

**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
TUESDAY, AUGUST 17, 2021**

ATTENDANCE	<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 (Ms. Sauve joining and participating by telephone).</p> <p>Also present were: Robert Hill, Senior Asst. County Attorney; Chuck Haskins, Engineering Services Division Manager; Sue Liu, Engineer; Joseph Boateng, Engineer; Molly Orkild-Larson, Senior Planner; Diane Kocis, Energy Specialist; Jason Reynolds, Current Planning Program Manager; Jan Yeckes, Planning Division Manager; Roger Harvey, Open Spaces; and members of the public.</p>
CALL TO ORDER	<p>Ms. Latsis called the meeting to order at 6:30 p.m. and noted a quorum of the Board was present.</p> <p>The meeting was held through the TEAMS platform and telephone call-in for public participation in public hearing items.</p> <p>Mr. Reynolds explained the format of the meeting and how the public could provide public comment.</p>
DISCLOSURE MATTERS	<p>There were no Planning Commission member conflicts with the matters before them.</p>
GENERAL BUSINESS ITEMS:	
APPROVAL OF THE MINUTES	<p>The motion was made by Ms. Wollman and duly seconded by Ms. Rieck to accept the minutes from the June 20, 2021, Planning Commission meeting, as revised to change the word ‘included’ to ‘including’ on page 2.</p> <p>The motion passed unanimously.</p>
REGULAR ITEMS:	



ITEM 1

CASE NO LE19-004, DOVE VALLEY REGIONAL PARK / LOCATION AND EXTENT (LE)

It was reported that noticing requirements of the Land Development Code (LDC) had been met; therefore, the Planning Commission had jurisdiction for the hearing.

Ms. Orkild-Larson introduced the project. She explained that both LE19-004 and PM20-002 would be presented together with a motion and vote being requested separately. She reported the applicant proposed to expand and renovate the park. She stated that an area of land (35 acres) was being added to the park with several improvements. Ms. Orkild-Larson said based on the findings outlined in the staff reports, staff was recommending approval with the conditions outlined in the staff report.

There were discussions concerning annexation, current park ownership, and the jurisdiction tasked with park maintenance. Funding of the improvements was also considered.

Mr. Harvey noted that there was an Intergovernmental Agreement (IGA) for the Dove Valley Park. He reported it was an active park that facilitated organized sports. He stated Arapahoe County Open Spaces was limited in how the Open Spaces tax funds could be spent. He explained there were limitations on spending funds for active recreation and on maintenance. Mr. Harvey said the program included a share-back to cities, as well. He noted the ownership and management of the park would continue to be under Arapahoe County, even if the park was located within the city boundaries. He said there was no preferential use for the City residents. Mr. Harvey reported Arapahoe County paid the City of Aurora to maintain the park because Aurora had other active recreation parks and they had the staff and equipment to maintain a similar park.

Mr. Hill explained the relationship between the annexation and the ownership and management of the park under the IGA.

Mr. Harvey noted that the County owned and operated other parks within incorporated boundaries as well. He explained the annexation was not specifically related to the ownership and operation of the park. Mr. Harvey noted, currently, the County did not have the full funding for the park improvements as shown in the master plan. He stated the park construction would be phased over time. Mr. Harvey used a PowerPoint presentation to provide information regarding the location of the park and the growth of the park, with the addition of four additional parcels for planned future expansion. He showed the



master plan for the original park from 1990 and explained the programmed active recreation uses that were covered by the original Location and Extent approval. Mr. Harvey reported, in 2015, the Open Spaces Master Plan addressed some of the expansion plans and also looked at water use. He noted watering the park took too long for the grass to dry out sufficiently for sports use. Further, he explained the water bills in the summer could exceed \$50,000. He reported there was not a lot of diversity in recreational experience. He said that all of those factors contributed to the decision to redesign and improve the park. Mr. Harvey reviewed the various changes that were proposed, including a new playground, an overlook, a future championship field (on hold until phase 2 – cost of \$4 million), pedestrian connections within the park, a fitness and challenge park, a drop-in field that allowed people to show up and play rather than being fully programmed with organized sports, a dog park, a kids' BMX course, as well as, a new irrigation pond. He explained the low-pressure water system would work in conjunction with the pond and new turbines to increase the water pressure for irrigation. Mr. Harvey reported there would also be a new picnic shelter, some additional parking, and a reduction in the bluegrass turf area that required extensive irrigation. He stated that a planned expansion of roadway access to the park was also on hold until phase 2 development, due to the cost of utilities work and road improvements. Mr. Harvey noted an agreement was also being worked out for the championship field to use the parking lot for the Cherry Creek Innovation Campus as a joint-use facility.

