings");

WHEREAS, specific mitigation requests were presented to the Company during the Mitigation Meetings that addressed the impacts of the Project identified by the Town (the "Mitigation Measures");

WHEREAS, the Company desires to mitigate impacts to the Town related to the Project;

WHEREAS, Section 13.04.205(a) of the Code provides that public utility uses "...may be permitted in the Town upon approval by the Town Council ... subject to such conditions and safeguards as may be imposed by the Town Council.";

WHEREAS, the Town Council desires to approve the Special Review Application, subject in part to the Mitigation Measures as a part of the Project;

WHEREAS, the Company desires to address impacts to the Town from the Project, and fund related Mitigation Measures; and

WHEREAS, the Town Council in reliance upon the Company's agreement to fund the Mitigation Measures described herein, as a condition to the Project's approval, approved the Special Review Application, pursuant to Resolution No. 16-051, Series of 2016.

NOW, THEREFORE, THE TOWN OF PARKER, COLORADO AND PUBLIC SERVICE COMPANY OF COLORADO AGREE AS FOLLOWS:

SECTION 1: The Company shall make a lump sum payment to the Town due upon the Town's issuance of the Company's first grading permit for the Project. The payment to the Town shall provide funding for the Mitigation Measures described herein to mitigate the impacts the Town has identified as resulting from the Company's use of the R.O.W. as an electric transmission corridor in a dense residential area. These impacts include, but are not limited to, visual, neighborhood segmentation/separation, and connectivity.

SECTION 2: The Company's lump sum payment shall be in an amount sufficient to fund the following Mitigation Measures:

- a. Rowley Downs Trail Connection to Reata North – This trail addition will run from the central open space within Rowley Downs southeast within the PSCo R.O.W and connecting with the existing trail running north/south within the Willow Park Community. There will also be an at grade crossing of Seibert Circle. The trail will be 10' wide 6" thick concrete construction and approximately 1,700' in length. The new trail will connect to the existing Willow Park Trail which will eventually connect to the trail system being developed within the Reata North development. (Exhibit A)
- b. Olde Town Mid-block Trail Connection – Olde Town filing 1A established several open space tracts between East NeuTowne Parkway and the southerly boundary of Olde Town at Parker. Olde Town at Parker Filing 1B will locate a trail within these open space tracts. The mitigation trail connection will run from the terminus of Olde Town trail at the south boundary of the property, and align south through the existing PSCo R.O.W to connect with the existing East/West Regional Trail adjacent to Todd Drive. The trail will be 10' wide, 6" thick concrete construction and approximately 225' in length. (Exhibit B)
- c. Completion of Bradbury Hills Community Park – Bradbury Park was constructed approximately 12 years ago in cooperation with Ryland Homes, the community builder at that time. The Bradbury Park land plan included a centrally located 11 acre community park. The current park is separated by an unimproved strip of land within PSCo R.O.W. dividing the improved northern and southern park sections. This Mitigation Measure will include irrigated sod and planter/shrub beds as well as walking paths, resulting in an integrated 11 acre community

park. (Exhibit B). The Company agrees to allow these park improvements within its R.O.W. under a license agreement with the Town in the form attached to the Memorandum of Understanding between the Town and the Company dated February 22, 2009.

- d. East/West Regional Trail Grade Separated Under Crossing At Jordan Road – There currently exists at this location an at-grade crossing with a pedestrian activated flasher. With completion of this trail within the next several years, including under crossings at Chambers Road and I-25, a grade separated under crossing at Jordan Road would provide a safer and more convenient route for pedestrians and cyclists. This trail is ultimately planned to run from the Cherry Creek Trail on the east within Parker, to Chatfield State Park on the west within Douglas County. Because of the regional nature of this trail we anticipate significant use by not only Town of Parker residents but also county residents. Based upon anticipated usage, this trail will be 10' wide, 6" thick concrete construction. (Exhibit B)
- e. Public Service Company Right-of-Way Vegetation Enhancement Program – Within the PSCo R.O.W. are a number of native species grasses which lends to the open space feel of the corridor. However, along the expanse of the corridor, threatening these native, xeric plantings, are an invasive species which uses the PSCo R.O.W. as a migration corridor. The vegetation enhancement program is targeted to increase the viability of the plant materials native to the 5.4 mile PSCo R.O.W. corridor within Parker by managing the invasive species so as to neutralize their deleterious effect on the landscaping.
- f. Tree/Landscape Grant Program – This Mitigation Measure will create a grant program for the owners of single family residential lots which are located within 100 feet of the PSCo right of way. The program will provide qualified lot owners with a maximum \$500 reimbursement as determined by the Town for the installation of new trees or landscaping to help create ground-level screening of the PSCo R.O.W. All new trees and landscaping materials funded under this program shall be compatible with the adjacent utility facilities located in the R.O.W., and conform with the Company's vegetation management policies.

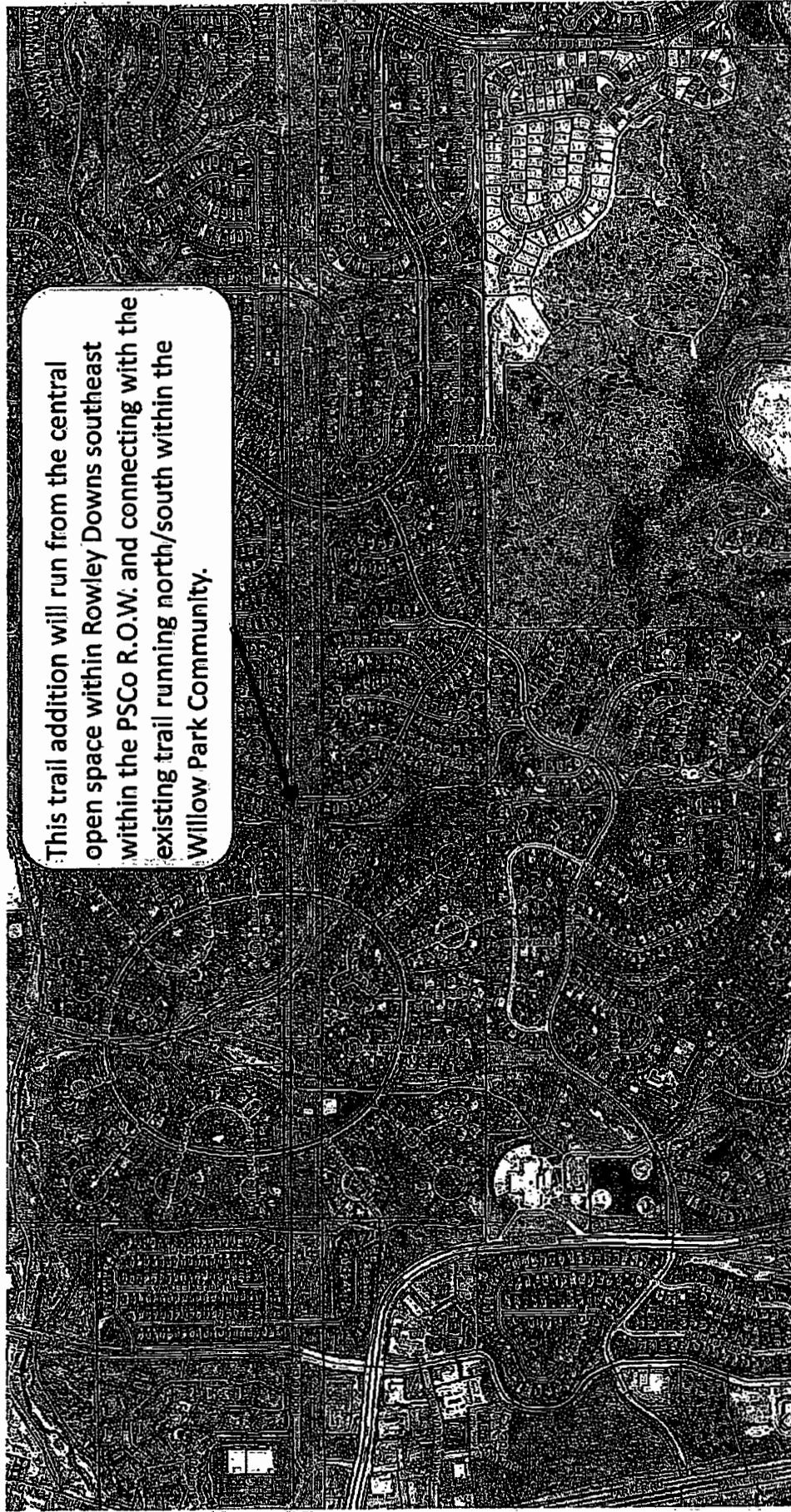
SECTION 3: The Town shall assume sole responsibility for management of the design and construction for all Mitigation Measures required pursuant to this Agreement, except when delegated to the applicable homeowners association.

SECTION 4: The Company shall provide the Town with all permits, and other approvals, including separate license agreements in the form attached to the Memorandum of Understanding between the Town and the Company dated February 22, 2009, necessary for the completion of the Mitigation Measures required pursuant to

Exhibit A

Vicinity Map:

CONCEPT ONLY. Draft of the Rowley Downs Trail Connection to Reata North Referenced in Section 2(a)



This trail addition will run from the central open space within Rowley Downs southeast within the PSCO R.O.W. and connecting with the existing trail running north/south within the Willow Park Community.

Note: the improvements shown hereon are conceptual only for illustrative purposes.

Exhibit B

Vicinity Map:

CONCEPTUAL ONLY. Draft of the Olde Town Mid-block Trail Connection, Completion of Bradbury Hills Community Park and East/West Regional Grade Separated Crossing at Jordan Road Referenced in Sections 2(b), (c) and (d)



Note: the improvements shown hereon are conceptual only for illustrative purposes.

EXHIBIT B

Under Section 13.04.205(d) of the Parker Municipal Code “a public utility shall not be permitted as a use by special review in any residential zone district unless the applicant shall have first demonstrated to the Town Council, by clear and convincing evidence, the following:

- (1) There is a compelling need for such public utility to be located on the proposed site; and
- (2) The applicant cannot adequately perform its utility functions on a site which is zoned to permit such a use, either by right or by special review, whether within or without the Town.”

There is a compelling need for such public utility to be located on the proposed Site, based upon the following specific findings of fact:

- (1) The Site for the Project consists of approximately 5.42 miles of right-of-way that was purchased by the Company and is located in the Town (the “Company ROW”).
- (2) The Company ROW is currently occupied by a 230kV transmission line that is supported by lattice towers that were constructed in the 1960s.
- (3) The Company ROW is approximately 210 feet in width and was purchased in the 1960s to accommodate two transmission lines.
- (4) The Company constructed the existing 230kV transmission line on one side of the Company ROW, leaving room on one side of the Company ROW for a second transmission line.
- (5) The Special Review Application provides that the Site is an appropriate location for a second 345kV transmission line.
- (6) The Project will include monopoles instead of lattice towers to be located adjacent to the existing transmission line.
- (7) The new transmission line will be offset by approximately 65 feet from the existing transmission line and will introduce approximately 35 new monopole structures within the Site.
- (8) The monopole structures will range in height from 100 feet to 150 feet.
- (9) The scope of the Project is not limited to the Town of Parker, but is part of a larger project which includes the construction of a 345 kV transmission system to connect the Company’s Pawnee Substation near Brush, Colorado, to the Company’s Daniels Park Substation, which is approximately 125 miles in length.
- (10) On March 11, 2015, the Colorado Public Utilities Commission approved a Certificate of Public Convenience and Necessity finding that the Project is just and reasonable.

- (11) The Company researched and evaluated reasonably available and economically feasible routes for the Project consistent with its statutory mandate to provide safe, reliable and economical service to the public.
- (12) The Company reviewed alternate routes, but due to the presence of many land use and environmental constraints, as well as the absence of a continuous path of open land of sufficient width, was not able to identify contiguous alternative routes.
- (13) Constructing the Project within the Company ROW would eliminate the need to acquire new right-of-way, which is a significant cost savings to the overall project budget, and would eliminate the need to condemn a landowner for the necessary right-of-way.
- (14) Constructing the Project within the Company ROW will avoid shifting the impact to other residential areas that do not have an existing utility corridor in place, such as the Company ROW.
- (15) Based upon these findings of fact and competent evidence contained in the public hearing record for the Special Use Application, the Company has demonstrated to the Town Council, by clear and convincing evidence, that there is a compelling reason to locate the Project on the Site.

The applicant cannot adequately perform its utility functions on a site which is zoned to permit such a use, either by right or by special review, whether within or without the Town, based upon the following specific findings of fact:

- (1) The specific findings of fact contained under Section 13.04.205(d)(1) above are incorporated herein by this reference as if fully stated herein.
- (2) Based upon these findings of fact and competent evidence contained in the public hearing record for the Special Use Application, the Company has demonstrated to the Town Council, by clear and convincing evidence, that the Company cannot adequately perform its utility functions on a site which is zoned to permit such a use, either by right or by special review, whether within or without the Town, except for the Site that is the subject of the Special Use Application.

EXHIBIT C

Under Section 13.04.205(h) of the Parker Municipal Code, the Planning Commission and the Town Council shall consider the following criteria in determining whether to approve or deny an application for a public utility use by special review:

- (1) Whether the public utility is compatible with the surrounding area;
- (2) Whether the public utility is in harmony with the character of the surrounding area;
- (3) The effect of the public utility upon the immediate area;
- (4) The effect of the public utility upon future development of the area;
- (5) Whether the proposed height limitations, setbacks, lot area and open space are sufficient to mitigate the impacts of the proposed use by special review on the surrounding area;
- (6) Whether land surrounding the public utility can be planned in coordination with the public utility;
- (7) Whether the public utility is in conformity with the master plan;
- (8) Whether the existing and proposed streets are adequate to carry anticipated traffic in the vicinity of the public utility;
- (9) Whether adequate open space and visual corridors are preserved;
- (10) Whether the public utility fosters a desirable and stable environment;
- (11) Whether the public utility makes possible the innovative and efficient use of the subject property;
- (12) Whether the public utility would exacerbate a natural hazard; and
- (13) Whether there are reasonably available and economically feasible alternatives for the public utility.

Town Council, in considering the criteria set forth above in determining whether to approve or deny the application submitted by the Company, makes the following specific findings of fact:

(1) **Whether the public utility is compatible with the surrounding area.**

The existing 230kV transmission line on the Site was constructed in the 1960s prior to the incorporation of the Town. Since the construction of the existing 230kV transmission line, the Town was incorporated and has a current population of approximately 50,000. The Site is now located adjacent to several residential subdivisions that contain thousands of homes. By way of example, there are approximately 560 single-family homes located within 200 feet of the Site. The Site is also located adjacent to sensitive uses such as schools, open space and

neighborhood parks. The construction of the second transmission on the Site will double the current large-scale industrial use of the Site and will introduce significant impacts and land use conflicts with the surrounding area, which will negatively effect homes, neighborhoods, schools, parks and open space. The Project is being undertaken without the benefit of adequate mitigation to address the new impacts created by the second transmission line. As a result, the Project will not be compatible with the surrounding area, unless these impacts are mitigated in the manner described in Exhibits A and D of this Resolution.

(2) Whether the public utility is in harmony with the character of the surrounding area.

The findings contained in Paragraph 1 above are included by this reference as if stated fully herein. The Project will result in the conveyance of electrical power via a visually prominent conveyance system. The 5.42-mile span of this conveyance system through the Company's right-of-way, will traverse a number of neighborhoods, parks, open space corridors, schools and commercial areas. Based on these findings, the Project will not be in harmony with the character of the surrounding area and the uses of that area, unless the impacts created by the Project are mitigated in the manner described in Exhibits A and D of this Resolution.

(3) The effect of the public utility on the immediate area.

On March 11, 2015, the CPUC granted the CPCN sought by the Company (CPUC Decision No. C15-0316), and the decision approving the CPCN makes findings that the Project is just and reasonable and the noise and electromagnetic field levels resulting from the Project are reasonable. As a result, the Town's review of this criteria does not include noise and electromagnetic field levels resulting from the Project.

The existence of the Company's ROW corridor through the Town of Parker has historically bifurcated the community. The right of way proceeds through the middle of parks, open space and whole neighborhoods and has a proximity to two schools within the Town. A second transmission line, absent adequate mitigation to heal the existing division within the Town, will only exacerbate an impact upon the whole community.

The findings contained in Paragraph 1 above are included by this reference as if stated fully herein. Based on these findings, the Project will have a significant negative effect on the immediate area, unless the impacts created by the Project are mitigated in the manner described in Exhibits A and D of this Resolution.

(4) The effect of the public utility upon future development of the area.

The findings contained in Paragraph 1 above are included by this reference as if stated fully herein. Based on these findings, the Project will have a negative effect upon the future development of the area, unless the impacts created by the Project are mitigated in the manner described in Exhibits A and D of this Resolution.

(5) Whether the proposed height limitations, setbacks, lot area and open space are sufficient to mitigate the impacts of the proposed use by special review on the surrounding area.

The height of the new monopoles will range between 100 feet to 150 feet and will be similar in height to the existing lattice structures currently located on the Site. This effectively doubles the existing visual impact without any off-setting mitigation. This height is determined by the National Electrical Safety Code ("NESC"), which takes into account the required line-to-ground clearances. The distance between the centerline of the existing lattice structures and the new monopole structures is approximately 65 feet. The distance from the centerline of the existing lattice structures to the nearest edge of the Company right-of-way is approximately 75 feet and the distance from the centerline of the new monopoles to the nearest edge of the Company right-of-way will be approximately 70 feet. The footprint of the Project will consist of the new monopole structure foundations (approximately 5 feet in diameter). Although some of the Site may be available for other uses such as parks, bike paths and trails (the "Site Mitigation Areas"), there is no agreement with the Company to allow for the use of the Site Mitigation Areas or to pay for the improvements that will be necessary to develop Site Mitigation Areas. Based on these findings, to the extent that there are Site Mitigation Areas, these areas are not sufficient to mitigate the impacts of the Project on the surrounding area and will have a negative effect upon the future development of the area, unless the impacts created by the Project are mitigated in the manner described in Exhibits A and D of this Resolution.

(6) Whether the land surrounding the public utility can be planned in coordination with the public utility.

The land immediately adjacent to the existing utility corridor is predominantly built out with residential, recreational, school and commercial uses. A second transmission line within the Company ROW will bring with it significant visual impacts, nuisance conditions, sensitive area intrusion and construction impacts. It will result in an intensification of the industrial character of the existing transmission line, a character incompatible with the residential, recreational, school and commercial uses abutting the Company ROW. This will result in further segmentation and fragmentation of neighborhoods along the entire right of way corridor. As a result, the construction of the Project will have significant negative impact on the land, streets and uses surrounding the Site, eliminating the ability to coordinate the Project with current and future uses and continuing development of the surrounding land, unless the impacts created by the Project are mitigated in the manner described in Exhibits A and D of this Resolution.

(7) Whether the public utility is in conformity with the Master Plan.

The Town's Master Plan recommends that the Town minimize the aesthetic and environmental impacts of transmission and distribution systems and facilities. The Town's Master Plan also provides that those areas, through which the existing transmission line traverses, are to be maintained and even enhanced in the residential and downtown commercial character of the existing zoning districts. The Project will not be in conformity with the Master Plan, unless the impacts created by the Project are mitigated in the manner described in Exhibits A and D of this Resolution.

(8) Whether the existing and proposed streets are adequate to carry anticipated traffic in the vicinity of the public utility.

The existing streets are not adequate to carry anticipated construction traffic during the construction of the Project by the Company, unless the impacts created by the Project are mitigated in the manner described in D of this Resolution.

(9) Whether adequate open space and visual corridors are preserved.

The height of the new monopoles will range between 100 feet to 150 feet and will be similar in height to the existing lattice structures currently located on the Site. This height is determined by the NESC, which takes into account the required line-to-ground clearances. The footprint of the Project will consist of the new monopole structure foundations (approximately 5 feet in diameter).

The findings contained in Paragraph 1 above are included by this reference as if stated fully herein. The Project will result in two parallel transmission facilities occupying the Site in a manner that is visually prominent throughout the Town, which will significantly impact the existing visual corridors on the Site and across the Site. The 5.42-mile span of this prominent conveyance system through the Company's right-of-way will also negatively impact the open space that is adjacent to the Site. Based on these findings, the Project will not preserve open space and visual corridors, unless the impacts created by the Project are mitigated in the manner described in Exhibits A and D of this Resolution.

(10) Whether the public utility fosters a desirable and stable environment.

The specific findings of fact concerning Section 13.04.205(d)(1) as contained in Exhibit B and in Paragraph 1 above are included by this reference as if stated fully herein. Based on these findings, the Project will help foster a desirable and stable environment relative to reliable electricity supply and the addition of capacity for renewable energy. The Project will provide a significant transmission path for the additional resources and reduce the existing load on the 230kV transmission line serving the Intermountain Rural electric Association (the "IREA"), which provides electricity to the Town, improving the overall reliability to Company and IREA customers. On the other hand, the Project will result in segmentation and fragmentation of existing neighborhoods, which does not contribute to a stable environment, unless the impacts created by the Project are mitigated in the manner described in Exhibits A and D of this Resolution.

(11) Whether the public utility makes possible the innovative and efficient use of the subject property;

When the land was purchased for the existing utility corridor in the early 1960s, the Company planned for the installation of two parallel transmission lines on the Site. One transmission line was built in 1968, leaving room for an additional transmission line at some point in the future. The Project will make use of the additional room left on the Site, keeping the public utility uses combined in one single location instead of constructing the Project at another location.

(12) **Whether the public utility would exacerbate a natural hazard.**

There are no known natural hazards on the Site that will be exacerbated by a natural hazard.

(13) **Whether there are reasonably available and economically feasible alternatives for the public utility.**

The specific findings of fact concerning Section 13.04.205(d)(1) as contained in Exhibit B are included by this reference as if stated fully herein. The analysis presented by the Company provides that there are no reasonably available and economically feasible alternatives for the Company and that the Site is reasonably available for the Project and the Project is the most economically feasible alternative for the Company.

EXHIBIT D

CONDITIONS AND SAFEGUARDS

1. The monopoles used by the Company for the Project will be grey steel poles. If a lattice tower is removed as a part of the Project, it will be replaced by the Company with a monopole of a type similar to the monopoles being installed as a part of the Project. The Company will also provide the Town with an estimate of the cost to replace all of lattice structures within the Company ROW with monopoles within 90 days of the date of this Resolution.

2. Noise and electromagnetic field levels will not exceed those levels provided in the CPCN.

3. The Company will restore any disturbance to the Site, including the removal of all soil that is displaced on the Site as a result of the installation of the new monopoles, as a part of the Project.

4. The Company will reconstruct to Town Standards any recreational trails disturbed by the Project, including any recreational trails that cross the Site or are located within the Site, including, but not limited to, the Town of Parker East-West Trail.

5. The installation of monopoles by the Company as a part of the Project will not reduce the number of parking spaces that currently exist in the commercial areas of the Town.

6. The Company, in lieu of a two-track access through the Site, will construct as approved by the Town, a fixed permanent access made of soft surface materials that allows for recreational use, as well as access for the Company.

7. The Company will provide to the Town a construction access plan (the "Construction Access Plan") based upon Town Standards, at least six (6) months prior to the issuance of any permits by the Town for the Project. No permits will be issued until the Construction Access Plan is approved by the Town. The Construction Access Plan will describe where the Company and its designated contractors can access the Site from Town streets with large construction vehicles. The Town will not permit access to the Site from residential local streets, except as provided in the Town-approved Construction Access Plan and the associated right-of-way permit.

8. The Company will provide a Construction BMP (GESC) Plan to the Town based upon Town and/or County standards, at least six (6) months prior to the issuance of any permits by the Town for the Project. No permits will be issued until the Construction BMP (GESC) Plan is approved by the Town. This plan will ensure that construction activities do not create erosion/sediment impacts as a result of the Project and associated construction access to the Project. This plan will also identify all existing drainage facilities to ensure that they are not adversely impacted by the proposed improvements and construction activities.

9. The Company will be required to obtain a Town grading (GESC) permit prior to the start of construction. The Company will be required to prepare and submit for review all

necessary CBMP plans (GESc) and technical information associated with this permit. The application associated with this permit, including all required information, must be submitted to the Town for review a minimum of ninety (90) days prior to the start of construction.

10. The Company will provide a construction mitigation plan (the "Construction Mitigation Plan") to the Town based upon Town standards, at least six (6) months prior to the issuance of any permits by the Town for the Project. No permits will be issued until the Construction Mitigation Plan is approved by the Town. The Company will address in this plan how the Company will prevent the generation of dust, fumes, vibration, displacement to residential properties of animals/vermin/rodents and construction-related noise, or, if generated, how the Company will mitigate impacts to adjacent neighborhoods. The Company will provide to the Town a single point of contact for public communication with the Company. The Company will provide for public outreach prior to and during the construction of the Project, such as a newsletter, open house and hotline.

11. The Company will provide to the Town a pre-construction visual survey of the Town streets, sidewalks, trails and landscaping adjacent to the Site prior to the issuance of any permits for the Project to establish a base line of the existing conditions of these streets prior to the start of construction.

12. The Company will provide to the Town a post-construction visual survey of the Town streets, sidewalks, trails and landscaping adjacent to the Site upon completion of the Project to determine that any damage has been properly repaired, including the restoration of any landscaping that is damaged. The Company will repair all damage to Town roadways and adjacent landscaping.

