

**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
TUESDAY, MARCH 4, 2025**

ATTENDANCE	<p>A regular meeting of the Arapahoe County Planning Commission (PC) was called and held in accordance with the statutes of the State of Colorado and the Arapahoe County Land Development Code.</p> <p>The following Planning Commission members were in attendance: Rodney Brockelman; Brooke Howe; Kathryn Latsis; Randall Miller; Dave Mohrhaus, Chair Pro-Tem; Richard Sall; and Lynn Sauve, Chair.</p> <p>Also, present were Matt Hader, Senior County Attorney; Ava Pecherzewski, Development Review Planning Manager (moderator); Molly Orkild-Larson, Principal Planner; Kat Hammer, Senior Planner; Sue Liu, Engineer; Ernie Rose, Senior Planner; and Kim Lynch, Planning Technician.</p>
CALL TO ORDER	<p>Ms. Sauve called the meeting to order at 6:30 p.m., and roll was called. The meeting was held in person and through the Granicus Live Manager platform with telephone call-in for staff members and the public.</p>
GENERAL BUSINESS ITEMS:	
APPROVAL OF THE MINUTES	<p>The motion was made by Ms. Latsis and duly seconded by Mr. Brockelman to accept the minutes from the <u>February 18, 2025</u>, Planning Commission meeting, as submitted.</p> <p>The vote was:</p> <p>Mr. Brockelman, Yes; Ms. Howe, Yes; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Abstain; and Ms. Sauve, Yes.</p>
PUBLIC HEARING ITEMS:	
ITEM 1	<p>CASE NO. LE24-003, RANGEVIEW BOX ELDER WELL FIELD #2 / LOCATION AND EXTENT (LE) – KAT HAMMER, SENIOR PLANNER; SUE LIU, ENGINEER – PUBLIC WORKS AND DEVELOPMENT (PWD)</p> <p>Ms. Sauve asked the County Attorney if the PC had jurisdiction to proceed. Mr. Hader said that Case No. LE24-003 had been properly noticed, and the PC had jurisdiction to proceed.</p> <p>Ms. Hammer said Rangeview Metropolitan District (Rangeview) was requesting approval of an LE application to construct the Box Elder Creek Well Field 2 project, which consisted of four horizontal wells, approximately five miles of 24-inch transmission pipeline, and approximately 3,800 feet of 12-inch pipeline that</p>

connected the horizontal wells to the 24-inch transmission main. She explained the horizontal wells would allow Rangeview to capture a portion of their water rights in the Box Elder Creek drainage basin and use that water for municipal use by conveying that water to the existing Lowry Ridge Storage Pond and future water treatment complex located approximately four and a half miles northwest of the horizontal wells. She stated the proposed pipeline would follow existing utility corridors from the proposed well field to the existing Lowry Ridge Storage Pond and would be constructed on a Rangeview utility easement granted by the Colorado State Land Board. She reported that no new access roads were proposed for the facilities, and construction traffic would utilize existing entrances to the parcels off East Quincy Avenue and County Line Road. She added that no above-ground structures were proposed, and all existing grades would remain the same following pipeline and well construction. She said the Staff was concurrently reviewing the associated Technical Review Amendment (Case No. AA24-014) to the Sky Ranch 1041 Permit for Water and Wastewater (Case No. ASI16-005) and had included a condition of approval requiring approval of the Technical Review Amendment. She explained that AA24-014 was required because the original 1041 application did not show the proposed extension of the water system. She reported that Colorado Parks & Wildlife had submitted recommendations that day, and these had been added to the updated conditions of approval, where Condition 3 was added. She concluded Staff had reviewed the plans, supporting documentation, referral comments, and external agency input in response to this application and based upon a review of applicable policies and goals in the Comprehensive Plan, review of the development regulations, and analysis of referral comments, Staff recommended approval of the project.

Mr. Brent Brouillard of Rangeview Metro District reiterated that significant infrastructure had been constructed by Rangeview across the central portion of Arapahoe County, roughly between S. Gun Club Road and S. Manila Road to help support the water needs of the Sky Ranch Planned Unit Development (PUD) and included the Sky Ranch Water Reclamation Facility, Sky Ranch Water Supply Facility, Box Elder Creek Well Field, Sky Ranch and Lowry Storage Ponds, and numerous groundwater wells and pipelines to meet the water needs for the initial phases of Sky Ranch through the platting of Filing 6. He stated that as the community expanded, additional infrastructure was required to meet the associated water and wastewater demands. He explained that Alluvial Well Diversion was proposed to meet these needs, and the 4 additional wells to be drilled under the ephemeral Box Elder Creek would be added to the Lowry Ridge transportation pipeline as demonstrated. He concluded that these would add a renewable water supply for current and future development in the area.

There was discussion around the following concerns:

- What was the impact of this drain on Box Elder Creek to existing wells of the rural neighbors to the development?
- How was the amount of water diversion controlled?
- Will you ask for additional wells going forward?
- How are pumps powered?

- How many more households would this system serve?

Mr. Brouillard said that existing wells in the area were pumped from the local aquifers that were much deeper than the 25-foot depth of the proposed alluvial wells and were not fed by the creek. He reported that permits would be issued for permitted well capacities and 600 acre/ft would likely be diverted annually. He explained that several thousands of acre feet of flowed annually as was known from ongoing studies. He stated additional wells would not be requested but increased diversion could be requested. He said the pumps would be powered electrically and because they were subterranean, noise would be minimal so they could not be heard unless one was in close proximity. He estimated this system would provide one-half to two-thirds of the Sky Ranch Development needs.

