

**MINUTES OF THE REGULAR MEETING OF THE  
ARAPAHOE COUNTY PLANNING COMMISSION  
TUESDAY, OCTOBER 21, 2025**

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| <b>ATTENDANCE</b>              | <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: Brooke Moore; Randall Miller; Dave Mohrhaus, Chair; and Lynn Sauve.</p> <p>Also present were Matt Hader, Senior Assistant County Attorney; Jason Reynolds, Planning Division Manager; Ava Pecherzewski, Development Review Planning Manager (moderator); Ceila Rethamel, Engineering Services Division Manager; Joe Schiel, Engineering Program Manager; Molly Orkild-Larson, Principal Planner; Sue Liu, Engineer; Ernie Rose, Senior Planner; Raye Fields, Planner I; and Kim Lynch, Planning Technician.</p> |
| <b>CALL TO ORDER</b>           | <p>Mr. Mohrhaus called the meeting to order at 6:30 p.m., and the 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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>GENERAL BUSINESS ITEMS:</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>APPROVAL OF THE MINUTES</b> | <p><b>The motion was made by Ms. Sauve and duly seconded by Mr. Miller to approve the minutes of the October 7, 2025, Planning Commission meeting, as submitted:</b></p> <p><b>The ayes prevailed, and minutes were approved.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>PUBLIC HEARING ITEMS:</b>   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>ITEM 1</b>                  | <p><b>CONTINUED FROM 08-19-2025 - CASE NO. PP23-002, THE RANCH AT WATKINS FARM #01 / PRELIMINARY PLAT (PP) – MOLLY ORKILD-LARSON, PRINCIPAL PLANNER; SUE LIU, ENGINEER; PUBLIC WORKS AND DEVELOPMENT (PWD)</b></p> <p>Mr. Mohrhaus stated that since public testimony had been heard previously on August 19, 2025, and the hearing had been closed for public comments, the presentation would proceed to the staff and applicant to provide further information as requested at that hearing.</p>                                                                                                                                                                                                                                                                                   |

Ms. Orkild-Larson reminded the PC that Case No. PP23-002 proposed preliminary plat for 11 single-family residential lots and one tract south and adjacent to the 6th Avenue Service Road and east of Thunder Ranch subdivision. She reported the PC had requested the applicant to specifically address water rights and how the floodplain affects this development and nearby properties in more detail.

The applicant, Mr. Palmer of Strategic Land Solutions, demonstrated the floodplain exhibits showing the 100-year floodplain of Cardboard Draw. He explained how Cardboard Draw crossed the subject property, specifically Lots 8-11, and showed cross sections of Lots 8-11 comparing the location of the proposed lots to the floodplain base flood elevation. He affirmed that these cross sections demonstrated that the potential building areas for Lots 8 to 11 were located outside the 100-year floodplain of Cardboard Draw. He stated, as per the Arapahoe County Floodplain Policy, a minimum of 2 feet of freeboard between the 100-year water surface elevation and the lowest finished floor elevation of all structures adjacent to the 100-year floodplain was required and would be applied to this development. He concluded that no grading and construction would occur within the floodplain; therefore, the development should not impact the floodplain. He detailed letters from the Colorado Division of Water Resources that analyzed the water supply and demand for the proposed development had stated permits issued under C.R.S. 37-90-137(4)(b)(I) allowed withdrawals on the basis of an aquifer life of one hundred years and regarding the water rights decreed to the applicant, determined that the water supply was adequate and that the water could be provided without causing injury to others' decreed water rights. He reported there had been an email received September 30, 2025, from the State in response to concerns received from the surrounding community about the development potentially causing injury to their existing water right and the State indicated that as long as the withdrawal of the groundwater subject to the letter was consistent with the statute, the decree, and the well permits issued by their office, they did not anticipate material injury occurring to existing water rights. He said the State also affirmed that it could not consider potential concerns of injury without supporting information in its review of these subdivision water supply plans and the lowering of groundwater levels alone did not necessarily constitute injury (see CRS 37-90-137(4)(c)). Ms. Orkild-Larson added the State mentioned this example because it was often a concern cited by the public as a reason for their office to deny the water supply plan, but that was not consistent with their standards of review, and it was not consistent with the statute. She said the State reiterated in this email that the applicant was entitled to withdraw the water that they have a right to pursuant to statute, their decree, and well permits, and should someone in the future file a complaint that the pumping or use of this groundwater was causing injury, their office would take appropriate action at that time.