13. The Company will meet with each of the board of directors of the homeowners' associations that represent the neighborhoods adjacent to the Site at least six (6) months prior to the issuance of any permits for the Project. The purpose of these meetings is to brief the directors concerning the pertinent construction details associated with the Project.

14. The Company will obtain a Town right-of-way permit for any construction activities that will impact adjacent public roadways. These activities include temporary staging of materials or equipment within the roadways. The Company will submit an application for this permit at least ninety (90) days prior to the issuance of any permits for the Project. The application will include the preparation and submission of all necessary traffic control plans to ensure that pedestrians and the traveling public are not adversely impacted by the construction activities associated with the Project.

15. The staging of Project equipment and/or materials on Town roadways will generally not be permitted. However, there are likely to be some construction activities within the Town roadways that may be unavoidable (stringing of power lines). These activities must be approved as part of a Town right-of-way permit. The Company will be required to repair any street damage associated with the construction activities, in accordance with Town standards.

16. Project construction traffic and access to the Company's right-of-way should be limited to arterial or collector roadways. Construction traffic on residential local streets will not

be permitted, unless authorized by the Town through the associated Town grading (GESG) and/or right-of-way permit.

17. The Company will be required to submit an application for a Town floodplain development permit for any disturbance within regulatory floodplains within the Town at least ninety (90) days prior to the issuance of any permits for the Project. This includes permanent impacts as well as temporary construction impacts. The Company will need to provide an engineering analysis showing the impacts of permanent structures/impacts within the limits of the Cherry Creek floodplain. If the engineering analysis suggests no adverse impact (0.00 ft. rise in the base flood elevation), a no-rise certification will need to be prepared by a registered professional engineer and submitted along with the floodplain development permit application. If the activity results in a change to the base flood elevation, the Company will be required to submit necessary letter of map change applications to FEMA. The Company is strongly encouraged to organize construction in a manner that will not cause any impacts (permanent and/or temporary) to all other regulatory floodplain crossings within Town.

18. Since the proposed improvements (monopoles) are isolated, including minimal impervious area, and are not changing the existing topography, a drainage report/plan will not be required. However, care should be taken by the Company during construction to ensure existing drainage facilities are not adversely impacted or damaged.

19. The proposed pole located at the northeast corner of Dransfeldt Road and Twenty-Mile Road is within the inundation area of an existing stormwater retention pond. The pole is not within the permanent pool, but may be inundated (less than 2-3 feet) for short durations after heavy precipitation events. The Company should evaluate any potential impacts to the associated pole foundation. Technical information pertaining to this detention pond can be provided by the Town upon request.

20. It appears that the proposed poles are outside of the Preble's Meadow Jumping Mouse (riparian conservation zone) along Cherry Creek. However, the Company should verify and be aware that any permanent or temporary impacts/disturbance to the riparian conservation zone will require authorization from the U.S. Fish and Wildlife Service.

21. The Company will obtain all state and federal permits associated with the construction of this project, including Section 404 (Wetlands) permits.

22. The Company will hold a pre-construction meeting with the Town prior to the release of any permits and the start of construction. This meeting can be scheduled through the Town's Engineering Department. The Company will also hold regular progress meetings between the Town, the Company and the contractor(s) used by the Company, based on a schedule provided by the Town.

23. The Company will ensure that construction activities related to the Project will not interfere with the following events and races that are held in the Town, including Parker Days (second weekend in June); Parker Farmer's Market (Sundays May through October; Trick or Treat on Mainstreet (Oct. 31); Let Freedom Sing (July 4); Valentine's Day Race (second weekend in February); So Long to Summer Race (first or second weekend in August); Arbor

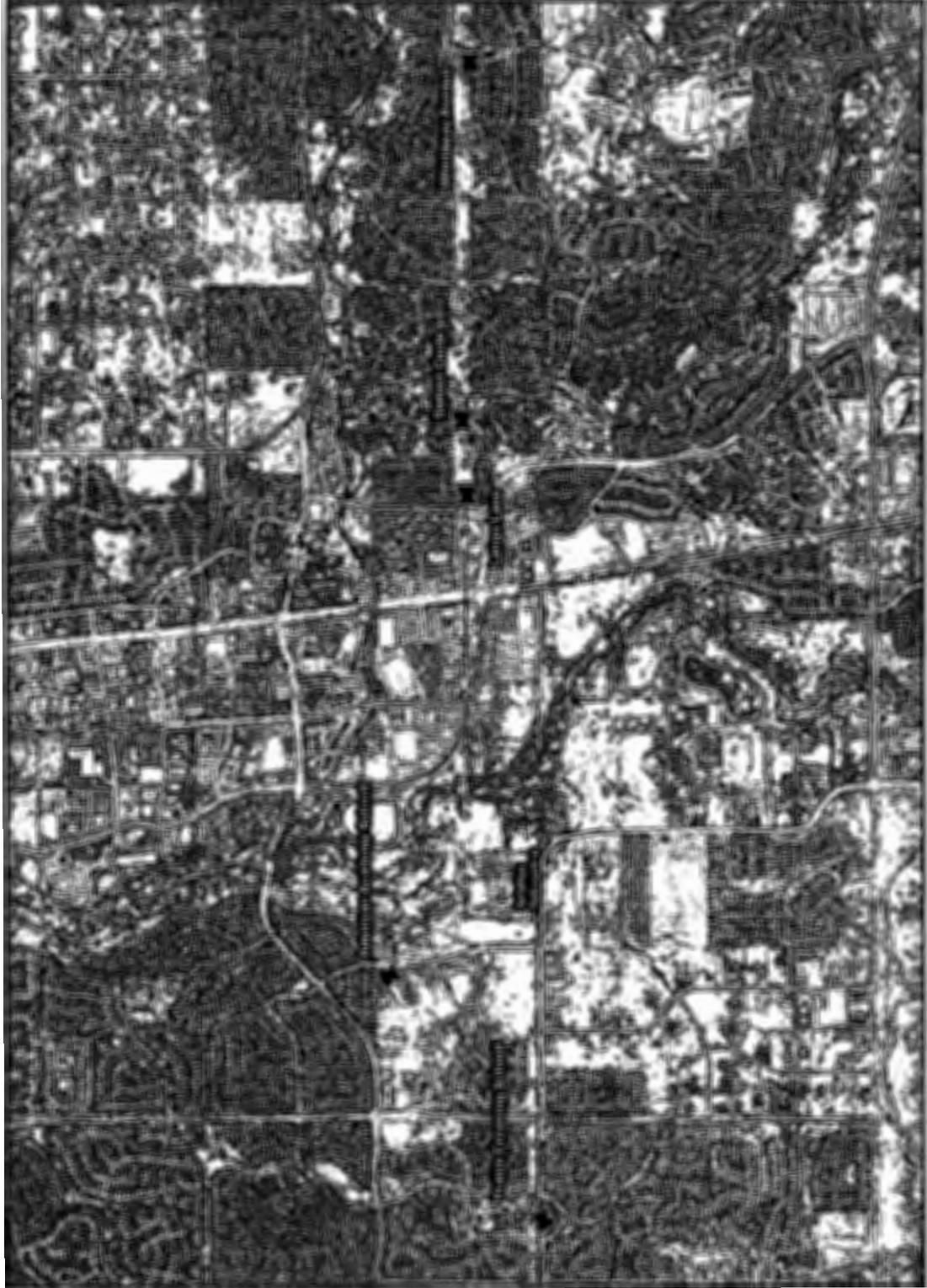
Day Race (Last Saturday in April); as well as other events and races that take place along the Company ROW during construction. The Company will contact the Town at least six (6) months prior to the issuance of any permits for the Project to determine the events and races that will be subject to this condition.

24. The Company will comply with the Parker Municipal Code and all applicable state and federal laws during the construction of the Project.

25. The Department of Community Development is authorized to make minor changes to the conditions/safeguards contained herein to the extent provided in Section 13.03.030 of the Parker Municipal Code.

Pawnee to Daniels Park 345kV Transmission Project

Photopoint Locations



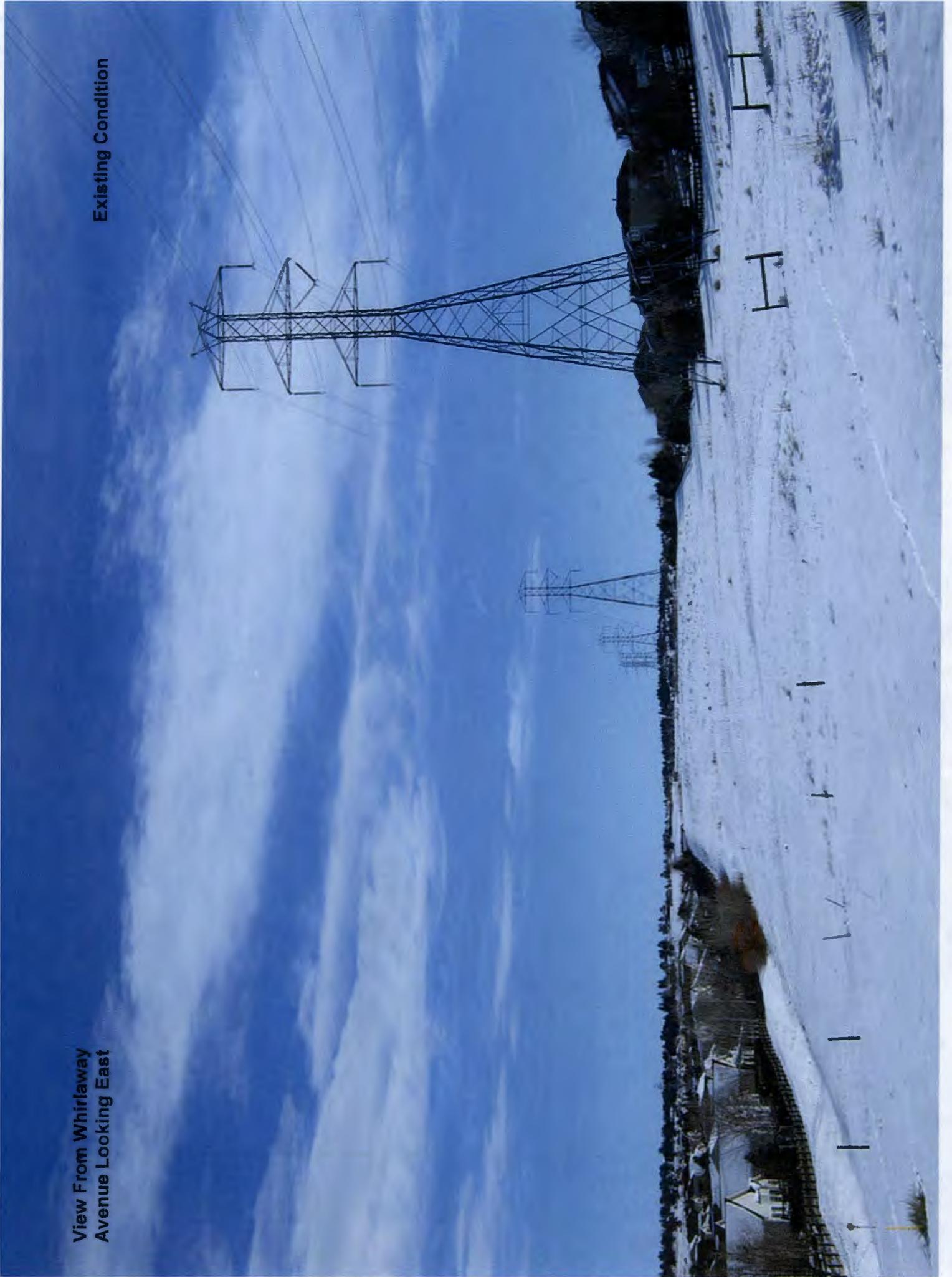
Legend

-  Photograph Location
-  Existing Transmission Structure
-  Existing 230kV Transmission Line