There were discussions concerning the Xcel gas line, waterfowl mitigation plans, and how the renovation might impact the water bill and who the provider would be, possible incentives, and water efficient landscaping..

Ms. Latsis opened Case No LE19-004 hearing for public comments. There were no public comments. The public hearing was closed.

It was moved by Ms. Rieck and duly seconded by Ms. Wollman, in the case of LE19-004, Dove Valley Regional Park / Location and Extent, that the Planning Commission reviewed the staff report, including all exhibits and attachments, listened to the applicant's presentation and any public comment as presented at the hearing, and moved to approve the application based on the findings in the staff report, subject to the following conditions:



	<ol style="list-style-type: none">1. Prior to signature of the final copy of these plans, the applicant shall address all of Public Works Staff comments and concerns.2. If the mapped wetland and/or non-wetland water features on-site are to be impacted, a formal wetland delineation shall be conducted and applicable permits obtained.3. The applicant shall comply with the Biological Resource Management Plan in regards to threatened and endangered species, prairie dogs, burrowing owls, migratory birds, and other general biological resources and the Black Tailed Prairie Dog Management Plan.4. The Applicant shall comply with the Fire District's and Xcel Energy's comments. <p>The vote was:</p> <p>Ms. Rieck, Yes; Ms. Sauve, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis, Yes; Ms. Wollman, Yes, Mr. Brockelman, Yes.</p>
ITEM 2	<p>CASE NO PM20-002, DOVE VALLEY REGIONAL PARK / DOVE VALLEY V / REPLAT OF L1-4 B8 / PM</p> <p>Ms. Latsis opened Case No PM20-002 hearing for public comments. There were no public comments. The public hearing was closed.</p> <p>It was moved by Ms. Wollman and duly seconded by Mr. Brockelman, in the case of PM20-002, Dove Valley Regional Park / Minor Subdivision Plat, 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 to the Board of County Commissioners, based on the findings in the staff report, subject to the following conditions:</p> <ol style="list-style-type: none">1. Prior to signature of the final copy of this plat the applicant must address Public Works Staff comments and concerns.2. Prior to signature of the final copy of this plat the applicant shall provide Public Works Staff with a Mosquito Control Plan.



	<p>3. The applicant shall comply with CenturyLink’s request of conducting locates and any necessary potholing prior to working around their facilities and to protect them in-place.</p> <p>The vote was:</p> <p>Ms. Rieck, Yes; Ms. Sauve, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis, Yes; Ms. Wollman, Yes; Mr. Brockelman, Yes.</p> <p>The Minor Subdivision was unanimously recommended for approval by the Planning Commission.</p>
ITEM 3	<p>CASE NO LDC19-004, OIL AND GAS / ENERGY REGULATIONS / LAND DEVELOPMENT CODE (LDC) AMENDMENT</p> <p><i>It was reported that noticing requirements of the Land Development Code (LDC) had been met; therefore, the Planning Commission had jurisdiction for the hearing.</i></p> <p>Ms. Kocis introduced this application by Arapahoe County to amend the Oil and Gas regulations of the Land Development Code as noticed for this public hearing. She explained that Senate Bill 19-181 ended the preemption of local land use controls under State regulations of the oil and gas industry, which provided an opportunity for the County to adopt new regulations to further mitigate land use impacts. Ms. Kocis reported that Board of County Commissioners (BOCC) directed staff to work toward preparing new regulations, using a balanced approach and protecting the well-being of residents and the environment, while fostering the ability of the oil and gas industry to thrive in Arapahoe County. She stated the BOCC also directed that new County regulations should generally <i>not</i> duplicate State regulations adopted by the Colorado Oil and Gas Conservation Commission (COGCC). She explained that there were some areas where proposed regulations were more restrictive than COGCC regulations or would seek to reduce the impact of waivers allowable under State regulations for some impacts. Ms. Kocis presented a PowerPoint, which provided details of the approach that had been taken with respect to areas of concentration for the new proposed regulations and the key areas of impact that would be moderated with the new regulations. She noted that extensive stakeholder outreach had occurred and had included residents, industry, regulatory agencies, mineral rights holders, and others stakeholders to the process. Ms. Kocis summarized the draft rules proposed for health and safety, including an explanation of the</p>



County's regulation on setbacks and how it worked in conjunction with COGCC regulations on setbacks and potential waivers at the State level. She reported the County's regulation generally deferred to the COGCC primary setback, but provided a minimum that would mitigate the impacts of potential waivers to the State regulations, limiting these decreases to a distance of no less than 1,000 feet in most cases. Ms. Kocis also summarized the areas of regulation covered by Operational Rules and by Quality of Life Rules. She explained that Quality of Life rules, in particular, focused on mitigation of land use impacts such as noise, light, and visual impacts. She reported, that following public comment on the draft regulations, under consideration this evening, staff was recommending a continuance of action on the proposed oil and gas regulations to a date certain of September 14, 2021, due to a number of additional changes that were under consideration as a result of the stakeholder outreach. Ms. Kocis reviewed some of the key areas that staff felt might need some additional work based on the feedback. She explained that on September 14th, the Planning Commission would review changes to the draft rules and would accept additional public comment, on the areas of change, once stakeholders have had a chance to review these proposed revisions.