There was no discussion. Mr. Miller thanked the applicant for the extra effort and additional information and stated this process was important to assist the PC in making sure they upheld their accountability in this matter. Ms. Sauve

agreed and clarified for those who spoke at August 19th hearing their comments were heard and recorded. She concluded the final decision would be made at a hearing of the Board of County Commissioners and the PC would only be making a recommendation.

**The motion was made by Ms. Sauve and duly seconded by Mr. Miller, in the case of PP23-002 The Ranch at Watkins Farm Filing No. 1 Preliminary Plat, I have reviewed the staff report, including all exhibits and attachments and have listened to the applicant's presentation and the public comment as presented at the hearing and hereby move to recommend approval of this application based on the findings in the staff report, subject to the following conditions:**

- 1. Prior to the signature of the final copy of these plans, the applicant shall address all Public Works and Development Staff comments.**
- 2. A note shall be placed on the plat stating that "All lots within the development shall meet the minimum Arapahoe County Health Department setbacks. These setbacks are as follows:**
  - Water well from OWTS: 100 feet.**
  - OWTS from property line: 10 feet. OWTS from floodplain boundary: 50 feet.**
  - Setbacks between wells and OWTS on individual lots and to adjacent lots' wells and OWTS shall be considered."**
- 3. The applicant shall pave E. Colfax Service Road from the development site to the existing pavement at the intersection of Eclipse Street and E. Colfax Avenue Service Road at the time of the final plat.**
- 4. The applicant shall create a Property Owners Association prior to the signing of the final plat.**
- 5. The applicant shall comply with the Bennett-Watkins Fire Rescue requirements, including:**
  - a. The road shall be designed and constructed as per the Arapahoe County Public Roadway Standards. The roadway shall be within the dedicated right-of-way for County-Maintained Roadways.**
  - b. Any structure built on the 11 single-family lots will need to comply with all current Arapahoe County adopted codes and standards, as well as the 2018 International Fire Code as adopted by Bennett-Watkins Fire Rescue (subject to change before future development phases if a newer edition is adopted).**
  - c. Access serving individual lots (driveways) within the development area shall meet the minimum requirements outlined in Arapahoe County Rural Roadway Standards, Appendix R.**
  - d. When development occurs on each lot, applicants will need to submit for plan review directly to the fire department as part**

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|        | <p>of the building permit process. Applicable fees will apply at the time of submission.</p> <ol style="list-style-type: none"> <li>6. The applicant shall add a note to the plat that reads: “A geotechnical investigation is recommended to be done on the lots in the development to determine the depth of bedrock and seasonal groundwater to minimize on-site structural damage.”</li> <li>7. Prairie dogs are present within the subject property. A Burrowing Owl Survey shall be conducted if any earthmoving occurs between March 15 and August 31. This survey shall be submitted to the County Planning Division and Colorado Parks and Wildlife for review and approval, and no construction/grading shall be permitted during those dates without prior CPW's authorization.</li> <li>8. If the start of construction occurs during the raptor nesting season (between February 15 and August 31), a nesting raptor survey shall be conducted before the start of construction to identify active nests within 0.25 miles of the project workspace. This survey shall be submitted to the County Planning Division and the Colorado Parks and Wildlife for review and approval. If nesting raptors are present, no construction/grading is permitted during those dates without prior CPW authorization.</li> </ol> <p>The vote was:</p> <p>Ms. Howe, Yes; Ms. Latsis, Absent; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Absent; Ms. Sauve, Yes.</p> |
| ITEM 2 | <p><b>CASE NO. LE24-002, KIOWA CREEK OPEN SPACES REGIONAL PARK / LOCATION AND EXTENT – ERNIE ROSE, SENIOR PLANNER; SUE LIU, ENGINEER – PUBLIC WORKS AND DEVELOPMENT (PWD)</b></p> <p>Mr. Hader cited the Land Development Code Chapter 5 - Section 2 requirements and stated they had been met; therefore, the PC had jurisdiction to proceed.</p> <p>Mr. Rose stated that the County purchased the property in 2009, specifically for passive use recreation, and this application provided an extensive trail system, educational opportunities focused on the preservation and restoration of ecological habitats along with neighborhood trail connections. He described the new amenities which developed multi-use trails including dedicated equestrian, a challenge course, and mountain-bike trails, featured an archery range, picnic areas, an outdoor classroom, site overlooks, parking areas, and ecological site restoration. He concluded that staff had visited the site and reviewed the plans, supporting documentation, and referral comments in response to this application and based on the review of applicable policies and goals, as set forth in the Comp Plan, Staff were recommending approval of this application.</p>                                                                                                                                                                                                                   |