**View From Whirlaway
Avenue Looking East**

Existing Condition



View From Whirlaway
Avenue Looking East

Proposed Self-Weathering Structures

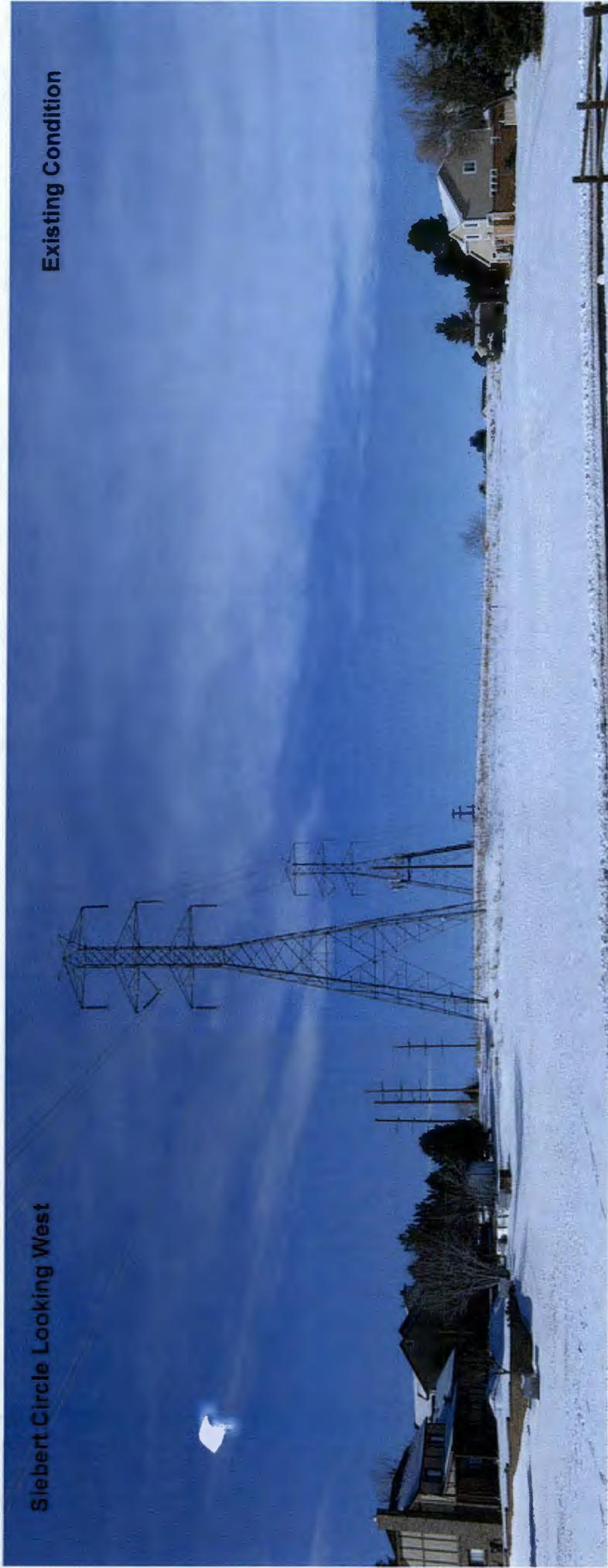


View From Whirlaway
Avenue Looking East

Proposed Galvanized Structures



Slebert Circle Looking West



Existing Condition

Siebert Circle Looking West

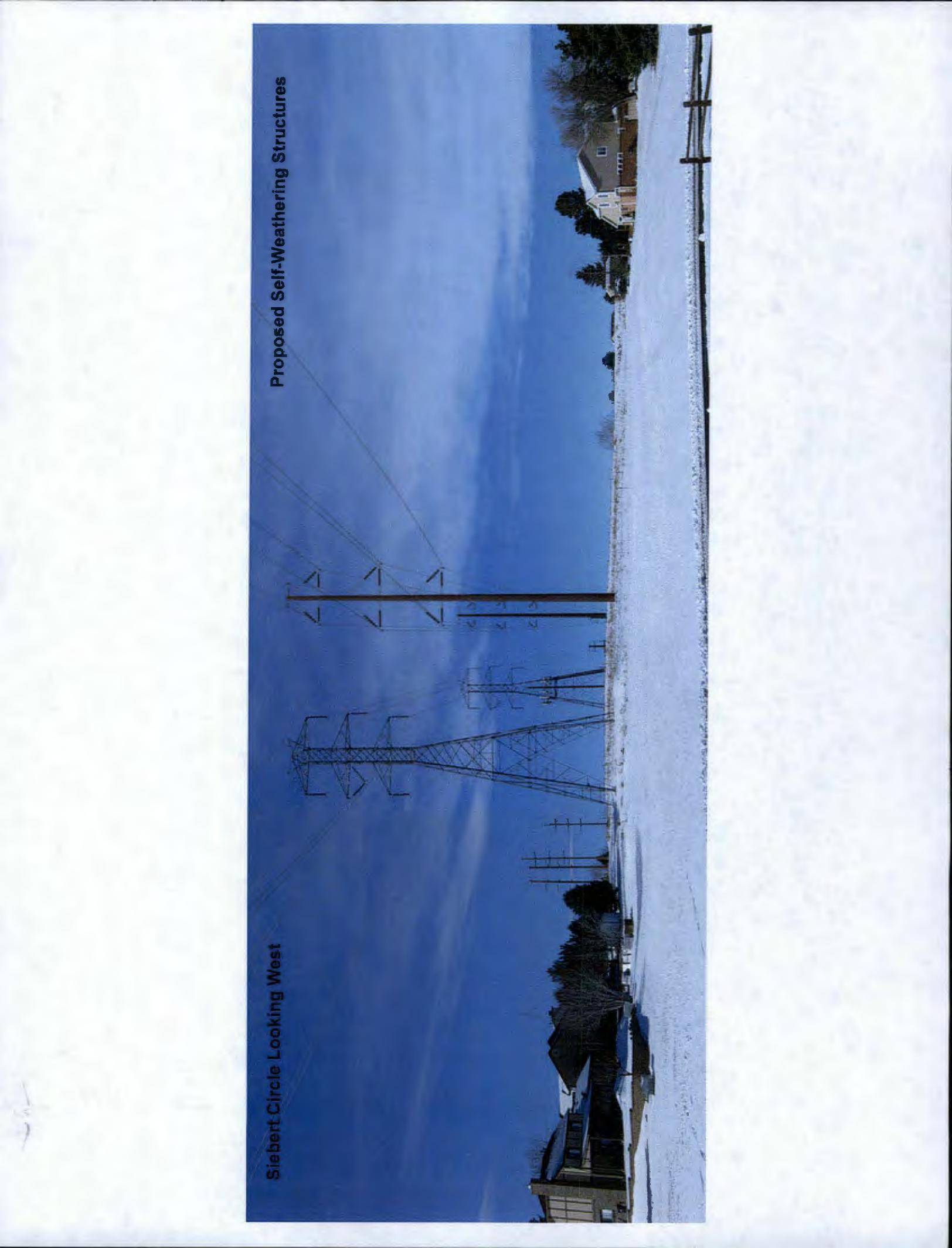


Proposed Galvanized Structures

Siebert Circle Looking West

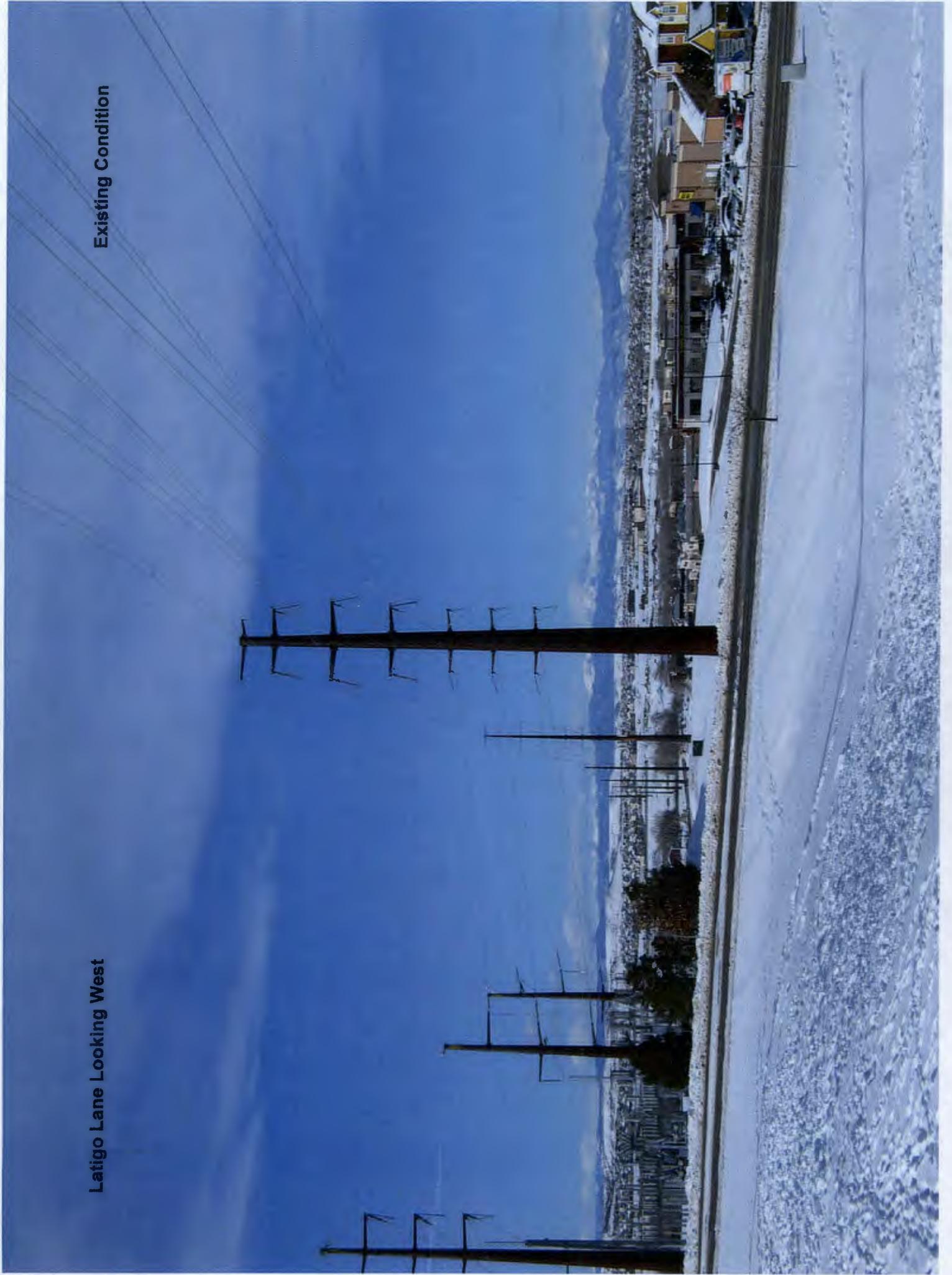


Proposed Self-Weathering Structures

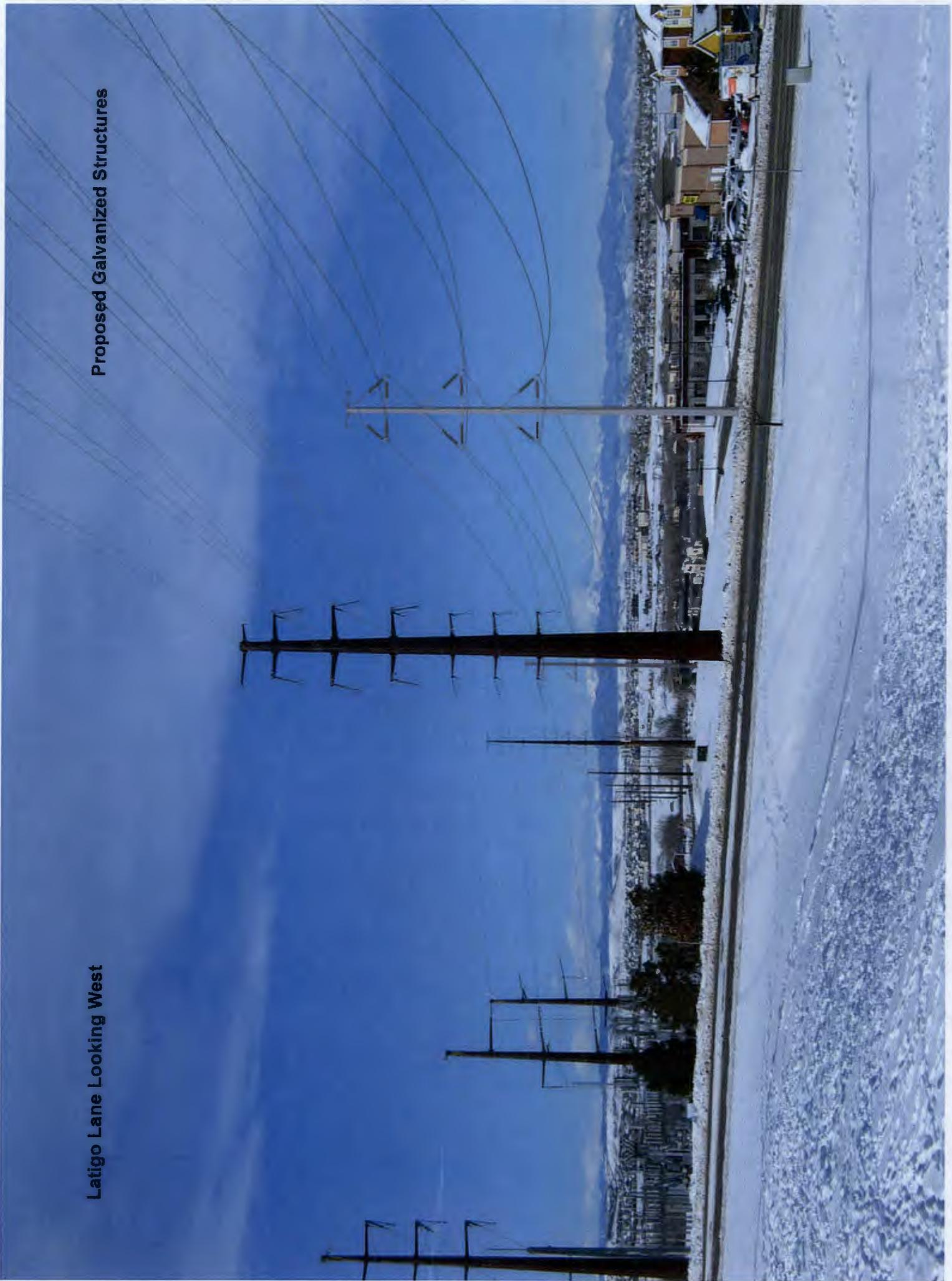


Latigo Lane Looking West

Existing Condition



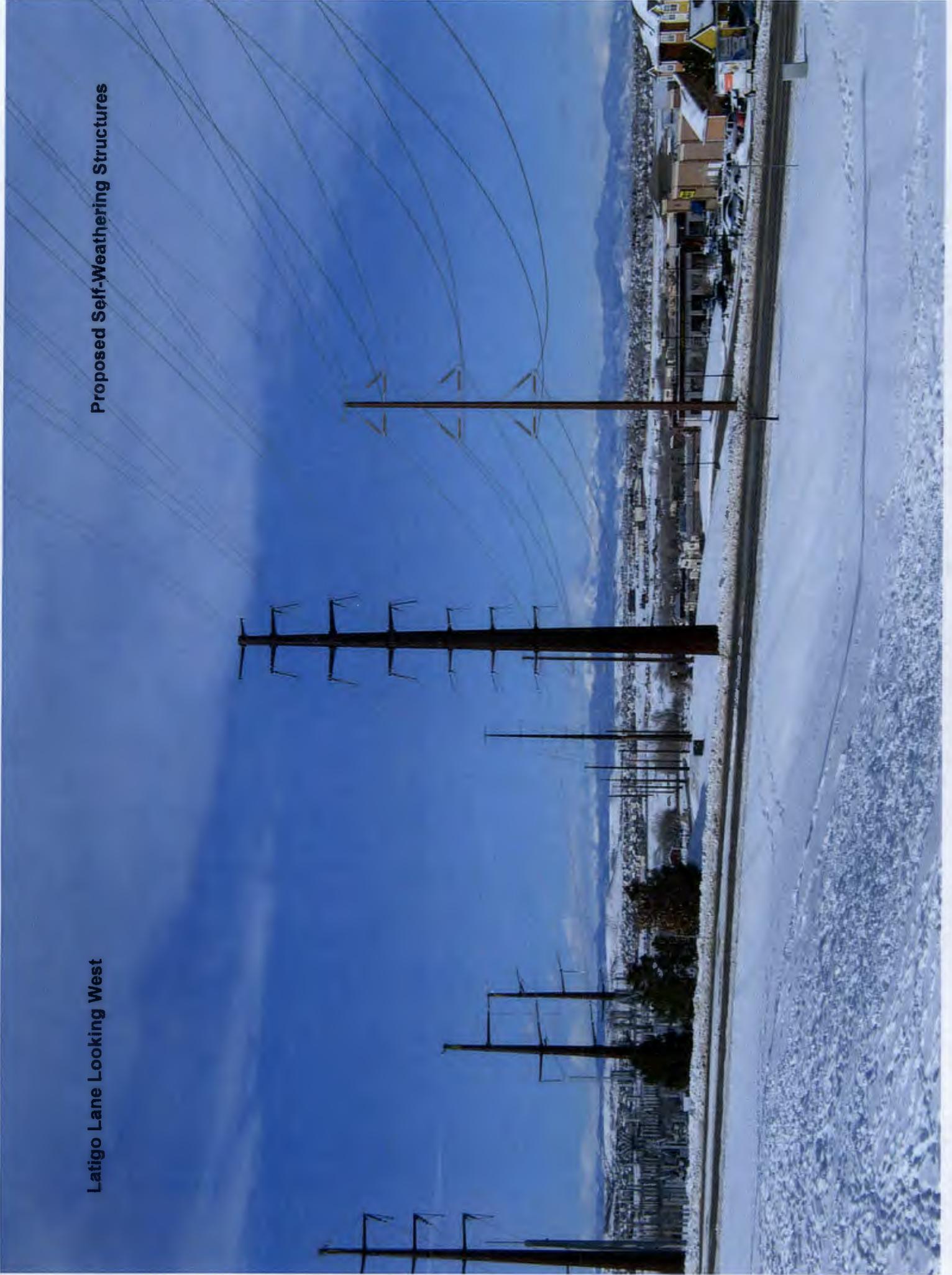
Latigo Lane Looking West



Proposed Galvanized Structures

Latigo Lane Looking West

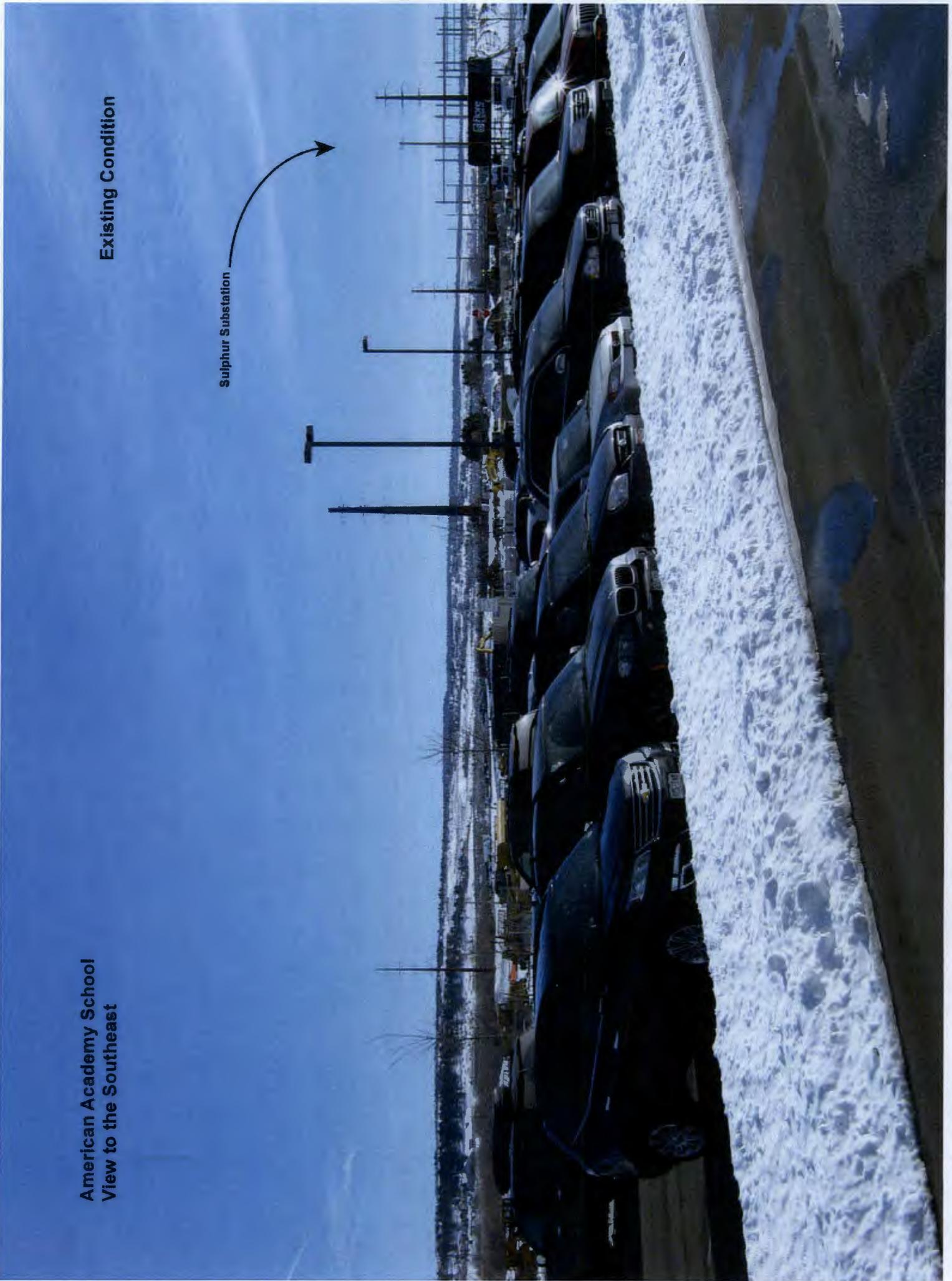
Proposed Self-Weathering Structures



**American Academy School
View to the Southeast**

Existing Condition

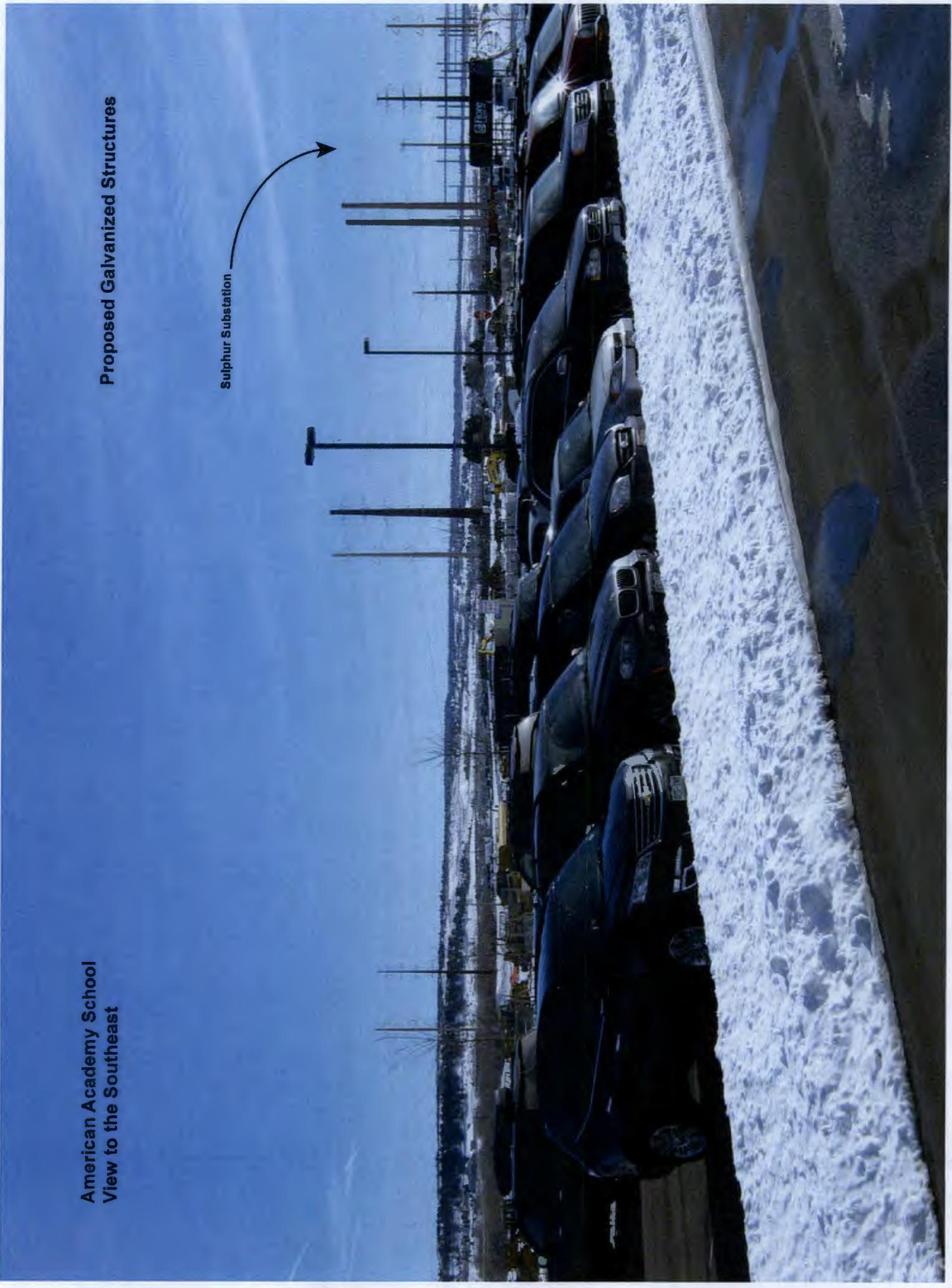
Sulphur Substation



**American Academy School
View to the Southeast**

Proposed Galvanized Structures

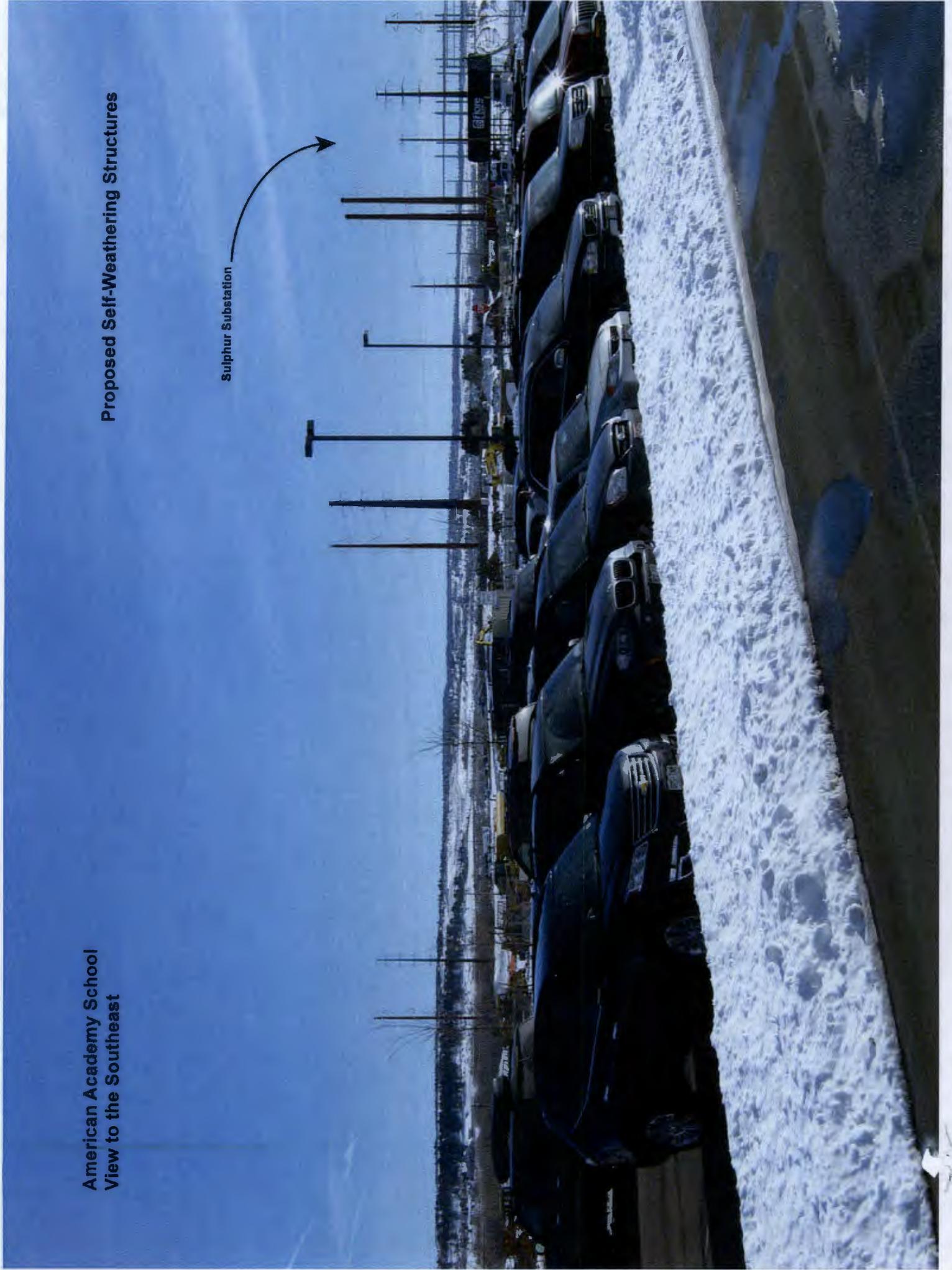
Sulphur Substation



American Academy School
View to the Southeast

Proposed Self-Weathering Structures

Sulphur Substation



Auburn Hills Community Park Looking Northeast

Existing Condition



Prairie Crossing
Elementary School



Auburn Hills Community Park Looking Northeast



**Prairie Crossing
Elementary School**



Proposed Galvanized Structures

Auburn Hills Community Park Looking Northeast

Proposed Self-Weathering Structures

**Prairie Crossing
Elementary School**





**Community Development Department Memorandum
Development Review Division**

To: Town of Parker Planning Commission

From: Patrick Mulready, Senior Planner *[Signature]*
Bryce Matthews, Comprehensive Planning Manager *[Signature]*

Through: John Fussa, Community Development Director *[Signature]*

Date: June 30, 2016

Regarding: Public Hearing:
Pawnee Daniels Park 345 Kilovolt Transmission Line – Use by Special
Review (Continued from June 23, 2016)
[Case No. Z16-008]

**Section I.
Subject & Proposal:**

Location: Public Service Company of Colorado right-of-way corridor proceeds east/west through Town, between Mainstreet and Chambers Road, bisecting the Town of Parker

Applicant: Derek Holscher, Public Service Company of Colorado (PSCO)

Proposal: The applicant proposes to locate a second transmission line using monopole towers within the existing PSCO right-of-way. This is part of a regional project to construct a new 345 Kilovolt (kV) transmission line between the Daniels Park electrical substation located northeast of Castle Pines to the Pawnee electrical substation in northeastern Colorado.

**Section II.
Background:**

History: PSCO acquired the majority of the ground within the utility right-of-way corridor through Parker in the 1960s and constructed a series of lattice towers to convey electrical power via a 230 kV transmission line. Where PSCO does not own land in the corridor, they have acquired easements allowing them to construct utilities that ensure the right-of-way corridor is continuous.

There are two such easements through the portions of the right-of-way within Parker. One is located adjacent to the Olde Town at Parker subdivision at the northwest corner of Todd Drive and Motsenbocker Road. The other is within the parking areas associated with Parker Pavilions in front of Office Depot and PetSmart. The existing 230 kV transmission line is located toward the southerly edge of the right-of-way to accommodate a second line along the northerly edge as growth in the Denver metropolitan region would require this additional infrastructure.

In 2007, the Colorado State Legislature approved Senate Bill (SB) 07-100 which established an expectation for electrical service providers whose rates are regulated by the Public Utilities Commission (PUC) to file a biennial transmission development plan intended to demonstrate how the utility provider will meet anticipated future growth demands as well as expanding the range of renewable energy resources such as solar and wind. SB07-100 specifically affected PSCO. PSCO made an application to the PUC in 2015 and obtained a Certificate of Public Convenience and Necessity (CPCN) beginning work on the design of a new transmission to comply with SB07-100. That designed project is the Pawnee Daniels Park 345 kV Transmission Line.

Site Data:

The PSCO right-of-way within Parker is approximately 5.4-miles long, 210-foot wide and contains buried natural gas lines in addition to the existing 230 kV transmission line. Portions of this right-of-way contain parks either within it, such as in Rowley Downs, or adjacent to it, such as in Bradbury Ranch. The Town has obtained license agreements to allow public streets to cross the right-of-way in a perpendicular direction. The Town has also designed the East/West Regional Trail, from the Cherry Creek Trail to the westerly edge of the Town to be within the existing PSCO right-of-way. Portions of the right-of-way pass through parking lots as it progresses through the Market Center Design District of the Greater Downtown District in the vicinity of Twenty Mile Road. The vast majority of the right-of-way has been left in a natural, ungraded state. This is despite the fact that the entire alignment within Parker is adjacent to residential or commercial development.

Land Use Summary Data:

Total Area: 153.07 acres across 5.4-miles long and 210-foot wide

Zoning: The PSCO right-of-way spans several different zones within Parker:
PF – Public Facilities
PD – Planned Development, Bradbury Ranch
PD – Planned Development, Olde Town at Parker
Greater Downtown District/Market Center Sub-district
PD – Planned Development, Mead’s Crossing

PD – Planned Development, Rowley Downs
A – Agricultural
PD – Planned Development, Villages of Parker

Existing Use: Utility right-of-way corridor containing an existing 230 kV transmission line utilizing lattice tower structures except for the portion within the Greater Downtown District/Market Center Design District. Within that District, PSCO has installed weathered steel monopole structures.

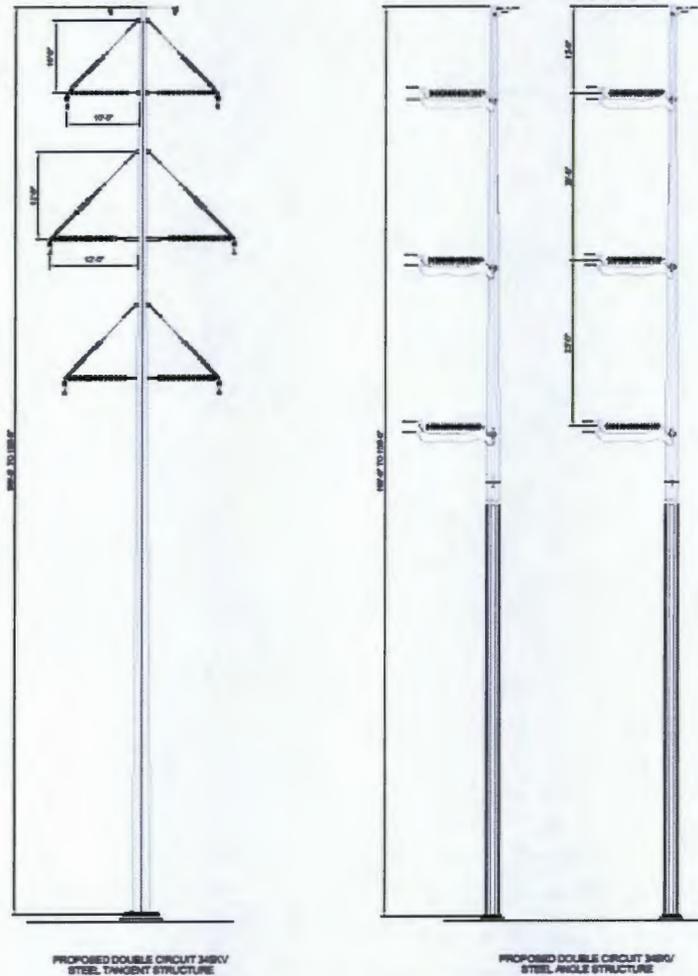
**Surrounding Zoning
& Land Use:**

The PSCO right-of-way, 5.4-miles in length, borders a number of adjacent zones. This is a summary of them:

- PD – Planned Development, Parker Homestead; single-family residential at 3.6 DU/acre
- PD – Planned Development, Regency; single-family residential at 3.5 DU/acre
- PD – Planned Development, Newlin Meadows First Amendment; single-family residential at 4.0 DU/acre
- PD – Planned Development, Bradbury Ranch; single-family residential at 3.5 DU/acre and park
- PD – Planned Development, Olde Town at Parker; single-family residential at 4.5 DU/acre
- PD – Planned Development, Overlook at Cherry Creek; single-family residential at 3.8 DU/acre
- GD – Greater Downtown District/Market Center Design District; commercial retail, restaurant and office
- PD – Planned Development, Parker Hilltop Plaza; multi-family residential at 18 DU/acre
- PD – Planned Development, Mead’s Crossing; single-family residential at 6.0 DU/acre
- PD – Planned Development, Rowley Downs; single-family residential at 2.0 DU/acre and park
- PD – Planned Development, Willow Park South; single-family residential at 3.0 DU/acre
- PD – Planned Development, Village of Parker; single-family residential at densities ranging from 3.0 DU/acre to 6.0 DU/acre and golf course

**Section III.
Analysis:**

PSCO proposes to locate 34 monopole structures within the existing 5.4 mile utility corridor in parallel with the existing lattice towers. These monopoles will be between 100-feet and 150-feet in height depending upon the existing grades at the base of the monopole.



PROPOSED STRUCTURE CONFIGURATION

These structures are to be placed on the northern portion of the PSCO right-of-way, as these photo simulations from Siebert Circle in Rowley Downs illustrate:



Existing Lattice Structure

Monopole addition in Galvanized Steel

Monopole addition in Self-Weathering metal

Impacts

Based upon the scope of the application as provided by PSCO, staff has determined that the following are anticipated impacts as a result of the location of a second transmission line through the utility right-of-way corridor:

Visual:

The proposed second line will increase the number and visibility of electric transmission lines and monopole towers in the corridor. This will further impede views of the mountains, surrounding bluffs, the Black Forest and will blight sight lines through town.