Ms. Sauve opened the hearing for public comments. There were 3 members of the public present who spoke and there were no callers who wished to speak. Speakers raised concerns about impacts to wildlife habitats, fire hazards, property values dropping if creek was pumped dry and whether an EPA impact report would be required. The public hearing was closed.

Mr. Brouillard reported an Environmental Report was provided with this application and addressed most of these concerns, the rest would be part of the conditional approval and water rights would be addressed with the augmentation legal process and the project proceeded.

Ms. Sauve reminded the Commissioners the PC vote in this case would approve or deny the project and it would not go on to the Board of County Commissioners (BOCC) for final approval. Mr. Miller voiced his opposition to the project and suggested there was uncertainty that water rights of rural residents were protected in this case.

The motion was made by Mr. Mohrhaus and duly seconded by Ms. Latsis, in the case of LE24-003, Rangeview Box Elder Well Field 2- Location And Extent, I have reviewed the staff report, including all exhibits and attachments, and have listened to the applicant's presentation and any public comment as presented at the hearing and hereby move to approve this application based on the findings in the staff report, subject to the following conditions:

- 1. Prior to signature of the final copy of these plans, the applicant must address Public Works and Development Staff comments and concerns.**
- 2. Approval of this Location and Extent is contingent upon approval of the associated Technical Review Amendment to the Sky Ranch 1041, Case Number AA24-014.**
- 3. The applicant shall use best efforts to comply with the following CPW recommendations:**
 - a. Conduct and provide to CPW the results of Burrowing Owl surveys in accordance with Colorado Parks and Wildlife's Burrowing owl survey protocol if work is to be conducted between March 15 – August 31.**

	<p>b. Conduct and provide to CPW the results of raptor nest surveys prior to construction.</p> <p>c. To the extent commercially reasonable, construction should not occur within mapped Mule Deer Migration Corridor, Mule Deer Winter Concentration Area, and Pronghorn Winter Concentration areas during the big game winter timing (December 1 – April 30).</p> <p>d. Use best management practices to avoid impacts to Box Elder Creek and follow 404 permit regulations set by the Army Corps of Engineers.</p> <p>The vote was:</p> <p>Mr. Brockelman, No; Ms. Howe, No; Ms. Latsis, Yes; Mr. Miller, No; Mr. Mohrhaus, Yes; Mr. Sall, Yes; Ms. Sauve, Yes.</p>
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STUDY SESSION ITEMS:

<p>ITEM 1</p>	<p>LAND DEVELOPMENT CODE (LDC) UPDATE - COMMERCIAL MOBILE RADIO SERVICE (CMRS) TO WIRELESS COMMUNICATION FACILITIES (WCF) - ERNIE ROSE, SENIOR PLANNER– PUBLIC WORKS AND DEVELOPMENT (PWD)</p> <p>Mr. Rose said this County-initiated effort proposed to modify the LDC concerning Wireless Communication Facilities (WCF), which were currently referred to as Commercial Mobile Radio Service (CMRS) throughout the document. He stated the proposed amendment would retitle the CMRS regulations to WCF and provided the ground rules for development, which was a significant part of implementing the Comprehensive Plan's goals and policies. He said this update aimed to ensure that the regulations remained relevant and effective in addressing advancements in communication technology while complying with legal requirements and noted to assist with this update, staff hired Clarion Associates, who had since developed the revised WCF code amendment to incorporate potential technological advancements across all types of wireless communications, including CMRS. He explained the County's current regulations for wireless communication facilities on private property were outlined in several sections of the LDC that pertained specifically to CMRS and these needed to be updated to account for minor modifications to existing facilities, to encourage or mandate colocation, and to provide alternative locations, such as rooftops. He added the existing wireless section of the code failed to effectively communicate to the public that Federal Communications Commission (FCC) regulations significantly constrained the County's authority to deny or impose conditions on "eligible facilities" that did not result in substantial expansion or alteration of current wireless structures which were listed as a priority to ensure compliance with federal law and because of their potential to reduce public misunderstanding and controversy over decisions that were, in fact, not within the County's control. He reported Staff was monitoring the status of House Bill 25-1056 (HB25-1056), introduced on January 8, 2025</p>
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	<p>which aimed to streamline the permitting process for wireless telecommunications facilities and included direction for local governments to approve applications for new or modified wireless towers within a designated (60 day) timeframe and prohibited local governments from imposing additional permit requirements when a provider removes or replaced existing equipment, provided the provider notified the regional government in advance. He said if HB25-1056 passed, the proposed draft regulations would be adjusted accordingly. He requested PC review of the proposed new regulations and to evaluate these draft amendments to the regulations and provide feedback and recommendations before advancing this for public comments and to a public hearing before the Planning Commission.</p>
<p>ANNOUNCEMENTS</p>	<p>Ms. Orkild-Larson announced that the March 18th public hearing would be held at the 5334 S Prince St. Admin Building in the East Hearing Room to discuss a subdivision of a parcel of land to create two lots. This application is part of a development located in Jefferson County consisting of 25 lots (23 lots in Jefferson County and 2 lots in Arapahoe County). Jefferson County has approved the portion development project located in their jurisdiction. The main concerns of the public for this plat include using of W. Christensen Lane for access to this development, proposed culvert, and drainage.</p> <p>Ms. Pecherzewski said the 4-1-2025 meeting would likely be cancelled so PC Officer elections were scheduled for the 4-15-2025 Public Hearing to be held in the usual location here at Lima Plaza. She also said that a Study Session for short term rentals regulations was currently not scheduled but was under discussion.</p>
<p>ADJOURNMENT</p>	<p>There being no further business to come before the Planning Commission, the meeting was adjourned.</p>