

**MINUTES OF THE REGULAR MEETING OF THE  
ARAPAHOE COUNTY PLANNING COMMISSION  
TUESDAY, MAY 18, 2021**

<b>ATTENDANCE</b>	<p>A regular meeting of the Arapahoe County Planning Commission was called and held in accordance with the statutes of the State of Colorado and the Arapahoe County Land Development Code. The following Planning Commission members were in attendance:</p> <p>Kathryn Latsis, Chair; Jamie Wollman, Chair Pro-Tem; Rodney Brockelman, Randall Miller, Jane Rieck, Richard Sall and Lynn Sauve.</p> <p>Also present were: Robert Hill, Senior Asst. County Attorney; Kathleen Hammer, Senior Planner; Jason Reynolds, Current Planning Program Manager; Diane Kocis, Energy Specialist; Caitlyn Cahill, Zoning and Animal Control Manager; Jan Yeckes, Planning Division Manager; and members of the public.</p>
<b>CALL TO ORDER</b>	<p>Chair Latsis called the meeting to order at 6:30 p.m. and noted a quorum of the Board was present. This meeting was held through the TEAMS platform and telephone call-in for public participation in public hearing items. Mr. Reynolds explained the format of the meeting and how the public could provide comment.</p>
<b>DISCLOSURE MATTERS</b>	<p>There were no Planning Commission member conflicts with the matters before them.</p>
<b>GENERAL BUSINESS ITEMS:</b>	
<b>APPROVAL OF THE MINUTES – APRIL 14, 2021</b>	<p><b>The motion was made by Ms. Rieck and duly seconded by Ms. Sauve to accept the minutes from the special informational meeting of April 14, 2021, as presented.</b></p> <p><b>The motion passed unanimously.</b></p>
<b>APPROVAL OF THE MINUTES – MAY 4, 2021</b>	<p><b>The motion was made by Ms. Wollman and duly seconded by Ms. Rieck to accept the minutes from the May 4, 2021, Planning Commission meeting, with the following changes:</b></p> <ol style="list-style-type: none"> <li><b>1. p. 3, 2<sup>nd</sup> paragraph, Deb Deitchel – “she said <u>they</u> had everything...” (missing word)</b></li> <li><b>2. Sentence “that typically conventional zone districts are not conditioned...” – she thinks the following word “to” should be “on”</b></li> </ol>

	<p><b>The motion passed unanimously.</b></p>
<p><b>REGULAR ITEMS:</b></p>	
<p><b>ITEM 1</b></p>	<p><b>CASE NO. PM20-004, SIERRA SUBDIVISION / MINOR SUBDIVISION (MS) – KAT HAMMER, SENIOR PLANNER, PUBLIC WORKS AND DEVELOPMENT (PWD)</b></p> <p>It was noted the Planning Commission had jurisdiction for the hearing; notification requirements of the Land Development Code had been met.</p> <p>Kat Hammer, Senior Planner, introduced the application and presented a PowerPoint. She reviewed the Comprehensive Plan and zoning designations for the property, the Comprehensive Plan goals applicable to the request, the criteria for approving a Minor Subdivision as specified in the Land Development Code, and referral comments received from Tri-County Health Department, Colorado Division of Water Resources, Colorado Parks and Wildlife, and Bennett School District. She outlined cash in lieu of land dedication requirement and said staff recommended that the fees for Parks and Other Public Purposes be waived. Ms. Hammer said the fees were very low, and there was not a qualifying recreation district requesting fees to be paid; however, cash-in-lieu fees would be required for the Bennett School District and would have to be paid prior to recording the plat. Ms. Hammer said staff recommended approval of the Minor Subdivision with conditions outlined in the staff report and based on the findings outlined in the staff report. She reported that the applicant, Irma Sierra, did not have a presentation, but was available for questions and that her daughter was available to translate.</p> <p>Ms. Rieck had questions about the 2001 well and septic permitting and whether those would carry over to the current proposal.</p> <p>Ms. Hammer stated that staff believed the well permit would allow for the addition of the one home proposed with the lot split, based on the information from the State that the well could serve three homes, livestock and irrigation, but also that staff would confirm with the State that no additional well permit would be required for a new home on a separate lot.</p> <p>Ms. Sauve asked for an explanation on the correlation between the burrowing owl survey and the presence of prairie dogs on site and the timing and ability to develop the site.</p>

	<p>Ms. Hammer provided an explanation that would not prevent construction, but might limit the time of year that construction could occur if burrowing owls were present; the presence of prairie dogs on the property could be an indication of possible burrowing owl presence, as the owls sometimes occupy prairie dog dens.</p> <p>Mr. Reynolds explained that the ground could not be disturbed during the time that burrowing owls were nesting; ground disturbance would have to occur outside of nesting season.</p> <p>Mr. Brockelman asked for clarification that there would be one well serving two different lots.</p> <p>Ms. Hammer noted that the well permit was approved for up to three residences and farm animal and irrigation purposes; the proposed subdivision did not seem to cross that threshold.</p> <p>Mr. Brockelman asked about a need for an agreement, in the event that one parcel is sold, that the well on one property would continue to serve the adjoining parcel. He also asked whether the land could be further subdivided.</p> <p>Ms. Hammer noted that further subdivision of the subject lot would require rezoning.</p> <p>Mr. Brockelman asked whether this could be the first step toward a number of the owners of lots within the development requesting subdivision of their lots into two lots.</p> <p>Ms. Hammer noted that most of the lots in the development were approximately 35 acres in size and that the lot size was not required by the A-1 zoning; however, the lots were likely established as such to avoid the need for a subdivision process under Colorado statutes. She stated the subject lot was larger than most other lots and had sufficient land area to permit subdividing into two parcels of at least 19 acres under the current A-1 zoning.</p> <p>Ms. Latsis opened the hearing for public comment.</p> <p>Mr. Hill noted that waiving cash-in-lieu fees for Parks might be outside the County's authority. He indicated that the Planning Commission could move forward with a recommendation on that aspect of the proposal; however, Mr. Hill would need to investigate the authority for waiving these fees prior to the hearing of the Board of County Commissioners.</p>
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The applicant's daughter spoke and expressed appreciation for the opportunity to have the Planning Commission consider the request.