Nuisance:

The proposal is for an industrial use with identified nuisances including noise, vibrations and impact from construction. It will increase nuisance impacts over that which can already be experienced near the existing 230 kV power line. The addition of a 345 kV line is anticipated to exacerbate the situation with the expansion of the industrial use.

Industrial Nature of the Utility Use:

Transmission line structures, whether lattice towers or monopoles, are facilities of an industrial nature. The utility corridor progresses through existing residential neighborhoods, parks/open space and the Greater Downtown District/Market Center commercial retail and restaurant use areas. Installing a second transmission line in this area will intensify an industrial use which is already not compatible with surrounding land uses. This will exacerbate the land use conflicts associated with the proposal.

Sensitive Area Intrusion (Parks, Schools, Open Space):

The PSCO corridor and proposal for a second transmission line will adjoin and be located in close proximity to multiple sensitive receptors such as housing, parks/open space and schools. There are existing schools near the power line, as well as community parks within the utility corridor or immediately adjacent to it. There are also existing open space resources impacted by the proposal such as Cherry Creek and Harvie Open Space. A second transmission line will impact these sensitive receptors and the residents and visitors enjoyment of these resources.

Segmentation/Fragmentation of Neighborhoods along Utility Corridor:

The existing utility corridor already bisects several neighborhoods within Parker. Those neighborhoods must accept the fragmentation and segmentation which comes from having such an intrusive industrial use located through their neighborhood. A second transmission line will intensify the industrial use of the corridor and increase the negative impact generated by the proposal because it bifurcates neighborhoods and physically separates the Town north to south. The addition of a second transmission line towers will make the corridor an even greater barrier through Town.

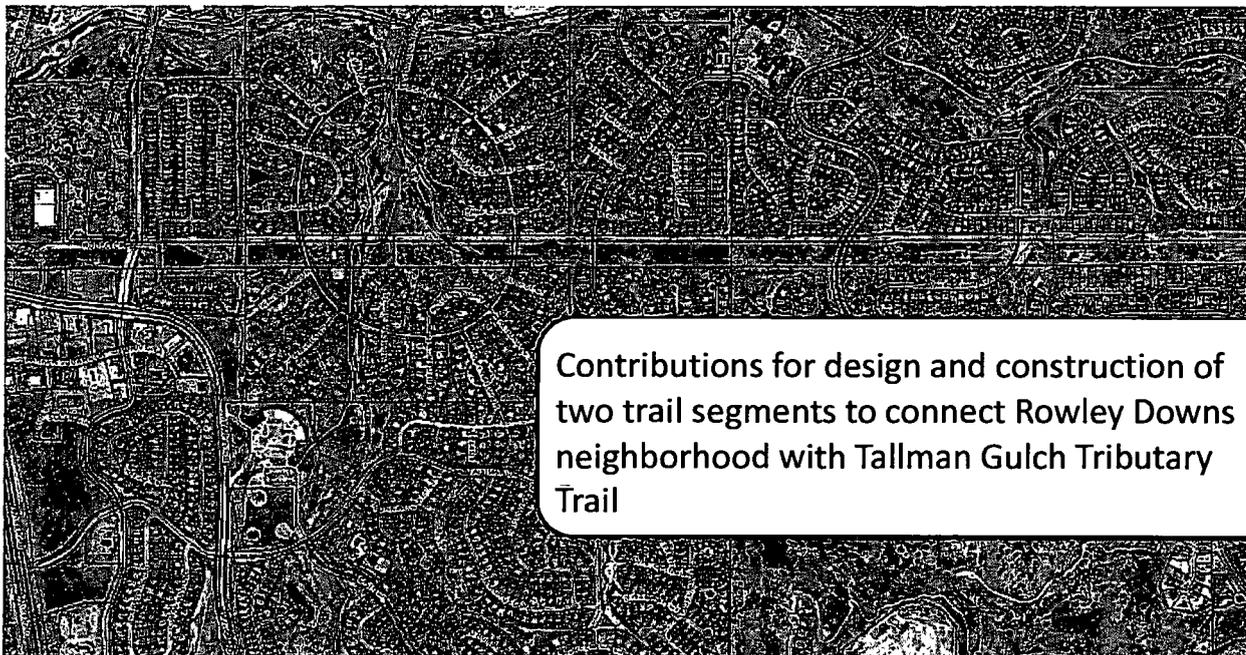
Construction:

PSCO anticipates that construction of the second transmission line will not occur until 2019, however when construction commences there will be heavy equipment, grading apparatus and multiple points of access to the utility corridor from existing Town streets. If not managed properly, construction activity will generate noise, dust, fumes, vibration and may displace animals/vermin/rodents within the utility corridor to adjoining properties.

Mitigation Strategy:

Given the multiple and substantial impacts associated with the PSCO proposal, the Town has identified the need for an effective mitigation strategy. The focus of this mitigation effort is to establish projects or initiatives which directly address the impacts by virtue of proximity to the PSCO right-of-way, providing benefit to multiple neighborhoods through the corridor and improving community integration where fragmentation has previously occurred. The mitigation strategy includes the following elements:

Project No. 1



- 1. Rowley Downs Trail Connection to Reata North** – This trail addition will run from the central open space within Rowley Downs southeast within the PSCO corridor and connecting with the existing trail running north/south within the Willow Park community. There will also be an at-grade crossing of Seibert Circle. The trail will be 10-foot wide concrete and approximately 1,700-feet long. The new trail will connect to the existing Willow Park Trail which will eventually connect to the trail system being developed within the Reata North development.

Staff would also support improvements to the Rowley Downs Homeowners' Association (HOA) owned park on Siebert Circle that is partly bisected by the PSCO right-of-way and will be impacted by the proposal, should the HOA seek mitigation and PSCO agree to improvements as part of the mitigation.

Project Nos. 2, 3 and 4



Contribution for design and construction of grade-separated East/West Trail crossing under Jordan Road.

Contribution for design and construction of mid-block trail segment to East/West Regional Trail at Olde Town.

Existing East/West Regional Trail Segment

Completion of Bradbury Ranch Neighborhood Park with additional landscaping and amenities.

- 2. Olde Town Mid-block Trail Connection** – Olde Town filing 1A established several open space tracts between East NeuTowne Parkway and the southerly boundary of Olde Town at Parker. Olde Town at Parker Filing 1B will locate a trail within these open space tracts. The mitigation trail connection will run from the terminus of Olde Town Trail at the south boundary of the property and continue south through the existing PSCO corridor to link with the existing East/West Regional Trail adjacent to Todd Drive. This will provide existing and future residents of this area convenient regional trail access. The trail will be 10-foot wide concrete and approximately 225-feet long.
- 3. Completion of Bradbury Hills Community Park** – Bradbury Park was constructed approximately 12 years ago in cooperation with Ryland Homes which developed the community at that time. Their land plan included a centrally located 11-acre community park. Since the proposed community park was bisected by the PSCO corridor (210-foot wide), the Town requested permission from the Company to include the three-acre property that bisected the park in its design and construction.

This prior request was denied by PSCO. As a result, the current park has an unimproved, PSCO owned strip of land dividing the improved northerly and southerly sections. Proposed improvements will include irrigated sod and planter/shrub beds as well as walking paths, resulting in a fully completed and integrated 11-acre community park. PSCO has agreed to allow these park improvements within their ROW with the approval of a license agreement. Proposed improvements will include irrigated sod and planter/shrub beds as well as walking paths, resulting in a fully completed and integrated 11 acre community park. PSCO has agreed to allow these park improvements within their ROW with the approval of a license agreement.

4. **East/West Regional Trail Grade Separated Under Crossing At Jordan Road** – The East-West Regional Trail crosses Jordan Road at-grade adjacent to the PSCO right-of-way with limited bike/pedestrian improvements. The Trail is expected to be completed in several years within Parker greatly increasing its usage. A grade separated under-crossing at Jordan Road would provide a safer and more convenient route for pedestrians and bicyclists using the Trail within the PSCO corridor. This trail is ultimately planned to run from the Cherry Creek Trail on the east within Parker to Chatfield State Park in the west. We anticipate significant use by Parker residents, County residents and visitors. Based upon anticipated usage, this trail will be constructed 10-feet wide with an all-weather concrete surface.
5. **Public Service Company Right-of-Way Vegetation Enhancement Program** – Within the PSCO corridor are a number of native grasses which lend to the open space feel of the area. However, there are substantial areas of invasive, non-native plant species along the corridor that threaten the native, xeric vegetation and are a nuisance to adjacent property owners. The vegetation enhancement program is targeted to increase the viability of the native, xeric plant species found within the 5.4-mile PSCO corridor through Parker by managing the invasive species to reduce their negative impact upon the landscape.
6. **Tree/Landscape Grant Program** – The proposed monopoles for the 345 kV transmission line are anticipated to be between 100 and 150-feet high. There is no practical way to completely screen an object that tall, particularly if you are the owner of a property adjacent or proximate to the edge of the PSCO corridor. This mitigation strategy will create a grant program for the owners of residential properties which are located within 100 feet of the PSCO corridor and provide them with a maximum \$500 reimbursement for the planting of trees or landscaping for screening of the monopoles.

Post-construction Restoration

In addition to the mitigation strategies, the Town also analyzed methods of restoration and reclamation following actual construction activities. Within the PSCO right-of-way are a series of two-track rutted pathways used by PSCO staff for access to the lattice structures for maintenance. The Town has proposed that these paths, as part of the construction restoration effort, be converted into soft-surface trails allowing for both maintenance access and pedestrians access.

The Town has also recommends PSCO reach out to the Rowley Downs HOA Board to discuss impacts to the HOA's existing park on Seibert Circle and perform some refurbishment of the park following construction if the HOA requests it and PSCO agrees.

PSCO has responded favorably to both the mitigation strategy proposal and the restoration requirements. PSCO has agreed to fund the mitigation strategy with the provision that the Town manages the actual mitigation and PSCO performs the restoration items as a part of the scope of the construction effort. In return, PSCO has asked that if the Use by Special Review is approved, it be accompanied by a resolution allowing the approval to remain valid for four years to allow construction in 2019 or 2020 in compliance with the PUC approval.

Section IV.

Additional Staff Findings:

Section 13.04.205 of the Town's land development ordinance specifies two process issues and 13 criteria for approval of a utility use by special review. Below are the staff summary findings related to these evaluative factors:

(d) Public utilities—where prohibited. In addition to criteria contained in Subsection (h) below, a public utility shall not be permitted as a use by special review in any residential zone district unless the applicant shall have first demonstrated to the Town Council, by clear and convincing evidence, the following:

(1) There is a compelling need for such public utility to be located on the proposed site

Staff Finding:

PSCO has successfully argued the compelling need for the Pawnee Daniels Park 345 kV transmission line before both the Colorado State Legislature and the Colorado Public Utilities Commission (PUC). It was a finding of compelling need by both the legislature and the PUC that led to the filing of this use by special review application with the Town of Parker.

(2) The applicant cannot adequately perform its utility functions on a site which is zoned to permit such a use, either by right or by special review, whether within or without the Town.

Staff Finding:

Within the corporate town limits of Parker, the PSCO right-of-way has one of three kinds of zoning: PF – Public Facilities, A – Agriculture or PD – Planned Development. Both PF and A allow for this kind of utility use.

All of the associated PD zones within Parker have specifically made allowances for the transmission line as a utility corridor on the Development Plan and reserve the 210-foot wide utility corridor solely for use by PSCO. Proposed development within these PDs is restricted to locations outside of the corridor.

(h) Public utilities—criteria for review of use by special review application. In determining whether to approve or deny an application for a public utility use by special review, the Planning Commission and the Town Council shall consider the following criteria:

(1) Whether the public utility is compatible with the surrounding area;

Staff Finding:

The proposed transmission line is of an industrial character and is effectively doubling the impact of the existing transmission line. It is not compatible with either the residential uses adjacent to the corridor, nor is it compatible the commercial retail and restaurant uses in the Greater Downtown District without adequate mitigation. The mitigation strategy, as described above, has been proposed to PSCO and they have indicated their acceptance which will be formalized in a mitigation agreement with the Town subject to Town Council approval.

(2) Whether the public utility is in harmony with the character of the surrounding area;

Staff Finding:

The areas surrounding the PSCO transmission line are either single-family residential, multi-family residential, commercial or park/open space in character. The proposed transmission line is industrial in character and is therefore incompatible with and exacerbates the existing industrial nature of the PSCO transmission corridor unless adequate mitigation measures are implemented. A mitigation strategy which addresses this impact has been proposed to and accepted by, PSCO.

(3) The effect of the public utility upon the immediate area;

Staff Finding:

Without the aforementioned adequate mitigation efforts, the proposed transmission line will further bifurcate existing neighborhoods and commercial districts. A mitigation strategy to address the impact of a second transmission line within the PSCO right-of-way has been proposed and accepted by, PSCO.

(4) The effect of the public utility upon future development of the area;

Staff Finding:

The visual and nuisance impacts of a second transmission line will adversely affect adjacent property owners with obscured view corridors and increased visual clutter. One of the negotiated strategies for mitigation of 345 kV transmission line includes a grant program for additional landscaping for the owners of lots adjacent to the PSCO right-of-way.

Within the mitigation strategy, there are several other projects to improve existing parks and trails that will more closely integrate neighborhoods and districts fragmented by the existence of the right-of-way and an historic reluctance by PSCO to allow improvements within the corridor. This mitigation has been accepted by PSCO.

(5) Whether the proposed height limitations, setbacks, lot area and open space are sufficient to mitigate the impacts of the proposed use by special review on the surrounding area;

Staff Finding:

The height of the monopoles along the proposed 345 kV transmission line will be between 100 and 150 feet above existing grade. To address this impact, the Town has proposed mitigation strategies that will provide property owners adjacent to the right-of-way with additional landscaping and soften the appearance of the corridor itself by including trail and park improvements. PSCO has found this mitigation strategy acceptable.

(6) Whether land surrounding the public utility can be planned in coordination with the public utility;

Staff Finding:

The land immediately adjacent to the existing utility corridor is predominantly built out with residential, recreational, school and commercial uses. Within the right-of-way itself there are opportunities to connect trails, construct grade-separated trail and improve parks to make them more usable as a community benefit and quality of life amenity. These have been proposed as mitigation strategies and been found acceptable to PSCO.

(7) Whether the public utility is in conformity with the master plan;

Staff Finding:

The Town's 2035 Master Plan requires utility lines to be buried. The exception to this requirement is transmission lines that cannot feasibly be buried due to maintenance issues and unrealistic cost. A 345 kV transmission line qualifies as an exception to the requirement to bury lines because of both the cost to construct and the cost to maintain.

Staff has learned that to replace the existing lattice structures would cost in excess of \$200,000 per tower. This cost is excluded from the scope of the Pawnee-Daniels Park 345 kV Transmission Line as specified in the CPCN. This exclusion means that the cost of replacing existing lattice structures cannot be passed along to PSCO rate payers.

(8) Whether the existing and proposed streets are adequate to carry anticipated traffic in the vicinity of the public utility;

Staff Finding:

There are several Town-owned local residential streets crossing the existing PSCO right-of-way, which provide access to existing neighborhoods adjoining the subject property.

These streets are not constructed to handle the sort of heavy equipment necessary to construct the proposed 345 kV transmission line. Staff recommends a condition of approval which states that PSCO will need to establish an access plan whereby construction vehicles and equipment can only enter the right-of-way via a collector or arterial road classification.

This recommendation also requires PSCO to submit a full-set of construction documents, to include a grading/drainage/erosion control plan to address the concerns of heavy truck equipment within residential neighborhoods.

(9) Whether adequate open space and visual corridors are preserved;

Staff Finding:

A second transmission line which also utilizes monopoles ranging in height from 100 to 150 feet will significantly impact view corridors. The proposed height is required for safety reasons and PSCO indicates that it cannot be modified. To address these criteria, the Town has requested that PSCO utilize the galvanized steel monopoles as they tend to be less visually intrusive from a distance than the reddish “weathered” variety, except for those areas in downtown Parker where weathered monopoles are already in use. The requirement to engage in corridor vegetation maintenance and connect trails will continue to ensure these corridors function for passive, open space uses.

(10) Whether the public utility fosters a desirable and stable environment;

Staff Finding:

In this context, “desirable and stable environment” is identified to mean strong, cohesive and robust neighborhoods and shopping districts. Staff has discussed with PSCO’s representatives how the existence of PSCO’s right-of-way and PSCO’s own historic policies of non-intrusion into the right-of-way, have resulted in a segmentation and bifurcation of neighborhoods as they developed along the right-of-way’s alignment. The mitigation strategies staff has proposed to PSCO have been created for the purpose of taking steps to re-integrate neighborhoods, providing additional trail connections and to ameliorate the PSCO right-of-way that has historically been a barrier separating neighborhoods and the Town itself.

(11) Whether the public utility makes possible the innovative and efficient use of the subject property;

Staff Finding:

The existing 230 kV transmission line within the PSCO right-of-way was constructed in the 1960’s and is situated to the southerly end of the right-of-way. The clear intent behind this was to efficiently locate a second transmission line along the northerly edge. The proposed Pawnee Daniels Park 345 kV Transmission Line accomplishes this.

(12) Whether the public utility would exacerbate a natural hazard; and

Staff Findings:

There are no known natural hazards within the existing PSCO right-of-way.

(13) Whether there are reasonably available and economically feasible alternatives for the public utility.

Staff Finding:

Of the three alignments considered by the applicant for the Pawnee Daniels Park 345kV Transmission Line, locating it within the existing PSCO right-of-way is the most economically feasible alternative for the applicant.

Further, under the Town's Land Development Ordinance, in order for PSCO to submit an application for either of the other two considered alignments, PSCO would have to be able to demonstrate that they either own the property where those alignments are proposed, or have established a right-of-use via some form of easement granted by the property owner. PSCO could not demonstrate this type of ownership condition to staff for the other two considered alignments.

Section V.

Referral Agency Comments:

Below are the condensed versions of referral responses received from affected agencies:

Town of Parker Engineering Department:

Engineering will require the applicant to obtain a grading and right-of-way permit. It is also the applicant's responsibility to obtain any necessary state or federally-issued permits including ACE Section 404 (wetland) permits.

Town of Parker Fire/Life Safety:

No Comment

Town of Parker Recreation Department:

No Comment

Town of Parker Police Department:

No Comment

Town of Parker Building Department:

No Comment

Town of Parker Economic Development:

No Comment

Parker Water & Sanitation District (PWSD):

PWSD has multiple crossings along Xcel's easement. Please get proper locates from PWSD before construction of towers.

Colorado Department of Transportation:

Any work within the State Highway right-of-way will require a utility permit from our office. Contact for that permit currently is Steve Loeffler.

Colorado Parks & Wildlife, Northeast Region:

No Comment

Douglas County Planning:

The county will review the portions of the transmission line within the unincorporated areas of the county when they are submitted for review.

Magellan Pipeline:

Please have Xcel provide answers to the questions listed in the attached Electric Utility Data Requirements for Electromagnetic Interference Evaluation. Please submit the completed questionnaire to Patrick Dunakey with Magellan Pipeline Company.

Urban Drainage & Flood Control District:

Monopoles should be located outside of 100-year floodplains.

Bradbury Ranch Homeowner's Association:
No comment

Canterberry Crossing Homeowners Association:
No Comment

Jordan Crossing Homeowner's Association:
No Comment
Newlin Meadows Homeowner's Association:
No Comment

Olde Town at Parker Homeowner's Association:
No comment

Parker Hilltop Apartments:
No comment

Parker Homestead Metropolitan District:
No Comment

Regency Homeowner's Association:
No comment

Rowley Downs Homeowner's Association:
No comment

Turtle Creek Homeowner's Association:
As a board, Turtle Creek does not want to see more lines going through the middle of our neighborhood. This is due to aesthetic reasons and the immense power and noise that come with lines of this size. We would like to see them redirected using an alternative route that has been proposed. We cannot imagine the health consequences of having that much electricity so close to families with newborns, infants and toddlers. We also feel as a board that the resale values of our homes and the community as a whole will be negatively impacted if the new transmission lines are approved.

Willow Park Homeowners Association:
No comment

Exponential Engineering:
See attached report for technical evaluation of the proposed transmission line

Section VI.
Recommendation:

Staff recommends that Planning Commission recommend that Town Council find the mitigation strategy acceptable to address the impact of the 345 kV transmission line, Planning Commission should vote to accept the mitigation strategy and recommend Town Council approve the use by special review by Public Service Company of Colorado ("The Company") subject to the adoption of a resolution citing the following 26 conditions of approval:

1. The monopoles used by the Company for the Project will be grey steel poles. If a lattice tower is removed as a part of the Project, it will be replaced by the Company with a monopole of a type similar to the monopoles being installed as a part of the Project. The Company will also provide the Town with an estimate of the cost to replace all of lattice structures within the Company ROW with monopoles within 90 days of the date of this Resolution.

2. Noise and electromagnetic field levels will not exceed those levels provided in the CPCN.
3. The Company will restore any disturbance to the Site, including the removal of all soil that is displaced on the Site as a result of the installation of the new monopoles, as a part of the Project.
4. The Company will reconstruct to Town Standards any recreational trails disturbed by the Project, including any recreational trails that cross the Site or are located within the Site, including, but not limited to, the Town of Parker East-West Trail.
5. The installation of monopoles by the Company as a part of the Project will not reduce the number of parking spaces that currently exist in the commercial areas of the Town.
6. The Company, in lieu of a two-track access through the Site, will construct as approved by the Town, a fixed permanent access made of soft surface materials that allows for recreational use, as well as access for the Company.
7. The Company will provide to the Town a construction access plan (the "Construction Access Plan") based upon Town Standards, at least six (6) months prior to the issuance of any permits by the Town for the Project. No permits will be issued until the Construction Access Plan is approved by the Town. The Construction Access Plan will describe where the Company and its designated contractors can access the Site from Town streets with large construction vehicles. The Town will not permit access to the Site from residential local streets, except as provided in the Town-approved Construction Access Plan and the associated right-of-way permit.
8. The Company will provide a Construction BMP (GESC) Plan to the Town based upon Town and/or County standards, at least six (6) months prior to the issuance of any permits by the Town for the Project. No permits will be issued until the Construction BMP (GESC) Plan is approved by the Town. This plan will ensure that construction activities do not create erosion/sediment impacts as a result of the Project and associated construction access to the Project. This plan will also identify all existing drainage facilities to ensure that they are not adversely impacted by the proposed improvements and construction activities.
9. The Company will be required to obtain a Town grading (GESC) permit prior to the start of construction. The Company will be required to prepare and submit for review all necessary CBMP plans (GESC) and technical information associated with this permit. The application associated with this permit, including all required information, must be submitted to the Town for review a minimum of ninety (90) days prior to the start of construction.
10. The Company will provide a construction mitigation plan (the "Construction Mitigation Plan") to the Town based upon Town standards, at least six (6) months prior to the issuance of any permits by the Town for the Project. No permits will be issued until the Construction Mitigation Plan is approved by the Town. The Company will address in this plan how the Company will prevent the generation of dust, fumes, vibration, displacement to residential properties of animals/vermin/rodents and construction-related noise, or, if generated, how the Company will mitigate impacts to adjacent neighborhoods.

The Company will provide to the Town a single point of contact for public communication with the Company. The Company will provide for public outreach prior to and during the construction of the Project, such as a newsletter, open house and hotline.

11. The Company will provide to the Town a pre-construction visual survey of the Town streets, sidewalks, trails and landscaping adjacent to the Site prior to the issuance of any permits for the Project to establish a base line of the existing conditions of these streets prior to the start of construction.
12. The Company will provide to the Town a post-construction visual survey of the Town streets, sidewalks, trails and landscaping adjacent to the Site upon completion of the Project to determine that any damage has been properly repaired, including the restoration of any landscaping that is damaged. The Company will repair all damage to Town roadways and adjacent landscaping.
13. The Company will meet with each of the board of directors of the homeowners' associations that represent the neighborhoods adjacent to the Site at least six (6) months prior to the issuance of any permits for the Project. The purpose of these meetings is to brief the directors concerning the pertinent construction details associated with the Project.
14. The Company will obtain a Town right-of-way permit for any construction activities that will impact adjacent public roadways. These activities include temporary staging of materials or equipment within the roadways. The Company will submit an application for this permit at least ninety (90) days prior to the issuance of any permits for the Project. The application will include the preparation and submission of all necessary traffic control plans to ensure that pedestrians and the traveling public are not adversely impacted by the construction activities associated with the Project.
15. The staging of Project equipment and/or materials on Town roadways will generally not be permitted. However, there are likely to be some construction activities within the Town roadways that may be unavoidable (stringing of power lines). These activities must be approved as part of a Town right-of-way permit. The Company will be required to repair any street damage associated with the construction activities, in accordance with Town standards.
16. Project construction traffic and access to the Company's right-of-way should be limited to arterial or collector roadways. Construction traffic on residential local streets will not be permitted, unless authorized by the Town through the associated Town grading (GESC) and/or right-of-way permit.
17. The Company will be required to submit an application for a Town floodplain development permit for any disturbance within regulatory floodplains within the Town at least ninety (90) days prior to the issuance of any permits for the Project. This includes permanent impacts as well as temporary construction impacts.

The Company will need to provide an engineering analysis showing the impacts of permanent structures/impacts within the limits of the Cherry Creek floodplain. If the engineering analysis suggests no adverse impact (0.00 ft. rise in the base flood elevation), a no-rise certification will need to be prepared by a registered professional engineer and submitted along with the floodplain development permit application. If the activity results in a change to the base flood elevation, the Company will be required to submit necessary letter of map change applications to FEMA. The Company is strongly encouraged to organize construction in a manner that will not cause any impacts (permanent and/or temporary) to all other regulatory floodplain crossings within Town.

