

**MINUTES OF THE SPECIAL MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
TUESDAY, JANUARY 24, 2023**

ATTENDANCE	<p>A special 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; Dave Mohrhaus; Richard Sall; Lynn Sauve; and Jamie Wollman.</p> <p>Also present were Robert Hill, Senior Assistant County Attorney; Jason Reynolds, Planning Division Manager (moderator); Ava Pecherzewski, Development Review Planning Manager; Molly Orkild-Larson, Principal Planner; Bill Skinner, Senior Planner; Emily Gonzalez, Engineer and Kim Lynch, Planning Technician.</p>
CALL TO ORDER	<p>Ms. Wollman 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 Ms. Wollman and duly seconded by Ms. Sauve to accept the minutes from the January 3, 2023 Planning Commission meeting, with the noted change that it was confirmed that the October 17, 2023 Planning Commission (PC) meeting would now take place in the Lima Arapahoe Room so that all 2023 PC meetings would be held in one location.</p> <p>The vote was:</p> <p>Mr. Brockelman, Yes; Ms. Latsis, Abstain; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Ms. Sauve, Yes; Mr. Sall, Yes; Ms. Wollman, Yes.</p>
APPROVAL OF THE MINUTES	<p>The motion was made by Ms. Latsis and duly seconded by Mr. Mohrhaus to accept the minutes from the January 17, 2023 Planning Commission meeting, as submitted.</p> <p>The vote was:</p> <p>Mr. Brockelman, Abstain; Ms. Latsis, Yes; Mr. Miller, Abstain; Mr. Mohrhaus, Yes; Ms. Sauve, Abstain; Mr. Sall, Yes; Ms. Wollman, Yes.</p>

PUBLIC HEARING ITEMS:

ITEM 1

CASE NO CZ22-001, WASTE MANAGEMENT / CONVENTIONAL REZONE (CZ) – BILL SKINNER, SENIOR PLANNER; EMILY GONZALEZ, ENGINEER – PUBLIC WORKS AND DEVELOPMENT (PWD)

Mr. Skinner stated the case had been properly noticed and that the PC had jurisdiction to proceed. He presented PowerPoint slides and noted the case was in cooperation with and with permission of owner Lowry Environmental Protection Cleanup Trust Fund. He explained this application proposed to rezone one undeveloped 160-acre property from A-1 Agricultural to I-2 Heavy Industrial and F Zone, Floodplain. He said that the floodplain crossed the property and was not zoned F (floodplain) per requirements. Mr. Skinner reported that the applicant sought to develop a recycling facility to serve the adjacent DADS landfill; however, this land use was not permitted in the A-1 zoning district. He added the I-2 zone permitted recycling facilities in addition to community event and conference centers, daycare centers, veterinary clinics, car dealerships, gas stations, auto repair shops, car washes, contractor shops, self-storage, and manufacturing. He said while commercial uses were generally allowed under the restrictive easement and institutional controls imposed on the properties owned by the Trust, uses such as daycare centers, schools, hospitals, nursing homes and residential in proximity to the Lowry Landfill Superfund site were prohibited. Based upon a review of applicable policies and goals in the Comprehensive Plan, review of the development regulations, and analysis of referral comments staff found that the application generally conformed to the Arapahoe County Comprehensive Plan and met the Arapahoe County Zoning Regulations and procedures, including those stated in Section 5-3.2 Rezoning Zoning Map Amendment/Conventional Zone District) of the Land Development Code. Mr. Skinner concluded that staff recommended approval of the application as the intent of the project was in concert with the surrounding property uses. He introduced the applicant.

Mr. Jason Chan, Waste Management (WM), explained that an Administrative Site Plan project was in process, was related to this application and would develop the flagship property for WM. He said that it would house the most current and cutting-edge recycling technology and would reduce wastes headed for the adjacent landfill property. Mr. Chan described the relationship with Lowry Trust as a partnership but clarified that the Superfund Site in the area was managed by the Trust and not WM. He reported that the property in question was surrounded by landfill properties. He briefly described the timeline for development and construction of the Material Recycling Facility (MRF) although it did not have bearing on the Rezone application heard tonight. He focused on the natural fit for the area of this project which maximized recycling efforts, and provided an educational component for community. Mr. Chan detailed the

pollinator gardens and other improvements to natural habitat that would also be a part of the development. He concluded the project would in fact provide many necessary and essential services to the area.