Mr. Reynolds noted for the Planning Commission, in response to an earlier PC question, that there was only one other lot of sufficient land area to be further subdivided into two 19-acre parcels if that owner was to request subdivision at a future time. He said that all other lots within the development had insufficient land area to meet the minimum lot size of the A-1 zone district if subdivided.

Mr. Brockelman stated he appreciated that confirmation.

There were no further public comments. The public hearing was closed.

**It was moved by Ms. Wollman and duly seconded by Ms. Rieck, in the case of PM20-004, Sierra Subdivision / Minor Subdivision, that the Planning Commission reviewed the staff report, including all exhibits and attachments, have listened to the applicant's presentation and any public comment as presented at the public hearing, and moved to recommend approval of the 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 Staff comments and concerns.**
- 2. The applicant shall comply with the recommendations of Tri-County Health Department prior to issuance of a building permit.**
- 3. The applicant shall comply with the recommendations of the Division of Water Resources prior to issuance of a building permit.**
- 4. The applicant shall comply with Colorado Parks and Wildlife recommendations and shall conduct a burrowing owl survey if prairie dog towns are present at the time of construction.**
- 5. Prior to the recording of the approved mylar, the applicant shall pay a total amount of cash-in-lieu of \$1,850.70 to be distributed to Bennett School District.**

	<p><b>The vote was:</b></p> <p><b>Ms. Rieck, Yes; Ms. Sauve, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis; Yes; Ms. Wollman, Yes, Mr. Brockelman, Yes.</b></p>
<p><b>STUDY SESSION ITEMS:</b></p>	
<p><b>ITEM 1</b></p>	<p><b>CASE NO. LDC19-004, OIL &amp; GAS ENERGY REGULATIONS LAND DEVELOPMENT CODE (LDC) AMENDMENT / STUDY SESSION – DIANE KOCIS, ENERGY SPECIALIST, PUBLIC WORKS AND DEVELOPMENT (PWD)</b></p> <p>Diane Kocis, Energy Specialist, presented a PowerPoint that included key elements of the County’s updated draft oil and gas regulations and gave visual examples of a number of factors addressed through the regulations.</p> <p>There were discussions regarding and Q and A, as follows:</p> <p>Mr. Brockelman noted that the rule to limit the number of tanks on a pad site to 9 was great, but wondered if there was a capacity limit to each tank?</p> <p>Ms. Kocis responded that Bennett-Watkins Fire Rescue had expressed concerns about tank capacity affecting the size of a fire; however, staff did not find a good way to limit individual tank capacity. A very large tank, such as one referenced by Mr. Brockelman, is regulated by COGCC.</p> <p>Ms. Rieck asked how many wells were located in unincorporated Arapahoe County?</p> <p>Ms. Kocis estimated approximately 200, including wells in various stages of development.</p> <p>Ms. Rieck asked if the industry had participated and did they understand that the County was not trying to put them out of business?</p> <p>Ms. Kocis said staff received input from operators and other industry representatives and from the public. She said industry representatives felt the early draft was too restrictive, and citizens felt the early draft was not restrictive enough. She explained that both would have a further opportunity to review the final draft rules prior</p>

	<p>to public hearings and to comment during the public hearing process. She stated there had been a number of changes in the County’s draft rules since the early draft was made available and since COGCC new rules were adopted.</p> <p>Ms. Rieck asked who would determine the impact to public health?</p> <p>Ms. Kocis said the County would largely rely on CDPHE.</p> <p>Mr. Sall noted page 9 on setbacks was pretty confusing. He said it seemed like there were some conflicts between different sections addressing setbacks.</p> <p>Ms. Kocis said staff would review this.</p> <p>It was determined that one paragraph did conflict with the other and that it would be corrected prior to public hearings.</p> <p>Ms. Latsis commented, with respect to setbacks, that there would be well pads constructed under existing criteria that did not require a setback from undeveloped lots, and a number of smaller lots that had not yet been built-on would be subject to the newer reverse setbacks. She asked if staff knew how many of those undeveloped lots could be impacted, and would there be an exception to reverse setbacks for the smaller unbuilt lots in proximity to existing well pads?</p> <p>Ms. Kocis said staff would work with our Mapping group and would determine whether an exception for these lots might be needed.</p>
<p><b>ANNOUNCEMENTS AND QUESTIONS</b></p>	<p>There were no staff announcements.</p>
<p><b>ADJOURNMENT</b></p>	<p>There being no further business to come before the Planning Commission, the meeting was adjourned.</p>