18. Since the proposed improvements (monopoles) are isolated, including minimal impervious area, and are not changing the existing topography, a drainage report/plan will not be required. However, care should be taken by the Company during construction to ensure existing drainage facilities are not adversely impacted or damaged.
19. The proposed pole located at the northeast corner of Dransfeldt Road and Twenty-Mile Road is within the inundation area of an existing stormwater retention pond. The pole is not within the permanent pool, but may be inundated (less than 2-3 feet) for short durations after heavy precipitation events. The Company should evaluate any potential impacts to the associated pole foundation. Technical information pertaining to this detention pond can be provided by the Town upon request.
20. It appears that the proposed poles are outside of the Preble's Meadow Jumping Mouse (riparian conservation zone) along Cherry Creek. However, the Company should verify and be aware that any permanent or temporary impacts/disturbance to the riparian conservation zone will require authorization from the U.S. Fish and Wildlife Service.
21. The Company will obtain all municipal, state and federal permits associated with the construction of this project, including Section 404 (Wetlands) permits.
22. The Company will hold a pre-construction meeting with the Town prior to the release of any permits and the start of construction. This meeting can be scheduled through the Town's Engineering Department. The Company will also hold regular progress meetings between the Town, the Company and the contractor(s) used by the Company, based on a schedule provided by the Town.
23. The Company will ensure that construction activities related to the Project will not interfere with the following events and races that are held in the Town, including Parker Days (second weekend in June); Parker Farmer's Market (Sundays May through October; Trick or Treat on Mainstreet (Oct. 31); Let Freedom Sing (July 4); Valentine's Day Race (second weekend in February); So Long to Summer Race (first or second weekend in August); Arbor Day Race (Last Saturday in April); as well as other events and races that take place along the Company ROW during construction.

The Company will contact the Town at least six (6) months prior to the issuance of any permits for the Project to determine the events and races that will be subject to this condition.

24. The Company will comply with the Parker Municipal Code and all applicable state and federal laws during the construction of the Project.
25. The Department of Community Development is authorized to make minor changes to the conditions/safeguards contained herein to the extent provided in Section 13.03.030 of the Parker Municipal Code.
26. The Company agrees to the mitigation strategy as presented in this staff report.

Section VII.
Attachments:

1. Vicinity Map
2. Site Plan Exhibits
3. Referral Agency Comments
4. Resolution for Approval

Section VIII.
Proposed Motion(s):

"I move the Planning Commission accept the mitigation strategy for the Pawnee Daniels Park 345 kilovolt transmission line through the Town of Parker, and recommend Town Council approve the Use by Special Review subject to the 26 conditions outlined in staff's report."

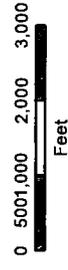
Pawnee to Daniels Park 345kV Transmission Project

Photopoint Locations



Legend

-  Photopoint Location
-  Existing Transmission Structure
-  Existing 230kV Transmission Line