There were discussions regarding the following questions:

- If a recycling site was implemented how much additional life it would it add to the DADS landfill?
- How many employees and trucks would populate the site with the proposed recycling facility development?
- Were there grazing activities on the property and if so for how long?

Mr. Chan said that with future recycling development and technology the life of the landfill could be expanded to 100 years or more but that was not quantifiable. He said he believed that increased recycling would affect what went into the landfill. He said there would be about a hundred employees and 90 trucks were anticipated for the operation that would house a collection and processing sections. He described the traffic study that anticipated future growth of the trucks at the facility. He reported that grazing activities had been in place on the property at least since 2009 but there were no other agricultural uses.

Ms. Wollman opened the hearing for public comments. There were 2 members of the public who spoke. There were no callers who spoke.

- Bonnie Rader, Chair of the Citizen's Advisory Group (CAG) for Lowry Landfill Superfund Site, said that CAG disagreed that staff could not address site contamination. She cited a court order requiring that chemicals would remain in point of compliance but mentioned there was a chemical plume extending four miles north of the landfill site. She added that site specific studies could be required for this project. She pointed out that CAG was concerned about aquifers under superfund site and about the possibility of a pit breach. She recommended that WM should monitor for seismic activity.
- Tom Krause, member of CAG, said he thought recycling was an excellent idea. He added that having it by the landfill was also good, however, he felt the safety of the property needed to be considered. He characterized the landfill as having 138 million gallons in unlined pits that did a fairly good job of containing contaminated materials. He added his concern about the plume of 1,4-dioxane because it was not recognized as a toxic chemical at the time. He explained this plume was like PFAS that Colorado had been considering classifying as toxic. He questioned if the project site had been tested. He asked that the rezone be put off until WM tests for PFAS.

There were discussions concerning the following:

- Where was Lowry Landfill Superfund Site in relation to the rezone property?
- Was it near any waste disposal pits? If not, would there ever be any toxic waste disposal pits on the site?
- Could proposed site construction disturb any landfill pits in question?
- Would WM consider the speaker's proposal for seismic testing or for testing for PFAS?
- Who was ultimately responsible for cleanup of Superfund sites?

Mr. Chan clarified that the Landfill Superfund Site was not managed by WM but by the Lowry Trust. He explained that the rezone property was not part of the landfill where any toxic waste had been disposed of in pits and that the landfill pits were well to the west of the site. He specified that none of the proposed recycling facility construction and development would impact any of the buried waste in question. He characterized proposed construction as similar to the residential and other recent development construction in the area. Mr. Chan also confirmed that WM had completed environmental studies, which were on file with the County. He stated there were no future plans for landfill or disposal on this property nor for any superfund pits to be placed there. He concluded seismic or PFAS testing was not needed on this property based on the completed studies.

Robert Hill, Senior Assistant County Attorney, verified that the Environmental Protection Agency (EPA) would be the final decision-maker on most cleanup regulations. He said institutional controls would allow commercial uses, including office as proposed. He added that what was required for cleanup was already established and boundaries were well defined therefore staff was not authorized to make any determination about contamination or additional mitigation.

The public hearing was closed.