Mr. Ray Winn, Open Spaces Planner, further described the park and explained that future passive use had been a part of the original Open Space designation and was intended to provide recreational amenities, while preserving the short grass prairie. He reported there was favorable public outreach at Bennett Days and on the website which revealed great interest in the competition design archery range for 4-H events and equestrian use amenities that included horse-trailer parking. He introduced the other members of the Open Space team who presented images of the proposed amenities and discussed response to Bennett-Watkins Fire and Rescue outreach.

Mr. Mohrhaus opened the hearing for public comments. There were two members of the public present, who spoke in favor of the application, and there were no callers who wished to speak. The public hearing was closed.

There was discussion regarding leash laws that would be imposed when the park was opened to protect sensitive riparian and short grass prairie lands. Mr. Winn said the archery range design was intended for 4H Archery competition so the range was large therefore reservations might not be needed and there would not be a range master until tournaments were held. Ms. Gini Pingnot, Open Spaces Director, spoke of the Conservation Easement for the park as a protection for keeping this Open Space open rather than allowing a different use in the future. Fire Rescue and adjacent CORE property access easements were also discussed. Ms. Sauve reminded the PC that this vote for the Location & Extent application would be decided by them and it would not move on to the Board for a deciding vote.

**The motion was made by Ms. Sauve and duly seconded by Ms. Howe, in the case of LE24-002, Kiowa Creek Open Spaces Regional Park / 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 condition:**

- 1. The applicant will address all comments of the Public Works and Development Staff before signing the final copy of these plans.**
- 2. The applicant must meet all the Arapahoe County Health Department requirements and receive approval from the Arapahoe County Health Department before construction.**

**The vote was:**

**Ms. Howe, Yes; Ms. Latsis, Absent; Mr. Miller, Yes; Mr. Mohrhaus, No; Mr. Sall, Absent; Ms. Sauve, Yes.**

**ITEM 3****CASE NO. LDC23-001, SHORT TERM RENTALS / LAND DEVELOPMENT CODE (LDC) AMENDMENT; CAITLYN MARS, ZONING ADMINISTRATOR; SENIOR PLANNER; SUE LIU, ENGINEER – PUBLIC WORKS AND DEVELOPMENT (PWD)**

Mr. Hader cited the Land Development Code Chapter 5 - Section 2 requirements and stated they had been met; therefore, the PC had jurisdiction to proceed.

Ms. Mars described the background and the multi-year research, outreach, and drafting effort that formed the foundation of the proposed Short-Term Rental (STR) regulatory framework. She explained that combining an LDC amendment with a licensing ordinance would ensure enforceable life-safety standards, protect neighborhood character, and help maintain housing availability while providing a path for responsible STR operation in unincorporated Arapahoe County. She outlined the two draft ordinances and their similarities saying they were designed to limit the impact of STRs on Arapahoe County's long-term residents and were nearly identical in structure as most of the provisions were the same for both. She demonstrated the differences in the drafts stating the 180-day annual rental cap allowed flexibility for partial-year residents to operate an STR while they resided elsewhere but prevented investors from operating a home as an STR year-round. She explained the second draft used a primary residence requirement to reduce the likelihood of investor-operated STRs unless the investor was willing to make the STR their primary residence. She affirmed the Board of County Commissioners would decide which Ordinance would be approved for Arapahoe County.

She asserted the LDC amendments set general requirements that STRs would operate only in structures meeting all short-term rental licensing standards and prohibited use of recreational vehicles, campers, trailers, vehicles, or other temporary structures for STR purposes. She said it also required that all STRs obtain and maintain a license. She stated that the draft mirrored the proposed ordinance language by including separation and buffering provisions, most notably prohibiting a licensed whole-house STR within 500 feet of another licensed STR and requiring compliance with all zone-district building setback standards. She concluded that this LDC amendment integrated STR use into the County's zoning framework while tying actual operation to the separate STR licensing ordinance. She requested the PC make a recommendation of approval for the proposed LDC Amendments that would accompany the ordinance model that was approved by the BOCC.