View From Whirlaway
Avenue Looking East

Existing Condition



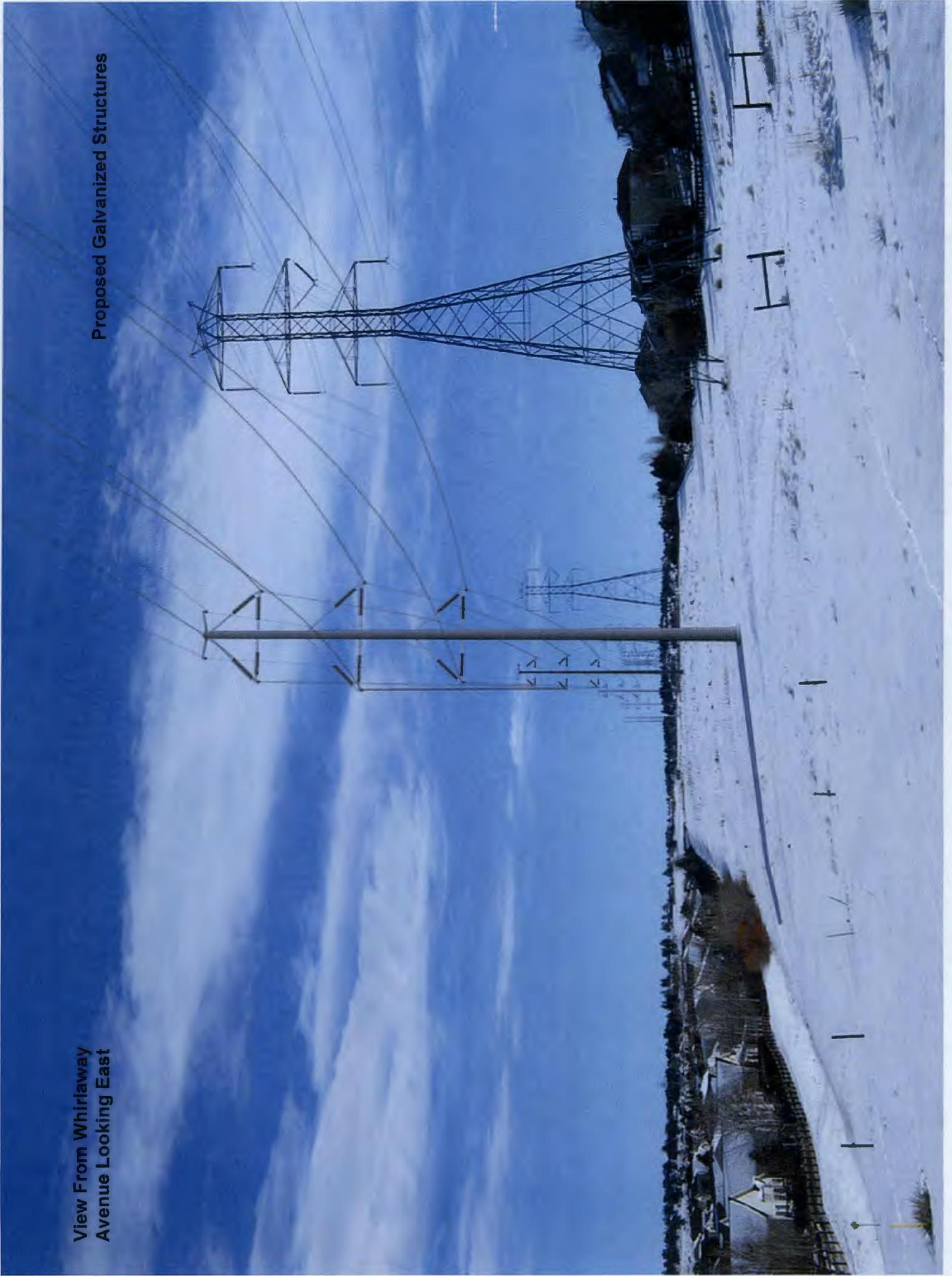
View From Whirlaway
Avenue Looking East

Proposed Self-Weathering Structures



View From Whirlaway
Avenue Looking East

Proposed Galvanized Structures



Siebert Circle Looking West



Existing Condition

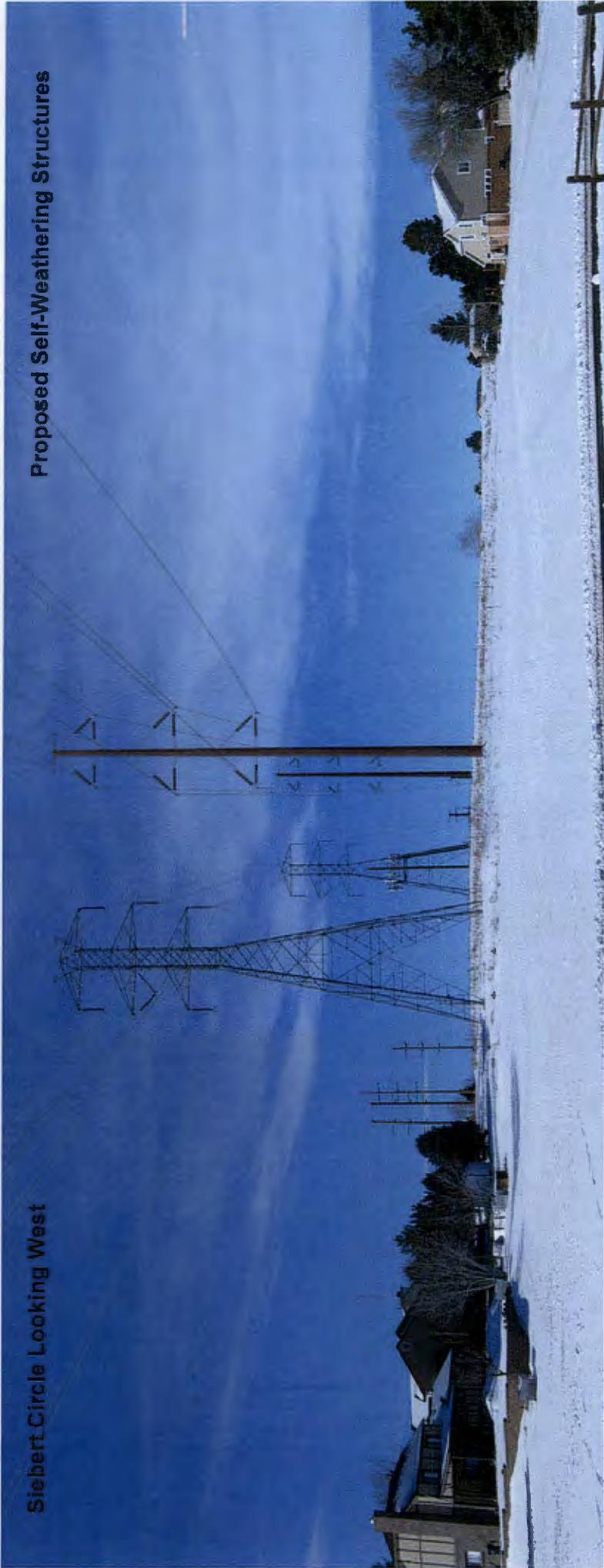
Siebert Circle Looking West



Proposed Galvanized Structures



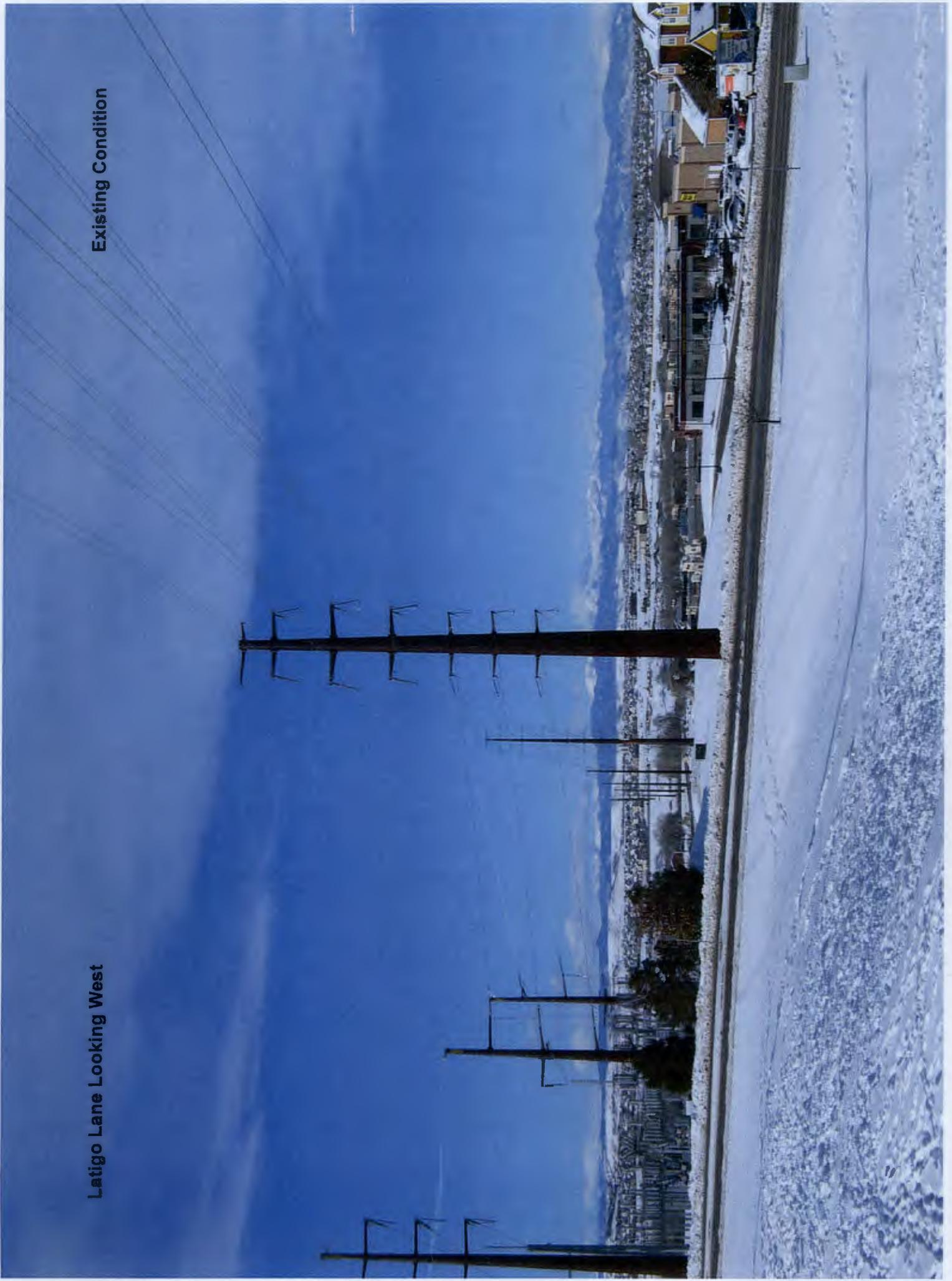
Siebert Circle Looking West



Proposed Self-Weathering Structures

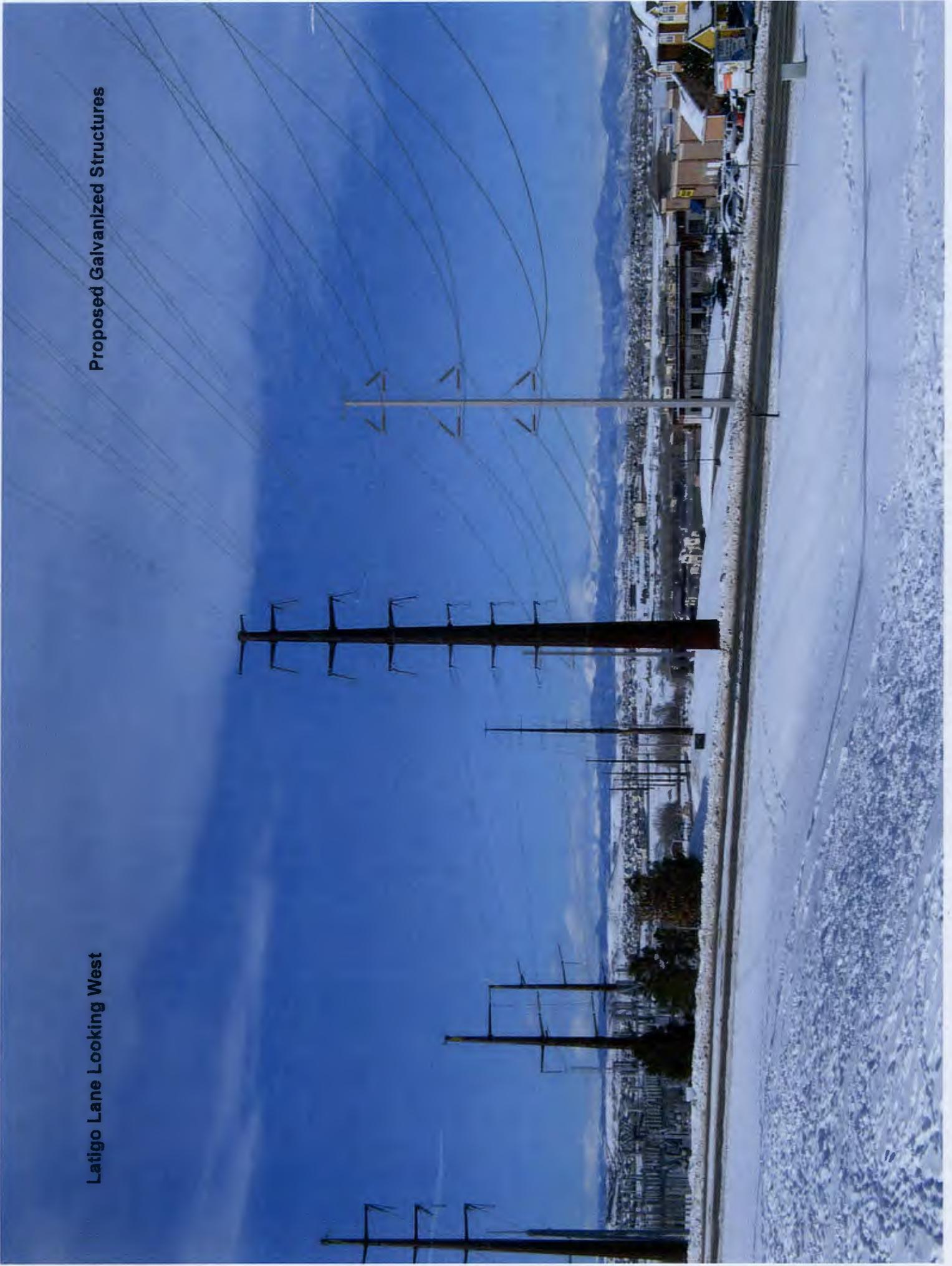
Latigo Lane Looking West

Existing Condition



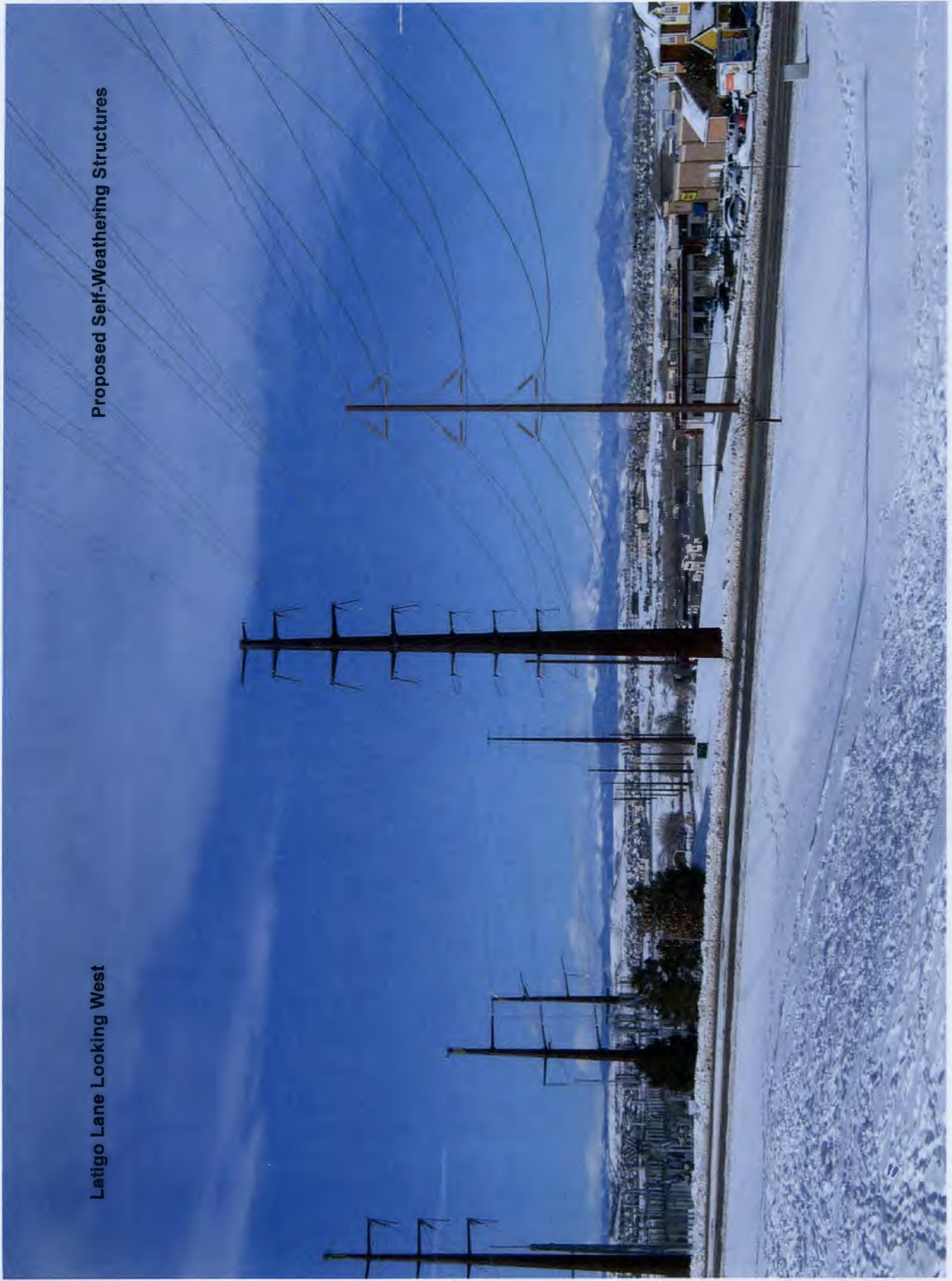
Latigo Lane Looking West

Proposed Galvanized Structures



Letigo Lane Looking West

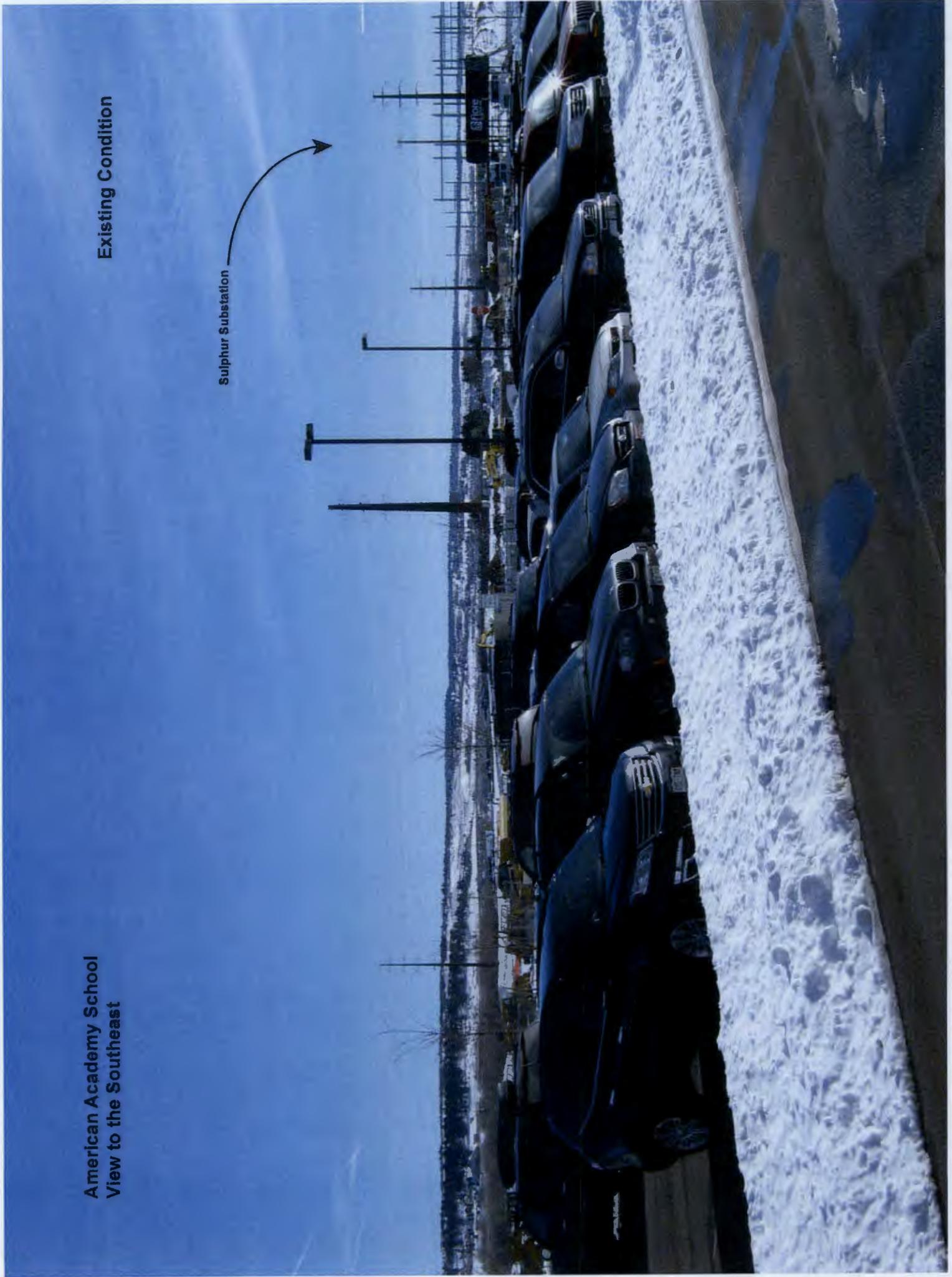
Proposed Self-Weathering Structures



American Academy School
View to the Southeast

Existing Condition

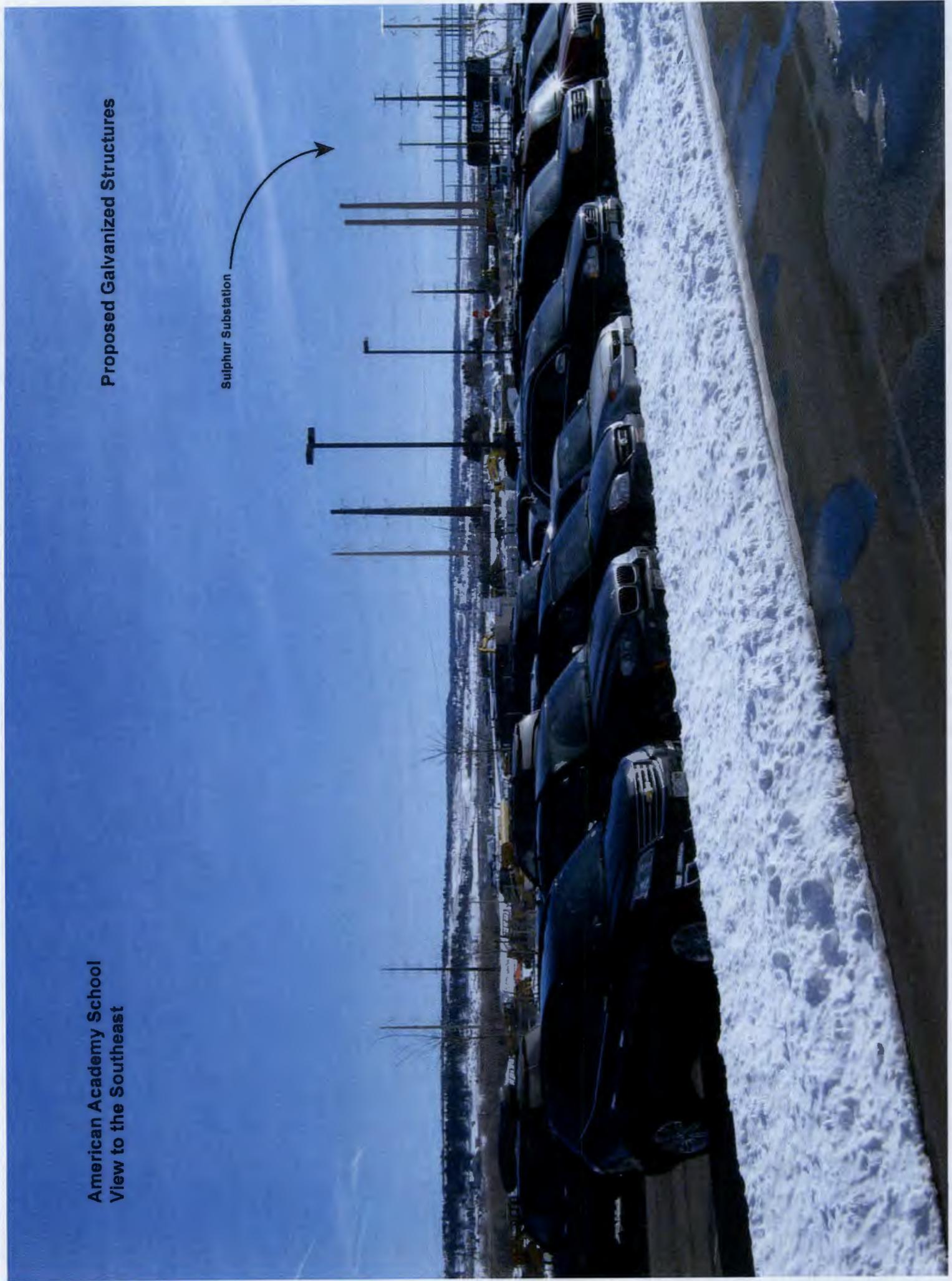
Sulphur Substation



American Academy School
View to the Southeast

Proposed Galvanized Structures

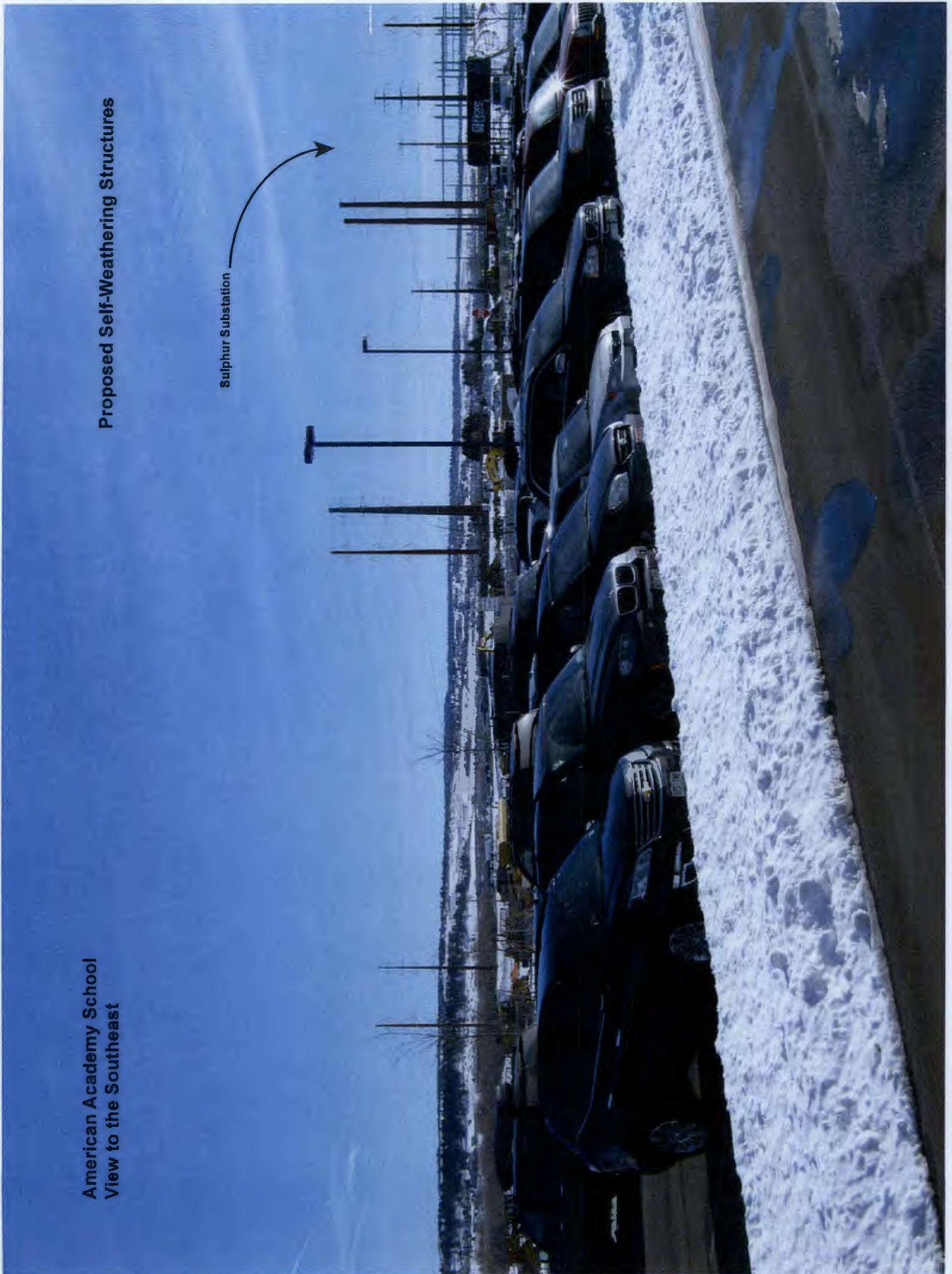
Sulphur Substation



**American Academy School
View to the Southeast**

Proposed Self-Weathering Structures

Sulphur Substation



Auburn Hills Community Park Looking Northeast



Prairie Crossing
Elementary School



Existing Condition

Auburn Hills Community Park Looking Northeast



**Prairie Crossing
Elementary School**



Proposed Galvanized Structures

Auburn Hills Community Park Looking Northeast



**Prairie Crossing
Elementary School**



Proposed Self-Weathering Structures

**PRKR-1401 – Xcel 10UBSR2016 Application
Engineering Review**

Exponential Engineering Company
T. Ghidossi, P.E., M. Mansour

Rev 1
June 8, 2016

Exponential Engineering Company (EEC) has reviewed the Public Service Company of Colorado (PSCo) Application for Use by Special Review for the Pawnee to Daniels Park 345kV Transmission Line (10UBSR2016). The following are EEC's comments and conclusions regarding our review.

1. Noise Levels and EMF
 - a. PSCo in their statement of position in their request for granting of the CPCN to the PUC (proceeding NO. 14A-0287E) stated the following.
 - i. PSCo seeks a finding that noise levels of 50dB or less at the right-of way edge plus 25 feet are reasonable for the project except Section 4A.
 - ii. In Section 4A, which is a commercial zone, PSCo seeks a finding that noise levels of 50.5 dB or less at the edge of the right-of-way plus 25 feet are reasonable.
 - iii. PSCo's design incorporates measures to help mitigate noise:
 1. Use of low-corona hardware on the lines.
 2. Arranging phase conductors in a configuration to reduce noise.
 - b. PSCo in their statement of position in their request for granting of the CPCN to the PUC (proceeding NO. 14A-0287E) stated the following.
 - i. PSCo seeks a finding that a magnetic field level of 150 mG is reasonable for the project.
 - ii. PSCo's design incorporates two measures to help mitigate EMF:
 1. Arranging phase conductors in a configuration to reduce magnetic fields.
 2. Increasing the height of transmission structures (an extra five feet) to reduce the magnetic field strength at ground level.
 - c. The PUC adopted Decision No. R14-1405 by Administrative Law Judge G. Harrison that the PSCo requests with respect to Noise and EMF are reasonable for the project.
 - d. PSCo provided Exhibits for the Noise Model for the corridor (see Appendix A).
 - e. PSCo provided Exhibits for Magnetic Field Models for the corridor (see Appendix B).
 - f. Colorado does not have specific standards or limits for Noise and EMF for transmission lines.
 - g. Based on our experience, the limitations on Noise and EMF values given are reasonable and typical for transmission lines across the U.S.
2. Alternative Routes
 - a. PSCo provided information regarding alternative routes that they considered. Their analysis indicates that these alternatives are not feasible for a number of reasons. EEC has the following comments with regard to the alternatives and PSCo's response to questions posed with those comments.
 - b. PSCo described the need for 200 feet of ROW width for the alternative routes. However, 200 feet is the width of the existing ROW corridor (75 feet from existing structures to edge of ROW, 65 feet between centerlines of the existing and new structures and 70 feet to the edge of the ROW from the new structures). The ROW required for the new 345kV line alone would be 135 feet or less.
 - i. Question: Why did PSCo require 200 feet of ROW for the alternative routes?
Response: "Prudent avoidance is one reason – also with just the double circuit line – we don't not have all of the canceling effects from the 2nd double circuit line to help lower noise and magnetic fields."
 - c. Route Alternative B appears to be a very obvious attempt to create a route that skirts the Parker City limits.
 - i. Question: Is Route Alternative B truly a reasonably researched proposition or just one of convenience?

PRKR-1401 – Xcel 10UBSR2016 Application

Engineering Review

Exponential Engineering Company

T. Ghidossi, P.E., M. Mansour

Rev 1

June 8, 2016

Response: "We were looking for routes. Every route shown was a buildable route at the time we were routing. There was NO attempt to avoid Parker or any other jurisdiction."

- d. EEC is still skeptical of the PSCo responses; however, the primary consideration is that the existing corridor is by far the least expensive and was intended for this type of use from the beginning.

3. Purpose of the Line

- a. PSCo provides information on the need for the Pawnee to Smoky Hill line segment by describing significant new generation resources in Eastern and Northeastern Colorado.

- i. Request: PSCo should provide more detailed information as to how the 345kV line improves capacity, performance and reliability of the connections to IREA that serve Parker. In the application PSCo mentions only that the line provides support for IREA, and by extension, Parker load growth.

Response: PSCo reiterated that the line provides support for IREA which serves Parker. In addition, the line will provide a transmission path for significant renewable energy resources to the Denver metropolitan area.

- b. The illustration of planned development (page 21, Figure 4) and the paragraph associated with the illustration describe "...A small sample of the developments planned for the Town of Parker and surrounding area includes over 70,000 residential units and 28.8 million square feet of non-residential development..." However, the illustration appears to show most of this development occurring outside of Parker, thus the additional power supply is not benefitting Parker as much as described.

- c. IREA connects to Smoky Hill Substation and indirectly to Daniels Park Substation. The 345kV line will provide additional capacity to those substations. PSCo indicated in discussions that the existing 230kV transmission lines serving IREA substations are highly loaded and would not be capable of taking on additional generation resources.

4. Additional Items

- a. There are approximately 5.42 miles of 230kV double circuit line through the Town, with a number of lattice steel structures. PSCo indicated that this line was built in the late 1960's which would make the structures about 50 years old. PSCo may well be interested in replacing the lattice steel structures within the next ten years.

- i. Question: Will PSCo consider replacing the existing 230kV Lattice Steel Towers in the corridor with monopoles to lessen the visual impact of both lines?

Response: PSCo expects the lattice towers in the existing 230kV line to last another 50 to 60 years and has no plans to replace any of them. If the Town of Parker or another entity wishes to pay the costs for structure replacement, that option would be considered.

- b. While it appears that the existing 230kV line is located to one side of the ROW, there may end up being places where the line must be relocated in order to make room for the new 345kV line. PSCo should reasonably consider putting in new monopole structures when a lattice tower needs to be relocated.

- i. Question: Will PSCo replace any 230kV line structures that need to be relocated with monopoles?

Response: If a lattice tower would need to be relocated for the Project, PSCo would replace the lattice tower with a single pole steel structure.

- c. Parker has the option of requesting that galvanized steel or weathering (corten) steel monopoles be used in specific areas along the Right-of-Way.

- i. Galvanized steel poles can have shiny, reflective surfaces that make them more obvious at some positions of the sun. However, these poles are less obvious from a distance.

- ii. Corten poles have a rust-colored finish and stand out whether nearby or from a distance. Often corten poles will appear larger and heavier than galvanized poles of the same size.

5. EEC Conclusions

- a. EMF and Noise – the mitigation measures specified by PSCo meet PUC requirements, which are the only requirements given in Colorado.
- b. Alternative Routes – the consideration of alternative routes supports the conclusion that using the existing corridor is the appropriate solution.
- c. Purpose for the Line – the stated purpose for the line has been accepted by the PUC for overall system reliability and transfer of renewable generation resources. In our judgement, the 345kV lines will provide a significant transmission path for additional resources and reduce the existing loading on the 230kV transmission lines serving IREA, leading to greater flexibility in system configurations and thereby improving overall reliability to PSCo and IREA customers.
- d. Additional Items – the existing lattice towers can be expected to last the length of time PSCo indicates, especially with regular maintenance and inspection. In general, PSCo is conforming to normal practice in requiring the requesting party to pay for replacement of facilities that would not otherwise need to be replaced. The PUC would most likely not be willing to allow PSCo to put such costs into their rate base.

PRKR-1401 – Xcel 10UBSR2016 Application
Engineering Review
Exponential Engineering Company
T. Ghidossi, P.E., M. Mansour

Rev 1
June 8, 2016

APPENDIX A – PSCo Representations of Noise Model for the Parker Area (4 and 4a)

This information is excerpted from PSCo's PUC direct testimony by Mr. Danny Pearson.

Exhibit No. DJP-S4c
Noise Model for the Pawnee - Daniels Park 345 kV Transmission Corridor
(Section 4) Fair Weather (L5) using the BPA Algorithm

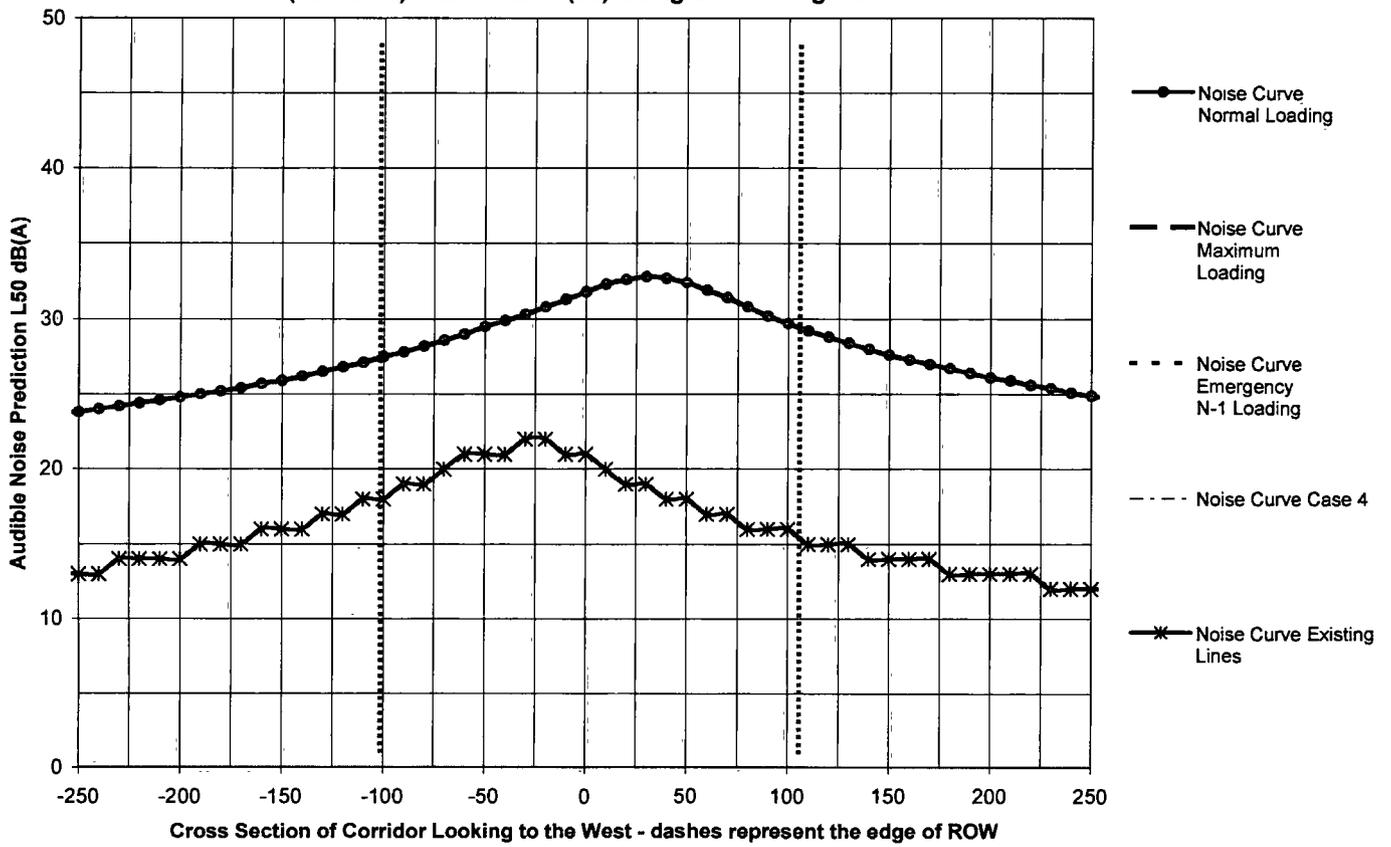


Exhibit No. DJP-S4d
Noise Model for the Pawnee - Daniels Park 345 kV Transmission Corridor
(Section 4) Rainy (L50) - Wet Weather using the BPA Algorithm

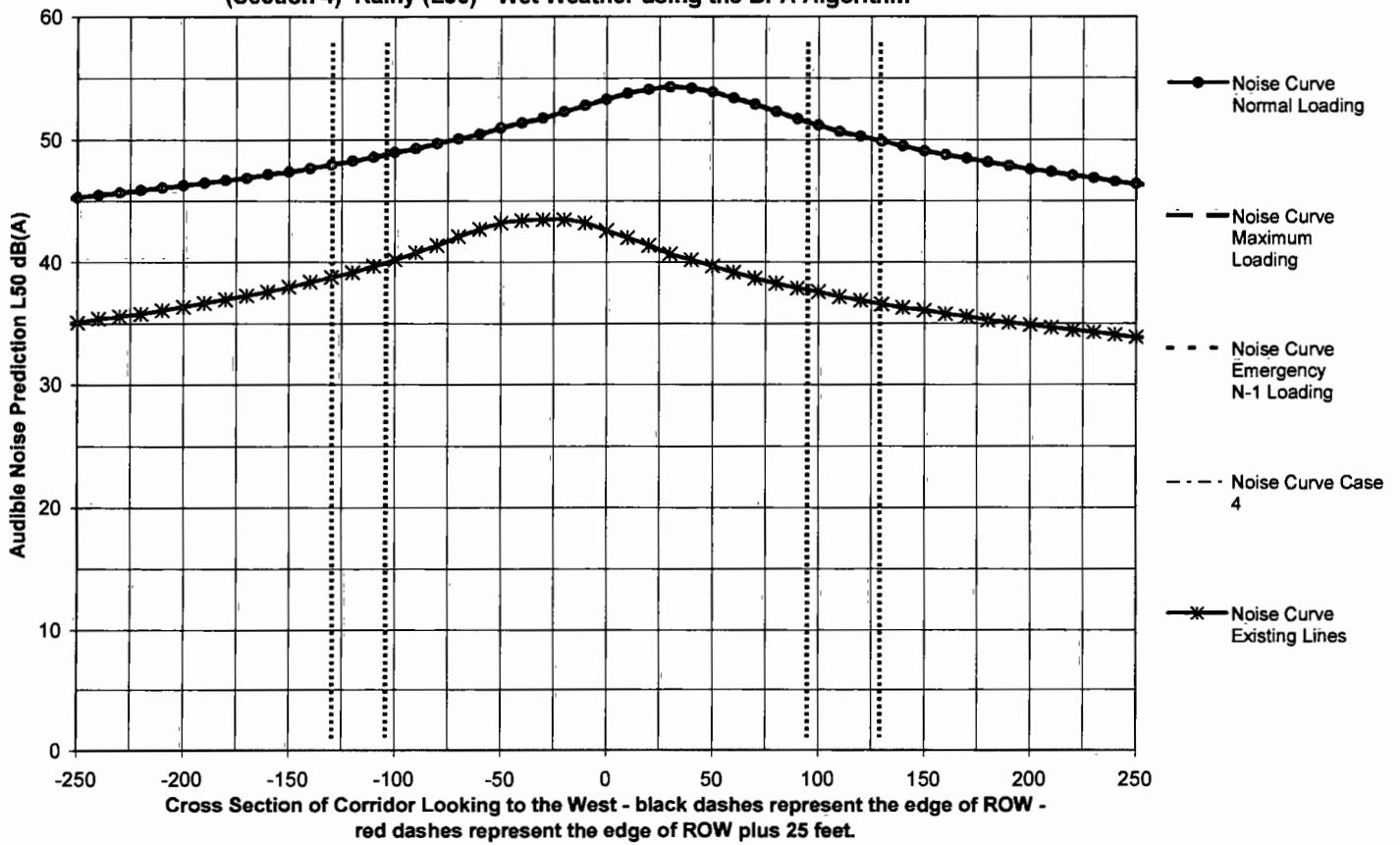


Exhibit No. DJP-S4Ac
Noise Model for the Pawnee - Daniels Park 345 kV Transmission Corridor
(Section 4A) Fair Weather (L5) using the BPA Algorithm