The motion was made by Ms. Latsis and duly seconded by Mr. Sauve, in the case of CZ22-001 Waste Management Rezone the PC has reviewed the staff report, including all exhibits and attachments, and has listened to the applicant's presentation and any public comments as presented at the hearing and hereby moves to recommend approval of 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. Any development in the rezoning area shall be and operate in compliance with all applicable land use restrictions stated in the Final Institutional Controls Plan for the Lowry Landfill Superfund Site amended February 28, 2005.**

	<p>The vote was:</p> <p>Mr. Brockelman, Yes; Ms. Latsis, Yes; Mr. Miller, No; Mr. Mohrhaus, Yes; Mr. Sall, Yes; Ms. Sauve, Yes; Ms. Wollman, Yes.</p>
ITEM 2	<p>CASE NO SD22-002, SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT / SERVICE PLAN AMENDMENT (SD) – AVA PECHERZEWSKI, DEVELOPMENT REVIEW PLANNING MANAGER – PUBLIC WORKS AND DEVELOPMENT (PWD)</p> <p>Ms. Pecherzewski stated the case had been properly noticed and that the Planning Commission (PC) had jurisdiction to proceed. She said the South Metro Fire Rescue Fire Protection District encompassed three Colorado counties (Douglas, Jefferson and Arapahoe), of which approximately 81.56 square miles were located in Arapahoe County. She added that the fire district boundaries included area within Unincorporated Arapahoe County as well as portions of City of Littleton, Centennial, Greenwood Village and Town of Foxfield, inclusive of all Commissioner Districts. She reported that staff had reviewed the plans and supporting documentation and the referral comments in response to this application. She explained that based upon review of applicable policies and goals in the Comprehensive Plan, the development ordinances, C.R.S. criteria, and analysis of referral comments, findings included:</p> <ol style="list-style-type: none"> 1. The applicant provided satisfactory evidence and sufficient documentation that the amended service plan was in compliance with C.R.S. criteria 32-1-203(2). 2. There were existing and projected needs for the fire protection and life safety rescue services in the area of the South Metro Fire Rescue Fire Protection District. 3. The applicant provided sufficient documentation to support the proposed district service plan amendment in accordance with C.R.S. criteria: 32-1-203(2.5) which stated that the Board of County Commissioners MAY DISAPPROVE the service plan unless evidence satisfactory to the board of any of the other criteria, at the discretion of the board, is not presented. 4. Adequate service was not available through Arapahoe County or other special districts for the proposed firefighting and life safety rescue services requested by the service plan amendment. 5. The proposed service plan amendment appeared to be in the best interest of those who would be served. <p>Ms. Pecherzewski concluded that considering the findings and other information provided in the staff report, staff recommended approval of Case No. SD22-002, South Metro Fire Rescue Fire Protection District Amended and Restated Service Plan.</p>

	<p>Mike Dell’Orfano, Chief Government Affairs Officer for South Metro Fire Rescue, provided an informative history of his organization and detailed the regional concept that works for the vast area it now serves. He reported that they had 750 employees to meet the demand in services and operations from dramatic population growth. He described the many agreements with mutual and automatic aid amongst many intergovernmental agencies in cooperation to meet expanded needs. He said that the need for this service was a good idea in 1967 and was still a good idea today. He noted that the services provided had grown with hazards. He reported that SMFR had over 300,000 followers on social media and was one of the most followed fire districts in the county. Mr. Dell’Orfano explained how the organization had financial stability in cost containment and sustainability for the future. He concluded by explaining that SMFR had received Accreditation and recognition for innovative services provided.</p> <p>Ms. Wollman opened the hearing for public comments. There were no members of the public present wishing to speak. There were no callers present on the call-in. The public hearing was closed.</p> <p>The motion was made by Ms. Sauve and duly seconded by Mr. Brockelman, in the case of SD22-002, South Metro Fire Rescue Fire Protection District Amended and Restated Service Plan / Special District, that the PC had reviewed the staff report, including all exhibits and attachments and listened to the applicant’s presentation and any public comment as presented at the hearing and moved to recommend approval of the application based on the findings in the staff report.</p> <p>The vote was:</p> <p>Mr. Brockelman, Yes; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Yes; Ms. Sauve, Yes; Ms. Wollman, Yes.</p>
ANNOUNCEMENTS	Ms. Orkild-Larson stated there would be a Planning Commission meeting on February 7, 2023.
ADJOURNMENT	There being no further business to come before the Planning Commission, the meeting was adjourned.