There were discussions concerning the life cycle for oil and gas facilities and whether access roads constructed for facilities would need to be taken out when a well was closed. It was indicated that there were rules that would apply to intentional closures and unplanned closures, as a result of bankruptcy, for example.

Discussions about "off ramps" under COGCC regulations for the 2000-ft setback were had. It was explained that certain circumstances could trigger off-ramps and what reductions in the setback could be approved. It was also noted that there were comments from land developers, specifically Prosper and Sky Ranch, about their concerns on the impacts of setbacks on their approved plans. An explanation about how the regulations would apply to those developments, was provided. It was noted that the distinction between the 2000-ft State setback, the State "off ramps" to the setbacks, and the 1000-ft minimum setback (which did not override the 2000-ft setback) was very confusing to applicants for oil and gas facilities and for citizens who were concerned about assurances and what they could rely on.

Ms. Latsis opened the hearing for public comments.

There were six (6) people who spoke during the public comment period. The concerns ranged from wanting the County to defer



adoption of any new regulations until the COGCC had completed its process and that the regulations work in concert. Setbacks remained a major concern for property owners who wanted the County to fall in line with other jurisdictions who had adopted a 2000 ft minimum setback. Developers appreciated the hard work the County had taken to develop regulations so far and supported a collaborative effort with COGCC and hoped that properties such as Sky Ranch would be grandfathered in on setbacks. One operator felt as if the County's outreach efforts had been insufficient and requested additional formal, in-person, stakeholder discussions be held. Emergency response to oil and gas incidents was also a topic of concern. It was noted that accidents did occur and that the proposed regulations had to provide for resident safety.

There were further Planning Commissioner discussions concerning a specific incident which created conflict about setbacks and needed mitigation for safety.

Ms. Kocis noted for the Planning Commission that she had just received a text message from Crestone confirming that the Swan Well site, that was situated 1000 feet from the Watkins Farm neighborhood, would not be developed.

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

Ms. Kocis address some of the public comment questions and concerns. She reported there would be some additional outreach with operators and emergency responders; however, their schedules had made a meeting difficult to arrange.

Ms. Wollman had a question on the status of COGCC rules and some of the issues raised with respect to emergency response and what Weld County fire crews had encountered and might recommend; one area of concern was the distance between tanks on a site.

Ms. Kocis read part of the comments from Caleb Connor, of WBFR, who was unable to be in attendance at tonight's meeting, with respect to the distance between tanks with relation to risk. She reported that Mr. McCawley also provided additional information in response to Planning Commission questions. She said Mr. McCawley noted the rural water supply situation, commenting that fire fighters must bring along their water and foam and said it was important to be able to extinguish the fire quickly and be able to cool the tanks.



	<p>Mr. Brockelman asked what a designated outside activity area included. He felt that there was interpretation required. He said, for example, a riding arena could be included even though it was on private property and were very common in the eastern plains on ranches and farms.</p> <p>Ms. Kocis noted that the definitions, associated with the regulations, would help with identifying where the setbacks would apply and what would qualify as a designated outdoor activity area.</p> <p>Mr. Reynolds noted that a private outdoor riding arena would not be included.</p> <p>Ms. Latsis asked whether a barn was considered an occupied structure.</p> <p>Ms. Kocis stated that it was.</p> <p>There were further discussions regarding the setbacks and how those were determined.</p> <p>It was moved by Ms. Wollman and duly seconded by Ms. Rieck, in the case of LDC19-004, Oil And Gas / Energy Regulations / Land Development Code (LDC) Amendment, that the case be continued to September 14, 2021 at 6:30 PM at the same location.</p> <p>The vote was:</p> <p>Ms. Rieck, Yes; Ms. Sauve, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis, Yes; Ms. Wollman, Yes; Mr. Brockelman, Yes.</p>
ANNOUNCEMENTS AND QUESTIONS	<p>Ms. Yeckes noted that the September 14th special meeting date was determined with the adoption of the 2021 calendar due to Jewish High Holy Days occurring on the usual Planning Commission meeting date of September 7th.</p> <p>Mr. Reynolds expressed appreciation to everyone for their patience as staff worked through their first hybrid public hearing.</p>
ADJOURNMENT	<p>There being no further business to come before the Planning Commission, the meeting was adjourned.</p>