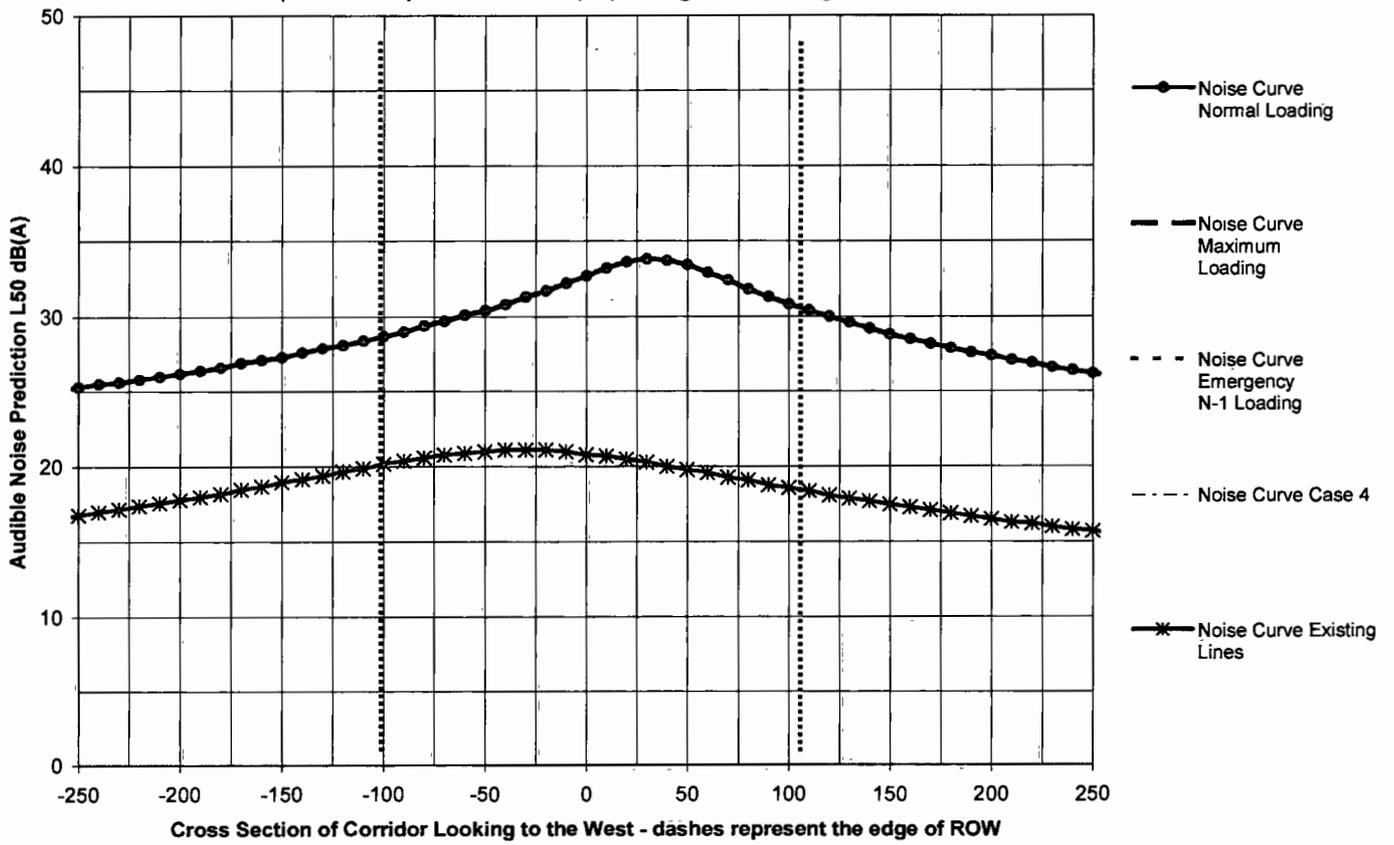
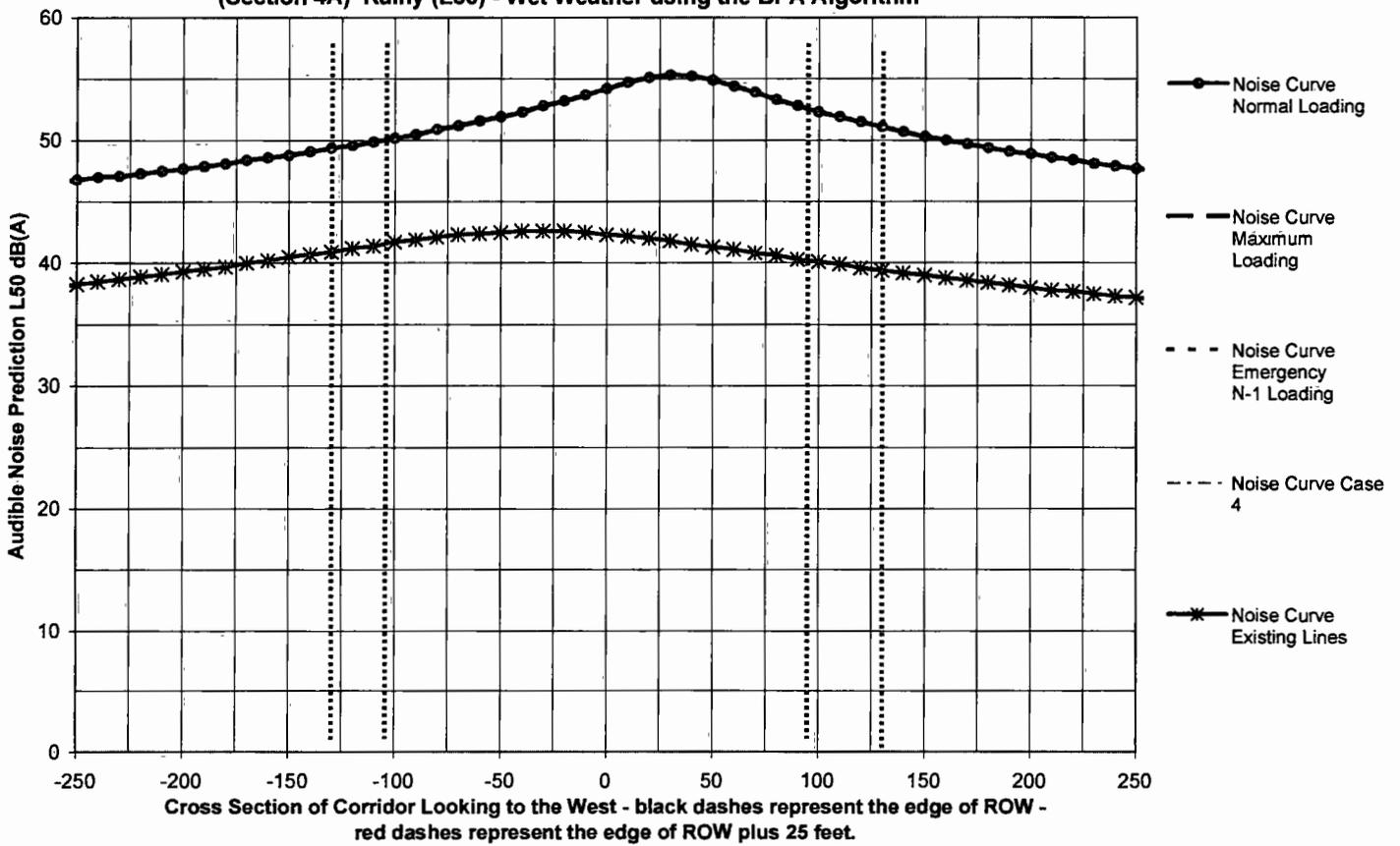


Exhibit No. DJP-S4Ad
Noise Model for the Pawnee - Daniels Park 345 kV Transmission Corridor
(Section 4A) Rainy (L50) - Wet Weather using the BPA Algorithm



PRKR-1401 – Xcel 10UBSR2016 Application
Engineering Review
Exponential Engineering Company
T. Ghidossi, P.E., M. Mansour

Rev 1
June 8, 2016

APPENDIX B – PSCo Representations of Magnetic Field Models for the Parker Area (4 and 4a)

This information is excerpted from PSCo's PUC direct testimony by Mr. Danny Pearson.

Exhibit No. DJP-S4a
Magnetic (B) Field Models for the Pawnee - Daniels Park 345 kV Transmission Corridor
(Section 4) milliGauss

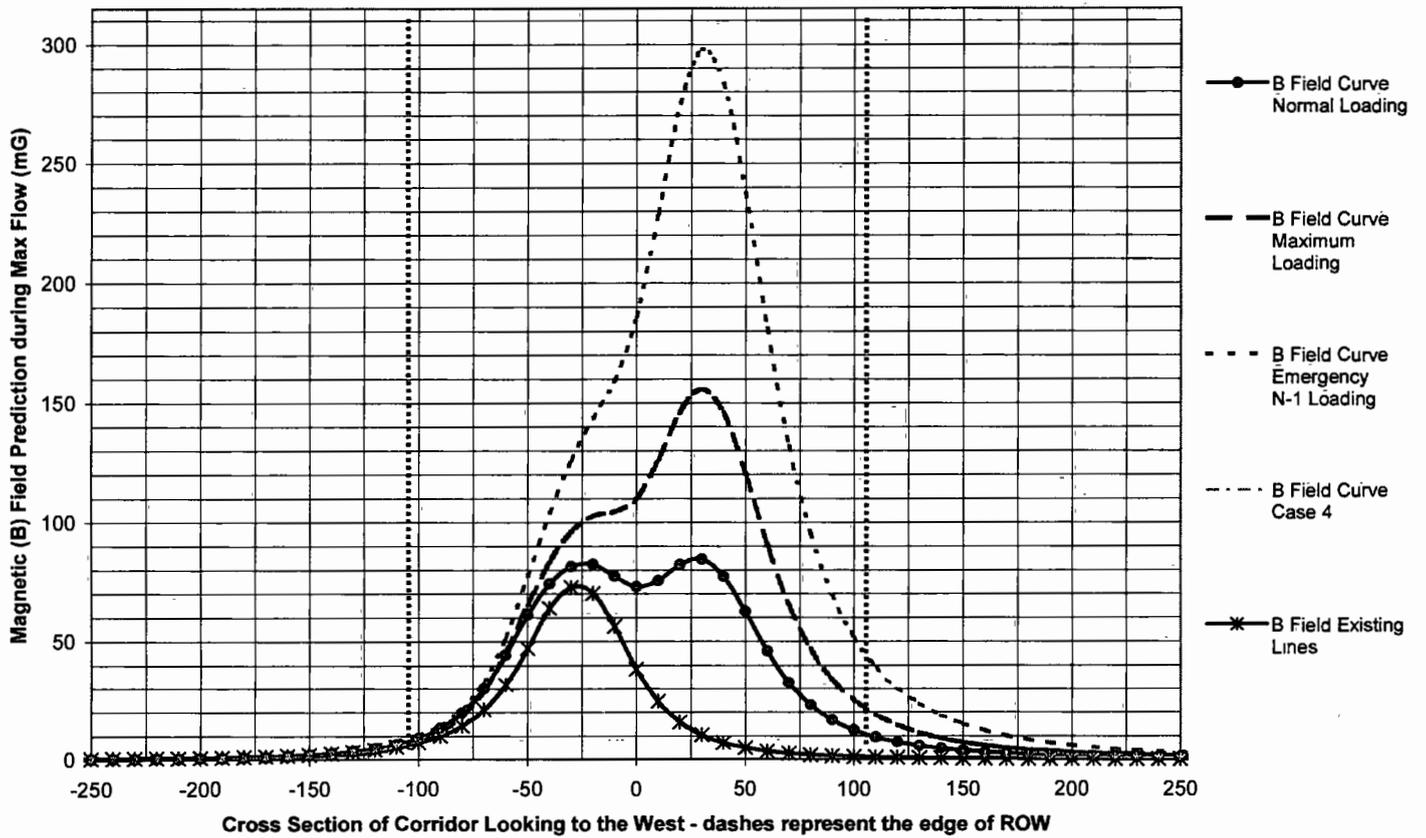
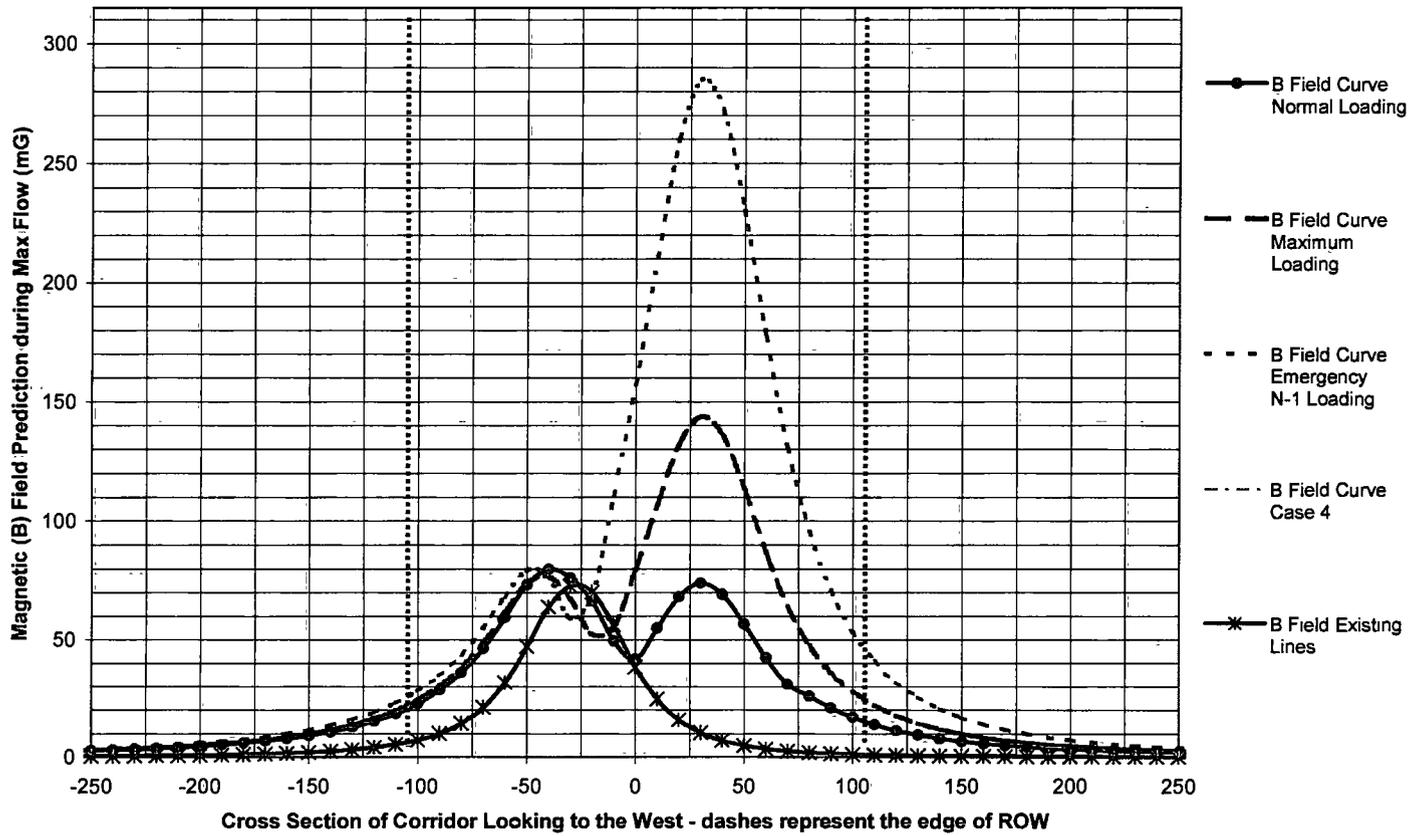


Exhibit No. DJP-S4Aa
Magnetic (B) Field Models for the Pawnee - Daniels Park 345 kV Transmission Corridor
(Section 4A) milliGauss





Your kind of place.

Memorandum

To: Patrick Mulready, Senior Planner
Date: April 29, 2016
From: Tom Williams, P.E., Director of Engineering
Cc: File

**Subject: Pawnee- Daniels Park 345kV Transmission Line - 1st Engineering Review
Site Plan Application (SP16-010)
UBSR (Z16-008)**

The Engineering Department has reviewed the documents submitted for the Pawnee-Daniels Park 345kV Transmisison Line. The submittal consisted of the following documents:

<u>Document</u>	<u>Date</u>
Site Plan	February 26, 2016
Project Narrative	February 2016

The project bisects the Town, starting near the Heirloom Subdivision and ending near the Canterbury Subdivision. The project is entirely located within the existing Public Service Company Right-of-Way or Easement. Based on our review of the aforementioned documents, we have the following comments:

Traffic and Roadway Review Comments

The following comments concern traffic, access, roadway design, and construction standards for the subject property. They are based upon our review of the submittal documents in accordance with the criteria presented in the Town of Parker's Roadway Design and Construction Criteria, as revised, July 2015. Additional regulatory and planning documents may have been utilized in the review, and are referenced in the comments where appropriate.

General Comments

1. The Applicant and their contractor will be required to obtain a Town Right-of-Way permit for any construction activities that will impact adjacent public roadways. These activities include temporary staging of materials or equipment within the roadways. The

applicant will be required to prepare and submit all necessary traffic control plans to ensure that pedestrians and the traveling public are not adversely impacted by the construction activities. The application associated with this permit must be submitted to the Town for review a minimum of 90 days prior to the start of construction.

2. The staging of project equipment and/or materials on Town roadways will generally not be permitted. However, there are likely to be some construction activities within the Town roadways that may be unavoidable (stringing of the power lines). These activities must be approved as part of a Town Right-of-Way Permit. The applicant will be required to repair any street damage associated with the construction activities, in accordance with Town standards.
3. Project construction traffic and access to the Public Service right-of-way should be limited to arterial or collector roadways. Construction traffic on residential local streets will not be permitted unless authorized by the Town, through the associated Town Grading (GESC) and/or Right-of-Way permit.

Stormwater Review Comments

The following comments concern drainage, erosion and sediment control, and non-point source pollution control issues for the subject property. They are based upon our review of the submittal documents against the criteria presented in the Town of Parker's, *Storm Drainage and Environmental Criteria Manual (SDECM)*, as revised, February, 2014. Additional regulatory and planning documents were utilized in the review, and are referenced in the comments where appropriate.

General Comments

1. The applicant will be required to submit a floodplain development permit for any disturbance within regulatory floodplains throughout the Town. This includes permanent impacts as well as temporary construction impacts. The applicant will need to provide an engineering analysis showing the impacts of permanent structures/impacts within the limits of the Cherry Creek floodplain. If the engineering analysis suggests no adverse impact (0.00 ft rise in the base flood elevation), a no-rise certification will need to be prepared by a registered professional engineer and submitted along with the floodplain development permit application. If the activity results in a change to the base flood elevation, the applicant will be required to submit necessary letter of map change

applications to FEMA. The applicant is strongly encouraged to organize construction in a manner that will not cause any impacts (permanent and/or temporary) to all other regulatory floodplain crossings within Town.

2. The applicant and their contractor will be required to obtain a Town Grading (GESG) permit prior to the start of construction. The applicant will be required to prepare, and submit for review all necessary CBMP plans (GESG) and technical information associated with this permit. The application associated with this permit, including all required information, must be submitted to the Town for review a minimum of 90 days prior to the start of construction.
3. Since the proposed improvements (power poles) are isolated, include minimal impervious area and are not changing the existing topography, a drainage report/plan will not be required. However, care should be taken during construction to ensure existing drainage facilities are not adversely impacted or damaged.
4. The proposed pole, located at the northeast corner of Dransfeldt Road and Twenty-Mile Road, is within the inundation area of an existing stormwater retention pond. The pole is not within the permanent pool, but may be inundated (less than 2-3 feet) for short durations after heavy precipitation events. The applicant should evaluate any potential impacts to the associated pole foundation. Technical information pertaining to this detention pond can be provided by the Town upon request.
5. It appears that the proposed poles are outside of the Preble's Meadow Jumping Mouse (riparian conservation zone) along Cherry Creek. However, the applicant should verify and be aware that any permanent or temporary impacts/disturbance to the riparian conservation zone will require authorization from the U.S Fish and Wildlife Service.
6. The applicant will be required to obtain all State and Federal Permits associated with the construction of this project, including Section 404 (Wetlands) permits.
7. A pre-construction meeting shall be held with the Town prior to the release of any permits and the start of construction. This meeting can be scheduled through the Engineering Department.

The submittal is in general conformance with the Town of Parker's *Storm Drainage and Environmental Criteria Manual* and/or the *Roadway Design and Construction Criteria Manual*.

However, the items identified above must be discussed with the Engineering Department and any required revisions must be made to the application documents before the Public Hearing.

If you have any questions regarding the comments please do not hesitate to call Tom Williams at (303) 840-9546.

Project Name: Pawnee-Daniels Park 345kV Transmission Line

Project Number: Z16-008 and SP16-010

Date Received: 2016-04-27 00:00:00

Jurisdiction: Town of Parker

Due Date: 2016-05-03 00:00:00

Addressing Comments:

No Comments

Engineering Comments:

Douglas County is working with the applicant and the other jurisdictions that this line will be running through in regards to the GESC.

Planner Comments:

Thanks for the opportunity to review the external referral. The County will review the portions of the transmission line within the unincorporated areas of the County when they are submitted for review.



URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

Paul A. Hindman, Executive Director
2480 W. 26th Avenue, Suite 156B
Denver, CO 80211-5304

Telephone 303-455-6277
Fax 303-455-7880
www.udfcd.org

April 7, 2016

UDFCD Maintenance Eligibility Program Referral Review Comments

Project: **PSCO – Pawnee-Daniels Park Transmission Line**
Stream: **Multiple Stream Crossings**
UDFCD MEP Phase: **Design**
UD MEP ID: **106107**

Dear Patrick,

This letter is in response to the request for our comments concerning the referenced project. We appreciate the opportunity to review this proposal. We have reviewed this proposal only as it relates to major drainage features, in this case:

- All Major Drainageways along Proposed Transmission Line Route

We have the following comments to offer:

1. We emphasize that route planning for the proposed 345kV transmission line should include **siting of transmission towers outside of the 100-year floodplain limits** for the numerous major drainageways along the route. The interactive GIS mapping on the District's web site (www.udfcd.org) provides guidance information for the 100-year floodplain limits along the major drainageways. District staff is also available to meet with the design team staff regarding any questions or issues relating to route planning and/or transmission tower siting as they relate to stream crossings and their respective 100-year floodplains.
2. We would appreciate the opportunity to review detailed designs as they are prepared and submitted. Detailed plans should show the 100-year floodplain for all drainageways that are traversed by the proposed transmission line.

Please feel free to contact me with any questions or concerns.

Sincerely,
Urban Drainage and Flood Control District

John M. Pflaum, P.E., Floodplain Management Program

TRAKiT NOTES

Tom Williams
USE BY SPECIAL REVIEW - PW
SITE PLAN - PW
5/2/2016 9:29:44 AM

Please refer to Engineering Review memo dated April 29, 2016 for comments.

Drayton Sanderson
Parker Water and Sanitation District 20
4/14/2016 10:42:19 AM

PWSD has multiple crossings along Xcels easement. Please get proper locates from PWSD before construction of towers.

Chris Boyd
Douglas County Planning Services Division 20
5/11/2016 10:56:05 AM

See Attached Letter

Carol LeMaire
Douglas County Engineering Division 20
5/11/2016 10:55:40 AM

See Attached Letter

Marilyn Cross
Colorado Dept of Transportation, Region 1 20
4/7/2016 2:54:29 PM

There appears to be no connection to a State Highway in the area. If this is incorrect any proposed construction, utility, survey, or landscaping work within CDOT right-of-way will require a Utility or Special Use Permit issued by the Colorado Department of Transportation. Please contact Steve Loeffler for the requirements for those permits. Steve's contact information is 303.757.9891

Patrick Dunakey
Magellan Pipeline 20

4/20/2016 2:40:15 PM

Please have Xcel provide answers to the questions listed in the attached Electric Utility Data Requirements for Electromagnetic Interference Evaluation. Please submit the completed questionnaire to Patrick Dunakey with Magellan Pipeline Company at patrick.dunakey@magellanlp.com. Our corrosion control department will need to review these answers to determine whether or not an AC study and/or mitigation will be necessary to protect our 6" high pressure refined petroleum products pipeline. If you have any questions you can call me at (918) 574-7872.

Turtle Creek Homeowner's Association 15
6/6/2016 5:24:38 PM

The Turtle Creek Board would like to comment on this application.

As a board, Turtle Creek does not want to see more lines going through the middle of our neighborhood. This is due to aesthetic reasons and the immense power and noise that comes with lines of this size. We would like to see them redirected using an alternative route that has been proposed. We can not imagine the health consequences of having that much electricity so close to families with newborns, infants and toddlers. We also feel as a board that the resale values of our homes and the community as a whole will be negatively impacted if the new transmission lines are approved. Thank you for your time.

