

**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
TUESDAY, JULY 16, 2024**

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| 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: Kathryn Latsis; Randall Miller; Dave Mohrhaus, Chair Pro-Tem; Richard Sall; Lynn Sauve, Chair.</p> <p>Also, present were Robert Hill, Senior Assistant County Attorney; Jason Reynolds, Planning Division Manager; Molly Orkild-Larson, Principal Planner; Loretta Daniel, Long Range Planning Manager, Larry Mugler, 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 public.</p> |
| GENERAL BUSINESS ITEMS: | |
| APPROVAL OF THE MINUTES | <p>The motion was made by Mr. Mohrhaus and duly seconded by Ms. Latsis to accept the minutes from the June 18, 2024, Planning Commission meeting, as submitted.</p> <p>The vote was:</p> <p>Mr. Brockelman, Absent; Ms. Latsis, Yes; Mr. Miller, Abstain; Mr. Mohrhaus, Yes; Ms. Sauve, Abstain; Mr. Sall, Yes; Ms. Wollman, Absent.</p> |
| | <p>The motion was made by Mr. Mohrhaus and duly seconded by Ms. Latsis to accept the minutes from the July 2, 2024, Planning Commission meeting, as submitted.</p> <p>The vote was:</p> <p>Mr. Brockelman, Absent; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Ms. Sauve, Yes; Mr. Sall, Yes; Ms. Wollman, Absent.</p> |
| STUDY SESSION ITEMS: | |
| ITEM 1 | CASE NO LDC24-003, LOCATION AND EXTENT PLAN – LAND DEVELOPMENT CODE (LDC) AMENDMENT – LARRY |

MUGLER, PLANNER / PROJECT SPECIALIST – PUBLIC WORKS AND DEVELOPMENT (PWD)

Mr. Mugler stated the Planning staff had reviewed the Location and Extent (L and E) provisions in the Land Development Code (LDC) and the Development Application Manual (DAM) and identified several changes that should make the L and E review process more efficient for applicants, staff, and the Planning Commission. He said that L and E reviews were based on two state statutes: Colorado Revised Statutes (C.R.S.) § 30-28-110, as amended, and C.R.S. § 22-32-124, as amended. He explained under the first statute, no road, park, public way, ground, or space, no public building or structure, and no major facility of a public utility shall be constructed or authorized in the unincorporated areas of Arapahoe County unless and until the proposed location and extent thereof had been submitted to and approved by the Arapahoe County Planning Commission. He said the second statute concerned the location and construction of public and charter schools and this statute was not currently referenced in the LDC so the proposed change provided this summary of C.R.S. § 22-32-124, “prior to acquiring land or contracting for the purchase of land for a school site, the school district shall consult with and advise the Planning Commission in writing to ensure that the proposed site conforms to the adopted Comprehensive Plan as far as is feasible. Prior to the construction of any structure or building, the school district shall submit a site development plan for review and comment to the Planning Commission”. He added a unique element of these statutes was that the applicant in either case was not bound by the Planning Commission’s action and could override a Planning Commission disapproval by action of their own board. He stated the Colorado Land Planning and Development Law publication described the L and E process this way, “Generally, the approval process is not intended to be a mechanism to prevent the construction of public improvements and public utilities, rather, it is intended to encourage intergovernmental communication and coordination in the development of public improvements and public utilities.” He went on to say the intent of this review and suggested changes was to clarify the L and E process, simplify where possible, and make the LDC and DAM consistent. He said Planning staff reviewed the L and E processes for neighboring counties and found generally they did not require the amount of detail that Arapahoe County lists in the LDC and the DAM. He gave the example that El Paso County had an extensive L and E provision but also included a list of projects that are excluded from the L and E process and that was an element that staff was proposing to add to the Arapahoe County LDC. He explained that while the LDC did not have a reference to the school location and building review statute, the County had reviewed new schools. He said, one difficulty had been the process for public charter schools. He said the statute stated that the Planning Commission may request a hearing before the school district board to address concerns but, charter schools had their own boards of directors and made their

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| | <p>own decisions on siting, therefore, the Planning Commission, a school district board, and a charter school board needed a clear process for making sure the Planning Commission’s comments were considered. He explained Douglas County seemed to have solved this problem by having the school district require the charter school contact the Planning Commission at the same time as the charter requested approval from the school district so if the Planning Commission had concerns that should be considered at a public hearing, early notification would allow the Planning Commission to participate in the school district’s public hearing. He concluded these revisions to the LDC would provide the linkages among the County, the school district board, and the charter school with the correct state statute cited. He characterized the changes to the DAM as more technical in nature. He pointed out the current version required several special studies that might not be appropriate for some L and E projects therefore the proposed changes allowed the staff more flexibility in determining which studies were necessary. See the attached copies of the L and E sections of the LDC and DAM with the proposed changes shown in red. He concluded his presentation which identified specific areas for which staff requested Planning Commission discussion and direction.</p> <p>There was discussion regarding the following:</p> <ul style="list-style-type: none"> • Could a School Board, or Parks & Rec Board override PC recommendations or concerns? • Case manager having latitude to request documents/studies. • What was the county planning to do about fee disparity? <p>Mr. Mugler said that any agency with a board could override the recommendation made by the PC in case of a recommendation to deny. He highlighted that staff time commitment to our process would allow the addition of public comment to always be a part of the consideration by the governing Board for each project. He said each Board would have to address these public comments in their own approval processes. He clarified that case manager discretion for requesting documents was limited to certain types of reports such as traffic studies. Mr. Reynolds recognized the disparity of County fees charged, as compared to neighboring counties, and affirmed fee restructuring should be considered to bring the county more in line with other counties. He concluded that Open Spaces feedback would be sought as many park projects requiring this type of application would be funded by Open Spaces. Mr. Mugler thanked the PC for their input and stated their comments would be noted and shared with the BOCC at the time of the next study session with them.</p> |
| <p>ANNOUNCEMENTS</p> | <p>Ms. Orkild-Larson announced the next PC meeting would take place on August 6, 2024 here at the Lima Arapahoe hearing room. She said that an LDC amendment and preliminary plat would be on the agenda.</p> |

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| | Mr. Reynolds said there would be a study session with the BOCC regarding Proposition 122 Natural Medicine Act of 2022 which will require county regulations to be adopted by the end of the year to be prepared when the state is ready to begin issuing licenses in 2025. |
| ADJOURNMENT | There being no further business to come before the Planning Commission, the meeting was adjourned. |