

**MINUTES OF THE REGULAR MEETING OF THE  
 ARAPAHOE COUNTY PLANNING COMMISSION  
 TUESDAY, MAY 17, 2022**

<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: Rodney Brockelman, Kathryn Latsis, Randall Miller, Chair Pro-Tem; Jane Rieck, Richard Sall; Lynn Sauve; and Jamie Wollman, Chair</p> <p>Also present were Robert Hill, Senior Assistant County Attorney; Jason Reynolds, Planning Division Manager (moderator); Molly Orkild-Larson, Principal Planner; and Diane Kocis, Energy Specialist.</p>
<b>CALL TO ORDER</b>	<p>Ms. Wollman called the meeting to order at 6:30 p.m. and roll was called. All members of the Board were present.</p> <p>The meeting was held in person and through the Granicus Live Manager platform with telephone call-in for staff members and public.</p>
<b>GENERAL BUSINESS ITEMS:</b>	
<b>APPROVAL OF THE MINUTES</b>	<p><b>The motion was made by Mr. Miller and duly seconded by Mr. Brockelman to accept the minutes from the May 3, 2022 Planning Commission meeting, as presented.</b></p> <p><b>The vote was:</b></p> <p><b>Ms. Latsis, Yes; Ms. Rieck, Yes; Ms. Sauve, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Wollman, Yes; Mr. Brockelman, Yes</b></p>
<b>PUBLIC HEARING ITEMS:</b>	
<b>ITEM 1</b>	<p><b>CASE NO. LDC22-002, ARAPAHOE COUNTY LAND DEVELOPMENT CODE (LDC) AMENDMENT TO ALLOW 24/7 HOURS OF OPERATION FOR COMMERCIAL INJECTION FACILITIES / LDC</b></p> <p>Ms. Kocis presented a PowerPoint, a copy of which was retained for the record. She stated the Board of County Commissioners (BOCC)</p>

	<p>directed staff to proceed with a LDC amendment to allow commercial injection facilities to operate 24 hours a day and 7 days per week with a restriction on truck traffic hours to and from the facilities. She added that such facilities would be prohibited from receiving or accepting trucks transporting produced water, flowback water, or any other exploration and production materials for disposal by injection except during the hours of 7:00 am to 7:00 pm. Ms. Kocis explained that staff had referred the draft code revisions to outside agencies and industry stakeholders on March 28, 2022 and received no objections; although, there was one respondent in favor of the amendment. She said staff was seeking to change Section 3-3.4.J of the Arapahoe County LDC, which currently stated that the hours of operation for these facilities shall be limited to 7:00 am to 7:00 pm. She reported those hours were established in 2019 based on the BOCC's concerns about nighttime noise from truck traffic on county roads. She concluded, as a result of those concerns, staff drafted the amendment with a truck traffic hours restriction because it was the truck traffic that generated the most noise from those types of facilities. Ms. Kocis explained that the actual injection operations generally did not make much noise and those operations could be conducted without generating a noise nuisance. She said noise, at the property boundary of such facilities, would be less than the state noise limit of 75 dBA for industrial facilities between the hours of 7:00 pm to 7:00 am.</p> <p>There were discussions/questions regarding the following:</p> <ul style="list-style-type: none"> <li>• How many operators would be impacted by this?</li> <li>• Why did BOCC ask PWD to do this?</li> <li>• Referrals. Were there citizen comments? Was outreach made to citizens?</li> <li>• What were the reasons for denial of a Certificate of Designation (CD)?</li> <li>• Earthquakes and evidence of water contamination.</li> </ul> <p>Ms. Kocis responded that wells currently trucked the produced water to Fort Collins in Weld County. She stated the change would save costs of trucking water north. She said there was one operator wishing to operate in Arapahoe County (AC) at this time. She further explained the BOCC had expressed acceptance of 24-hour operations as long as there were no trucks operating during night-time hours. Ms. Kocis explained that the request was the result of a Study Session with the BOCC, from an interested operator, who said 12 hours of operation for an injection well was not economically feasible. She also said that public outreach was placed on the website, and she had reached out to the industry and other public contacts with the information.</p>
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	<p>Mr. Hill stated the rule change only applied to commercial operators not non-commercial operators. He said there were currently no injection wells in AC, but there was one land use application in process. He stated the application was not the same as a CD. He explained state agencies would also have to complete their review and therefore the application might or might not be awarded.</p> <p>Ms. Kocis explained that Colorado Oil &amp; Gas Conservation Commission (COGCC) had an extensive process for evaluating water table protection and prevention of earthquake issues. She said the aquifer was at a depth of 2,000 feet and that injection wells were drilled at depths of 9,000 feet. She added that there were no cases of groundwater contamination due to this extensive construction process; additionally, the low level (3.2-3.4 on the Richter Scale) earthquakes in Weld County in 2014 had been addressed by re-boring the wells and injecting liquid at lower volumes. She explained that with those corrections, the problem had not reoccurred.</p> <p>Ms. Wollman opened the hearing for public comments. There were no public comments. The public hearing was closed.</p> <p><b>The motion was made by Ms. Latsis and duly seconded by Ms. Rieck. in the case of LDC22-002, Arapahoe County Land Development Code Amendment to allow 24/7 hours of operation for commercial injection facilities, that the Planning Commission reviewed the staff report, including all exhibits and attachments, listened to the staff presentation and any public comments as presented at the hearing, and moved to recommend approval of the application based on the findings in the staff report, subject to the following stipulation:</b></p> <ol style="list-style-type: none"> <li><b>1. Staff will make minor corrections or revisions to the proposed language as directed by the County Attorney if necessary, to incorporate the approved amendment into the text of Land Development Code.</b></li> </ol> <p><b>The vote was:</b></p> <p><b>Ms. Latsis, Yes; Ms. Rieck, Yes; Ms. Sauve, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Wollman, Yes; Mr. Brockelman, Yes.</b></p>
<b>GENERAL BUSINESS:</b>	
<b>ANNOUNCEMENTS</b>	<p>Mr. Reynolds reported there should be a decision on the Arcadia project by the BOCC (May 24, 2022) to share at the next Planning Commission meeting.</p>



<b>ADJOURNMENT</b>	There being no further business to come before the Planning Commission, the meeting was adjourned.