Thank you,
Marie Price
HOA President

RESOLUTION NO. 16-051, Series of 2016

TITLE: A RESOLUTION TO APPROVE THE PUBLIC SERVICE COMPANY OF COLORADO APPLICATION FOR A USE BY SPECIAL REVIEW FOR THAT PORTION OF THE PAWNEE-DANIELS PARK 345kV TRANSMISSION LINE PROJECT WITHIN THE JURISDICTIONAL BOUNDARIES OF THE TOWN OF PARKER

WHEREAS, on April 3, 2014, the Public Service Company of Colorado (the "Company"), pursuant to C.R.S. § 29-20-108, notified the Town that it planned to construct a 345 kV transmission project referred to as the Pawnee to Daniels Park transmission project ("the Project");

WHEREAS, the Project will consist of approximately 115 miles of new transmission, including approximately 5.42 miles located within the Town of Parker within the existing utility corridor that is owned by the Company (the "Site");

WHEREAS, concurrent with the submittal of notice to the Town, the Company filed an application for a Certificate of Public Convenience and Necessity (the "CPCN") with the Public Utilities Commission of the State of Colorado (the "CPUC") seeking approval of the Project and specific findings that the noise and electromagnetic field levels resulting from the Project are reasonable;

WHEREAS, on July 14, 2014, the Town entered into an agreement with Exponential Engineering Company, to provide technical support for fiscal years 2014 and 2015 to Town staff regarding the Project, including the application that was submitted to the CPUC for the CPCN, which agreement was amended in 2016, to include further technical support related to the land use applications submitted by the Company to the Town related to the Project;

WHEREAS, on March 11, 2015, the CPUC granted the CPCN sought by the Company (CPUC Decision No. C15-0316), and the decision approving the CPCN makes findings that the Project is just and reasonable and the noise and electromagnetic field levels resulting from the Project are reasonable;

WHEREAS, the CPUC, as a part of the decision, conditioned approval of the Project on a requirement that the Company not begin construction of the Project until May 1, 2020, in order to avoid premature rate impacts of the Project;

WHEREAS, the CPUC, as a part of its decision, also recognized that "the specific siting concerns expressed by the public are outside of the scope of this proceeding and should be addressed to the governing land use permitting authorities;"

WHEREAS, on February 24, 2016, the Company submitted a land use application consisting of a Site Plan Application to the Town pursuant to Section 13.06.030 of the Parker Municipal Code ("Site Plan Application");

WHEREAS, on February 24, 2016, the Company submitted an application for Use by Special Review-Public Utility (“Special Review Application”) pursuant to Section 13.04.205 of the Parker Municipal Code;

WHEREAS, on March 10, 2016, the Town Attorney retained Ken Fellman, Esq, a partner in the law firm of Kissinger & Fellman, P.C., who works with local governments in connection with utility related litigation and administrative proceedings before the CPUC, to provide the Town Attorney with legal support related to the Site Plan Application and Special Review Application;

WHEREAS, on March 24, 2016, the Town and the Company entered into an agreement for the purpose of waiving the requirements of C.R.S. § 29-20-108(2), which provides that final local government action is required on any application of a public utility for construction, or improvement of major electrical or natural gas facilities within ninety (90) days after submission of a final application (the “Agreement”);

WHEREAS, the Agreement waived the 90-day requirement contained in C.R.S. § 29-20-108(2) and provided for an alternate review timeline that included dates for referrals, review of referral comments, review by the Town Development Review Team, as well as deadlines for public notice and public hearings before the Town Planning Commission and Town Council;

WHEREAS, the Agreement also provided for mitigation meetings to be held between the Town staff and the Company “to discuss impacts associated with the proposal and measures the Company can take in order to address Town concerns and mitigate impacts of the Project or provide a public benefit;”

WHEREAS, mitigation meetings were held between Town staff and the Company on May 19, 2016, June 3, 2016 and June 16, 2016;

WHEREAS, the mitigation meetings concluded with an agreement that was approved by the Company and is attached hereto as **Exhibit A** and incorporated by this reference (the “Mitigation Agreement”);

WHEREAS, the Site Plan Application was subject to an administrative review process by the Planning Director and Town staff as provided by Section 13.06.040(f) of the Parker Municipal Code;

WHEREAS, public notice for the public hearing before the Planning Commission concerning the Special Review Application was published for the June 23, 2016, which public hearing was continued to June 30, 2016, in the manner provided by the Parker Municipal Code and as specified in the Agreement;

WHEREAS, on June 30, 2016, the Planning Commission, following the public hearing on the Special Review Application, recommended that the Town Council _____;

WHEREAS, public notice for the public hearing before the Town Council concerning the Special Review Application was published for the July 5, 2016, Town Council meeting in the manner provided by the Parker Municipal Code and as specified in the Agreement; and

WHEREAS, on July 5, 2016, the Town Council, following the public hearing on the Special Review Application, made the final decision described below.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, AS FOLLOWS:

Section 1. The Town Council, following proper notice and hearing and considering the competent evidence contained in the public hearing record for the Special Use Application, finds, pursuant to Section 13.14.205(d) of the Parker Municipal Code, that the Company has fully demonstrated by clear and convincing evidence that: (1) there is a compelling need for the Project to be located on the Site described in the Special Use Application that is owned by, operated by, and held in the name of the Company, subject to Sections 3 and 4 of this Resolution; and (2) the Company cannot adequately perform its utility functions on another site which is zoned to permit such a use, either by right or by special review, whether within or without the Town, including the alternate sites described in the Special Use Application, subject to Sections 3 and 4 of this Resolution. The specific findings of the Town Council are attached as **Exhibit B** and incorporated by this reference.

Section 2. The Town Council, following proper notice and hearing, considered the criteria contained in Section 13.04.205(h) of the Parker Municipal Code together with the competent evidence contained in the public hearing record for the Special Use Application, and after considering such criteria determines to approve the Special Use Application, subject to Sections 3 and 4 of this Resolution. The specific findings of the Town Council are attached as **Exhibit C** and incorporated by this reference.

Section 3. Section 13.04.205(a) of the Parker Municipal Code authorizes the Town Council to approve the Special Review Application “subject to such conditions and safeguards as may be imposed by the Town Council.” The Town Council hereby imposes the conditions and safeguards described in **Exhibit D**, which is attached hereto and incorporated by this reference.

Section 4. The Town Council hereby approves the Mitigation Agreement that is attached as Exhibit A to this Resolution.

Section 5. Section 13.01.140(b) of the Parker Municipal Code provides that the “[a]pproval by the Town Council ... of any ... use by special review shall remain in effect for a period of six (6) months. Any approval of an application for which a grading permit or building permit has not been issued or for which the use by special review has not commenced within six (6) months after approval of the ... use by special review shall be null and void.” The CPUC as a part of the CPCN decision conditioned approval of the Project on a requirement that the Company not begin construction of the Project until May 1, 2020, in order to avoid premature rate impacts of the Project. Section 13.01.100 of the Parker Municipal Code authorizes waivers from the Parker Land Development Ordinance “if it is deemed by Town Council to be in the public interest and does not impair the intent and purposes of this Title.” For the reason that the

Company cannot begin construction of the Project until May 1, 2020, the Town Council determines that it is in the public interest and does not impair the intent and purposes of the Parker Land Development Ordinance to partially waive is Section 13.01.140(b) of the Parker Municipal Code, and further determines that the Special Use Application approval described herein shall remain in effect until January 31, 2019.

Section 6. The Recitals of this Resolution are incorporated herein by this reference.

RESOLVED AND PASSED this _____ day of _____, 2016.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

EXHIBIT B

Under Section 13.04.205(d) of the Parker Municipal Code “a public utility shall not be permitted as a use by special review in any residential zone district unless the applicant shall have first demonstrated to the Town Council, by clear and convincing evidence, the following:

- (1) There is a compelling need for such public utility to be located on the proposed site; and
- (2) The applicant cannot adequately perform its utility functions on a site which is zoned to permit such a use, either by right or by special review, whether within or without the Town.”

There is a compelling need for such public utility to be located on the proposed Site, based upon the following specific findings of fact:

- (1) The Site for the Project consists of approximately 5.42 miles of right-of-way that was purchased by the Company and is located in the Town (the “Company ROW”).
- (2) The Company ROW is currently occupied by a 230kV transmission line that is supported by lattice towers that were constructed in the 1960s.
- (3) The Company ROW is approximately 210 feet in width and was purchased in the 1960s to accommodate two transmission lines.
- (4) The Company constructed the existing 230kV transmission line on one side of the Company ROW, leaving room on one side of the Company ROW for a second transmission line.
- (5) The Special Review Application provides that the Site is an appropriate location for a second 345kV transmission line.
- (6) The Project will include monopoles instead of lattice towers to be located adjacent to the existing transmission line.
- (7) The new transmission line will be offset by approximately 65 feet from the existing transmission line and will introduce approximately 35 new monopole structures within the Site.
- (8) The monopole structures will range in height from 100 feet to 150 feet.
- (9) The scope of the Project is not limited to the Town of Parker, but is part of a larger project which includes the construction of a 345 kV transmission system to connect the Company’s Pawnee Substation near Brush, Colorado, to the Company’s Daniels Park Substation, which is approximately 125 miles in length.
- (10) On March 11, 2015, the Colorado Public Utilities Commission approved a Certificate of Public Convenience and Necessity finding that the Project is just and reasonable.

- (11) The Company researched and evaluated reasonably available and economically feasible routes for the Project consistent with its statutory mandate to provide safe, reliable and economical service to the public.
- (12) The Company reviewed alternate routes, but due to the presence of many land use and environmental constraints, as well as the absence of a continuous path of open land of sufficient width, was not able to identify contiguous alternative routes.
- (13) Constructing the Project within the Company ROW would eliminate the need to acquire new right-of-way, which is a significant cost savings to the overall project budget, and would eliminate the need to condemn a landowner for the necessary right-of-way.
- (14) Constructing the Project within the Company ROW will avoid shifting the impact to other residential areas that do not have an existing utility corridor in place, such as the Company ROW.
- (15) Based upon these findings of fact and competent evidence contained in the public hearing record for the Special Use Application, the Company has demonstrated to the Town Council, by clear and convincing evidence, that there is a compelling reason to locate the Project on the Site.

The applicant cannot adequately perform its utility functions on a site which is zoned to permit such a use, either by right or by special review, whether within or without the Town, based upon the following specific findings of fact:

- (1) The specific findings of fact contained under Section 13.04.205(d)(1) above are incorporated herein by this reference as if fully stated herein.
- (2) Based upon these findings of fact and competent evidence contained in the public hearing record for the Special Use Application, the Company has demonstrated to the Town Council, by clear and convincing evidence, that the Company cannot adequately perform its utility functions on a site which is zoned to permit such a use, either by right or by special review, whether within or without the Town, except for the Site that is the subject of the Special Use Application.

EXHIBIT C

Under Section 13.04.205(h) of the Parker Municipal Code, the Planning Commission and the Town Council shall consider the following criteria in determining whether to approve or deny an application for a public utility use by special review:

- (1) Whether the public utility is compatible with the surrounding area;
- (2) Whether the public utility is in harmony with the character of the surrounding area;
- (3) The effect of the public utility upon the immediate area;
- (4) The effect of the public utility upon future development of the area;
- (5) Whether the proposed height limitations, setbacks, lot area and open space are sufficient to mitigate the impacts of the proposed use by special review on the surrounding area;
- (6) Whether land surrounding the public utility can be planned in coordination with the public utility;
- (7) Whether the public utility is in conformity with the master plan;
- (8) Whether the existing and proposed streets are adequate to carry anticipated traffic in the vicinity of the public utility;
- (9) Whether adequate open space and visual corridors are preserved;
- (10) Whether the public utility fosters a desirable and stable environment;
- (11) Whether the public utility makes possible the innovative and efficient use of the subject property;
- (12) Whether the public utility would exacerbate a natural hazard; and
- (13) Whether there are reasonably available and economically feasible alternatives for the public utility.

Town Council, in considering the criteria set forth above in determining whether to approve or deny the application submitted by the Company, makes the following specific findings of fact:

(1) **Whether the public utility is compatible with the surrounding area.**

The existing 230kV transmission line on the Site was constructed in the 1960s prior to the incorporation of the Town. Since the construction of the existing 230kV transmission line, the Town was incorporated and has a current population of approximately 50,000. The Site is now located adjacent to several residential subdivisions that contain thousands of homes. By way of example, there are approximately 560 single-family homes located within 200 feet of the Site. The Site is also located adjacent to sensitive uses such as schools, open space and

neighborhood parks. The construction of the second transmission on the Site will double the current large-scale industrial use of the Site and will introduce significant impacts and land use conflicts with the surrounding area, which will negatively effect homes, neighborhoods, schools, parks and open space. The Project is being undertaken without the benefit of adequate mitigation to address the new impacts created by the second transmission line. As a result, the Project will not be compatible with the surrounding area, unless these impacts are mitigated in the manner described in Exhibits A and D of this Resolution.

(2) Whether the public utility is in harmony with the character of the surrounding area.

The findings contained in Paragraph 1 above are included by this reference as if stated fully herein. The Project will result in the conveyance of electrical power via a visually prominent conveyance system. The 5.42-mile span of this conveyance system through the Company's right-of-way, will traverse a number of neighborhoods, parks, open space corridors, schools and commercial areas. Based on these findings, the Project will not be in harmony with the character of the surrounding area and the uses of that area, unless the impacts created by the Project are mitigated in the manner described in Exhibits A and D of this Resolution.

(3) The effect of the public utility on the immediate area.

On March 11, 2015, the CPUC granted the CPCN sought by the Company (CPUC Decision No. C15-0316), and the decision approving the CPCN makes findings that the Project is just and reasonable and the noise and electromagnetic field levels resulting from the Project are reasonable. As a result, the Town's review of this criteria does not include noise and electromagnetic field levels resulting from the Project.

The existence of the Company's ROW corridor through the Town of Parker has historically bifurcated the community. The right of way proceeds through the middle of parks, open space and whole neighborhoods and has a proximity to two schools within the Town. A second transmission line, absent adequate mitigation to heal the existing division within the Town, will only exacerbate an impact upon the whole community.

The findings contained in Paragraph 1 above are included by this reference as if stated fully herein. Based on these findings, the Project will have a significant negative effect on the immediate area, unless the impacts created by the Project are mitigated in the manner described in Exhibits A and D of this Resolution.

(4) The effect of the public utility upon future development of the area.

The findings contained in Paragraph 1 above are included by this reference as if stated fully herein. Based on these findings, the Project will have a negative effect upon the future development of the area, unless the impacts created by the Project are mitigated in the manner described in Exhibits A and D of this Resolution.

(5) Whether the proposed height limitations, setbacks, lot area and open space are sufficient to mitigate the impacts of the proposed use by special review on the surrounding area.

The height of the new monopoles will range between 100 feet to 150 feet and will be similar in height to the existing lattice structures currently located on the Site. This effectively doubles the existing visual impact without any off-setting mitigation. This height is determined by the National Electrical Safety Code (“NESC”), which takes into account the required line-to-ground clearances. The distance between the centerline of the existing lattice structures and the new monopole structures is approximately 65 feet. The distance from the centerline of the existing lattice structures to the nearest edge of the Company right-of-way is approximately 75 feet and the distance from the centerline of the new monopoles to the nearest edge of the Company right-of-way will be approximately 70 feet. The footprint of the Project will consist of the new monopole structure foundations (approximately 5 feet in diameter). Although some of the Site may be available for other uses such as parks, bike paths and trails (the “Site Mitigation Areas”), there is no agreement with the Company to allow for the use of the Site Mitigation Areas or to pay for the improvements that will be necessary to develop Site Mitigation Areas. Based on these findings, to the extent that their are Site Mitigation Areas, these areas are not sufficient to mitigate the impacts of the Project on the surrounding area and will have a negative effect upon the future development of the area, unless the impacts created by the Project are mitigated in the manner described in Exhibits A and D of this Resolution.

(6) Whether the land surrounding the public utility can be planned in coordination with the public utility.

The land immediately adjacent to the existing utility corridor is predominantly built out with residential, recreational, school and commercial uses. A second transmission line within the Company ROW will bring with it significant visual impacts, nuisance conditions, sensitive area intrusion and construction impacts. It will result in an intensification of the industrial character of the existing transmission line, a character incompatible with the residential, recreational, school and commercial uses abutting the Company ROW. This will result in further segmentation and fragmentation of neighborhoods along the entire right of way corridor. As a result, the construction of the Project will have significant negative impact on the land, streets and uses surrounding the Site, eliminating the ability to coordinate the Project with current and future uses and continuing development of the surrounding land, unless the impacts created by the Project are mitigated in the manner described in Exhibits A and D of this Resolution.

(7) Whether the public utility is in conformity with the Master Plan.

The Town's Master Plan recommends that the Town minimize the aesthetic and environmental impacts of transmission and distribution systems and facilities. The Town's Master Plan also provides that those areas, through which the existing transmission line traverses, are to be maintained and even enhanced in the residential and downtown commercial character of the existing zoning districts. The Project will not be in conformity with the Master Plan, unless the impacts created by the Project are mitigated in the manner described in Exhibits A and D of this Resolution.

(8) Whether the existing and proposed streets are adequate to carry anticipated traffic in the vicinity of the public utility.

The existing streets are not adequate to carry anticipated construction traffic during the construction of the Project by the Company, unless the impacts created by the Project are mitigated in the manner described in D of this Resolution.

(9) Whether adequate open space and visual corridors are preserved.

The height of the new monopoles will range between 100 feet to 150 feet and will be similar in height to the existing lattice structures currently located on the Site. This height is determined by the NESC, which takes into account the required line-to-ground clearances. The footprint of the Project will consist of the new monopole structure foundations (approximately 5 feet in diameter).

The findings contained in Paragraph 1 above are included by this reference as if stated fully herein. The Project will result in two parallel transmission facilities occupying the Site in a manner that is visually prominent throughout the Town, which will significantly impact the existing visual corridors on the Site and across the Site. The 5.42-mile span of this prominent conveyance system through the Company's right-of-way will also negatively impact the open space that is adjacent to the Site. Based on these findings, the Project will not preserve open space and visual corridors, unless the impacts created by the Project are mitigated in the manner described in Exhibits A and D of this Resolution.

(10) Whether the public utility fosters a desirable and stable environment.

The specific findings of fact concerning Section 13.04.205(d)(1) as contained in Exhibit B and in Paragraph 1 above are included by this reference as if stated fully herein. Based on these findings, the Project will help foster a desirable and stable environment relative to reliable electricity supply and the addition of capacity for renewable energy. The Project will provide a significant transmission path for the additional resources and reduce the existing load on the 230kV transmission line serving the Intermountain Rural electric Association (the "IREA"), which provides electricity to the Town, improving the overall reliability to Company and IREA customers. On the other hand, the Project will result in segmentation and fragmentation of existing neighborhoods, which does not contribute to a stable environment, unless the impacts created by the Project are mitigated in the manner described in Exhibits A and D of this Resolution.

(11) Whether the public utility makes possible the innovative and efficient use of the subject property;

When the land was purchased for the existing utility corridor in the early 1960s, the Company planned for the installation of two parallel transmission lines on the Site. One transmission line was built in 1968, leaving room for an additional transmission line at some point in the future. The Project will make use of the additional room left on the Site, keeping the public utility uses combined in one single location instead of constructing the Project at another location.

(12) **Whether the public utility would exacerbate a natural hazard.**

There are no known natural hazards on the Site that will be exacerbated by a natural hazard.

(13) **Whether there are reasonably available and economically feasible alternatives for the public utility.**

The specific findings of fact concerning Section 13.04.205(d)(1) as contained in Exhibit B are included by this reference as if stated fully herein. The analysis presented by the Company provides that there are no reasonably available and economically feasible alternatives for the Company and that the Site is reasonably available for the Project and the Project is the most economically feasible alternative for the Company.

EXHIBIT D

CONDITIONS AND SAFEGUARDS

1. The monopoles used by the Company for the Project will be grey steel poles. If a lattice tower is removed as a part of the Project, it will be replaced by the Company with a monopole of a type similar to the monopoles being installed as a part of the Project. The Company will also provide the Town with an estimate of the cost to replace all of lattice structures within the Company ROW with monopoles within 90 days of the date of this Resolution.

2. Noise and electromagnetic field levels will not exceed those levels provided in the CPCN.

3. The Company will restore any disturbance to the Site, including the removal of all soil that is displaced on the Site as a result of the installation of the new monopoles, as a part of the Project.

4. The Company will reconstruct to Town Standards any recreational trails disturbed by the Project, including any recreational trails that cross the Site or are located within the Site, including, but not limited to, the Town of Parker East-West Trail.

5. The installation of monopoles by the Company as a part of the Project will not reduce the number of parking spaces that currently exist in the commercial areas of the Town.

6. The Company, in lieu of a two-track access through the Site, will construct as approved by the Town, a fixed permanent access made of soft surface materials that allows for recreational use, as well as access for the Company.

7. The Company will provide to the Town a construction access plan (the "Construction Access Plan") based upon Town Standards, at least six (6) months prior to the issuance of any permits by the Town for the Project. No permits will be issued until the Construction Access Plan is approved by the Town. The Construction Access Plan will describe where the Company and its designated contractors can access the Site from Town streets with large construction vehicles. The Town will not permit access to the Site from residential local streets, except as provided in the Town-approved Construction Access Plan and the associated right-of-way permit.

8. The Company will provide a Construction BMP (GESC) Plan to the Town based upon Town and/or County standards, at least six (6) months prior to the issuance of any permits by the Town for the Project. No permits will be issued until the Construction BMP (GESC) Plan is approved by the Town. This plan will ensure that construction activities do not create erosion/sediment impacts as a result of the Project and associated construction access to the Project. This plan will also identify all existing drainage facilities to ensure that they are not adversely impacted by the proposed improvements and construction activities.

9. The Company will be required to obtain a Town grading (GESC) permit prior to the start of construction. The Company will be required to prepare and submit for review all

necessary CBMP plans (GESD) and technical information associated with this permit. The application associated with this permit, including all required information, must be submitted to the Town for review a minimum of ninety (90) days prior to the start of construction.

10. The Company will provide a construction mitigation plan (the "Construction Mitigation Plan") to the Town based upon Town standards, at least six (6) months prior to the issuance of any permits by the Town for the Project. No permits will be issued until the Construction Mitigation Plan is approved by the Town. The Company will address in this plan how the Company will prevent the generation of dust, fumes, vibration, displacement to residential properties of animals/vermin/rodents and construction-related noise, or, if generated, how the Company will mitigate impacts to adjacent neighborhoods. The Company will provide to the Town a single point of contact for public communication with the Company. The Company will provide for public outreach prior to and during the construction of the Project, such as a newsletter, open house and hotline.

11. The Company will provide to the Town a pre-construction visual survey of the Town streets, sidewalks, trails and landscaping adjacent to the Site prior to the issuance of any permits for the Project to establish a base line of the existing conditions of these streets prior to the start of construction.

12. The Company will provide to the Town a post-construction visual survey of the Town streets, sidewalks, trails and landscaping adjacent to the Site upon completion of the Project to determine that any damage has been properly repaired, including the restoration of any landscaping that is damaged. The Company will repair all damage to Town roadways and adjacent landscaping.

13. The Company will meet with each of the board of directors of the homeowners' associations that represent the neighborhoods adjacent to the Site at least six (6) months prior to the issuance of any permits for the Project. The purpose of these meetings is to brief the directors concerning the pertinent construction details associated with the Project.

14. The Company will obtain a Town right-of-way permit for any construction activities that will impact adjacent public roadways. These activities include temporary staging of materials or equipment within the roadways. The Company will submit an application for this permit at least ninety (90) days prior to the issuance of any permits for the Project. The application will include the preparation and submission of all necessary traffic control plans to ensure that pedestrians and the traveling public are not adversely impacted by the construction activities associated with the Project.

15. The staging of Project equipment and/or materials on Town roadways will generally not be permitted. However, there are likely to be some construction activities within the Town roadways that may be unavoidable (stringing of power lines). These activities must be approved as part of a Town right-of-way permit. The Company will be required to repair any street damage associated with the construction activities, in accordance with Town standards.

16. Project construction traffic and access to the Company's right-of-way should be limited to arterial or collector roadways. Construction traffic on residential local streets will not

be permitted, unless authorized by the Town through the associated Town grading (GESC) and/or right-of-way permit.

17. The Company will be required to submit an application for a Town floodplain development permit for any disturbance within regulatory floodplains within the Town at least ninety (90) days prior to the issuance of any permits for the Project. This includes permanent impacts as well as temporary construction impacts. The Company will need to provide an engineering analysis showing the impacts of permanent structures/impacts within the limits of the Cherry Creek floodplain. If the engineering analysis suggests no adverse impact (0.00 ft. rise in the base flood elevation), a no-rise certification will need to be prepared by a registered professional engineer and submitted along with the floodplain development permit application. If the activity results in a change to the base flood elevation, the Company will be required to submit necessary letter of map change applications to FEMA. The Company is strongly encouraged to organize construction in a manner that will not cause any impacts (permanent and/or temporary) to all other regulatory floodplain crossings within Town.

18. Since the proposed improvements (monopoles) are isolated, including minimal impervious area, and are not changing the existing topography, a drainage report/plan will not be required. However, care should be taken by the Company during construction to ensure existing drainage facilities are not adversely impacted or damaged.

19. The proposed pole located at the northeast corner of Dransfeldt Road and Twenty-Mile Road is within the inundation area of an existing stormwater retention pond. The pole is not within the permanent pool, but may be inundated (less than 2-3 feet) for short durations after heavy precipitation events. The Company should evaluate any potential impacts to the associated pole foundation. Technical information pertaining to this detention pond can be provided by the Town upon request.

20. It appears that the proposed poles are outside of the Preble's Meadow Jumping Mouse (riparian conservation zone) along Cherry Creek. However, the Company should verify and be aware that any permanent or temporary impacts/disturbance to the riparian conservation zone will require authorization from the U.S. Fish and Wildlife Service.

21. The Company will obtain all state and federal permits associated with the construction of this project, including Section 404 (Wetlands) permits.

22. The Company will hold a pre-construction meeting with the Town prior to the release of any permits and the start of construction. This meeting can be scheduled through the Town's Engineering Department. The Company will also hold regular progress meetings between the Town, the Company and the contractor(s) used by the Company, based on a schedule provided by the Town.

23. The Company will ensure that construction activities related to the Project will not interfere with the following events and races that are held in the Town, including Parker Days (second weekend in June); Parker Farmer's Market (Sundays May through October; Trick or Treat on Mainstreet (Oct. 31); Let Freedom Sing (July 4); Valentine's Day Race (second weekend in February); So Long to Summer Race (first or second weekend in August); Arbor

Day Race (Last Saturday in April); as well as other events and races that take place along the Company ROW during construction. The Company will contact the Town at least six (6) months prior to the issuance of any permits for the Project to determine the events and races that will be subject to this condition.

24. The Company will comply with the Parker Municipal Code and all applicable state and federal laws during the construction of the Project.

25. The Department of Community Development is authorized to make minor changes to the conditions/safeguards contained herein to the extent provided in Section 13.03.030 of the Parker Municipal Code.