Mr. Mohrhaus opened the hearing for public comments. There were 20 members of the public present, 12 of whom spoke, and there were no callers who wished to speak. They raised concerns about the 500' buffer zones where multiple STRs existed in one area, 180 day limitation for resident STR operators that would limit income opportunities, the impact of the proposed ordinances on currently operating STR owners and the fact there was no proposal for grandfathering these operators into the proposed system.

There was discussion regarding how the legacy grandfathering clause was not in consideration by the County despite the public comment indicating they were in favor of this legacy, the difficulties of regulating all existing and newly licensed STRs to ensure health and life safety standards, how civil complaints would be handled by zoning and the proposed outsourced management company, and how the 100 cap of STRs county wide would be enforced.

Ms. Howe stated she was a proponent of STR regulations, but the 500 foot buffer restriction compelled her to vote no. Mr. Miller reiterated his support of property owners' right to maintain a STR but would also vote no due to the proposed 500 foot buffer constraint. Mr. Mohrhaus recommended grandfathering should be considered within these regulations.

**The motion was made by Ms. Sauve and duly seconded by Ms. Howe, in the case of LDC23-001, Short Term Rentals / Land Development Code (LDC) Amendment; I have reviewed the staff report, including all exhibits and attachments, and have listened to the staff presentation and any public comment as presented at the hearing, and hereby move to recommend approval of the proposed amendments to the text of the LDC as presented in the staff report, subject to the following recommended stipulation:**

- 1. Staff are authorized to make minor corrections or revisions to the proposed language, with the approval of the County Attorney, if necessary, to incorporate the approved amendments into the text of the Land Development Code.**

**The vote was:**

**Ms. Howe, No; Ms. Latsis, Absent; Mr. Miller, No; Mr. Mohrhaus, No; Mr. Sall, Absent; Ms. Sauve, Yes.**

**A second motion was made by Mr. Mohrhaus and seconded by Mr. Miller in the case of LDC23-005 – Short-Term Rental Land Development Code Amendment, I have reviewed the staff report, including all exhibits and attachments, and have listened to the staff presentation and any public comment as presented at the hearing, and hereby move to recommend denial of the proposed amendment to the Land Development Code.**

**The vote was:**

**Ms. Howe, Yes; Ms. Latsis, Absent; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Absent; Ms. Sauve, No.**

#### **STUDY SESSION ITEMS:**

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| <b>ITEM 1</b>        | <p><b>DISCUSSIONS CONCERNING CASE NO. LDC25-001, EV CHARGING STATIONS / PROPOSED LAND DEVELOPMENT CODE (LDC) AMENDMENT– MOLLY ORKILD-LARSON, PRINCIPAL PLANNER AND RAYE FIELDS, PLANNER I; PUBLIC WORKS AND DEVELOPMENT (PWD)</b></p> <p>Ms. Orkild-Larson stated the purpose of this study session was to update the Planning Commission on the proposed LDC Amendments drafted in response to recent legislation. She introduced Ms. Fields to the PC.</p> <p>Ms. Fields outlined HB24-1173 which requires subject municipalities (with 10,000 or more residents) and counties (with 20,000 or more residents) to implement one of the three compliance EV charger options into their land development codes. She stated the goal of HB24-1173 was to expand EV use, cost-effectiveness, convenience, and viability across the state, to advance Colorado’s goals to reduce local air pollution, greenhouse gas emissions and to encourage a standardized and streamlined local permitting process for EV charging development. She described Option 1 selected by the BOCC in a July 2025 study session that proposed to adopt the permitting standards and processes from the Colorado Electric Vehicle Charging Model Land Use Code and Guidance document that provided definitions, site development, and other standards, and a streamlined process. She demonstrated the resulting draft changes to the LDC that included Applicability Standards, Permitting by Zoning, Parking Standards, Setback Standards, Equipment Standards, Screening and Landscaping Standards, Lighting, Pavement Marking and Striping, Visibility, Landscaping, Signage, Weather Canopies and Definitions. She requested the PC evaluate these draft code regulations and provide feedback and recommendations so that staff could incorporate any recommended changes to the draft regulations in advance of taking the final version to public hearings with the PC and BOCC in November and December.</p> |
| <b>ANNOUNCEMENTS</b> | <p>Ms. Orkild-Larson reported there would be a Special Hearing Oct. 28<sup>th</sup> at the Administration building for the Holly Hills Elementary School replacement building and the Nov. 18 would include the Magellan Pipeline Project hearing plus 2 other items.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>ADJOURNMENT</b>   | <p>The meeting was adjourned.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |