



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: August 9, 2016
SUBJECT: St. John the Baptist Serbian Orthodox Church, Approval of Waiver from Street Construction Improvement Requirements and Approval of Private Access Maintenance Agreement
FROM: Norman Wright, Director
AGENCY/DEPARTMENT: Community & Economic Development Department
HEARD AT STUDY SESSION ON n/a
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners Approves a Resolution for said Waiver and for said Maintenance Agreement between St. John the Baptist Serbian Orthodox Church and Adams County.

BACKGROUND:

St. John the Baptist Serbian Orthodox Church has allowed its Lessee, Clean Energy Collective, LLC to make application for a building permit to construct a Solar Energy Facility on its Property at 33850 East 38th Avenue. Per Section 5-03-03-10 of the Adams County Development Standards and Regulations, the Board of County Commissioners can grant a waiver where the most logical development is by a private road or other means. Adams County includes the segment of E. 38th Avenue applicable to this case in its annual Highway Users Tax Fund Report to the State of Colorado, however, maintains the gravel roadway surface of it infrequently and only to the character of a trail road. In light of the above, the most logical access for the development is a privately maintained road within said East 38th Avenue right-of-way. Also, in accordance with Section 5-03-03-10, St. John the Baptist Serbian Orthodox Church has executed a Private Access Maintenance Agreement. Therefore, staff is requesting the Board of County Commissioners to approve a waiver from the requirement for access to a County dedicated, constructed and maintained public road and to approve said maintenance agreement.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Community & Economic Development Department, County Attorney's Office, Office of the Board of County Commissioners

ATTACHED DOCUMENTS:

Resolution approving Waiver and Private Access Maintenance Agreement
Signed Private Access Maintenance Agreement

FISCAL IMPACT:

Please check if there is no fiscal impact ☒. If there is fiscal impact, please fully complete the section below.

Fund:**Cost Center:**

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			

New FTEs requested: ☐ YES ☒ NO

Future Amendment Needed: ☐ YES ☒ NO

Additional Note:

Fiscal responsibility for maintenance of E. 38th Ave. in this segment beyond the character of a Trail Road is with the Property Owner.