



**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
TUESDAY, JUNE 4, 2019**

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>Jane Rieck, Chair; Richard Sall, Kathryn Latsis, Jamie Wollman, and Randall Miller.</p> <p>Also present were: Robert Hill, Senior Asst. County Attorney; Chuck Haskins, Engineering Services Division Manager; Sarah White, Engineer; Kathleen Hammer, Planner II; Jason Reynolds, Current Planning Program Manager; Caitlyn Cahill, Zoning and Animal Control Manager; Jan Yeckes, Planning Division Manager, and Richard Rader, citizen/member of the public.</p>
CALL TO ORDER	<p>Chair Rieck called the meeting to order at 6:30 p.m. and noted a quorum of the Board was present.</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 Mr. Sall to accept the minutes from the May 7, 2019, Planning Commission meeting, as corrected to delete a redundant word on page 7.</p> <p>The motion passed unanimously.</p>
STUDY SESSION ITEMS: <i>(No public comments are accepted during study sessions. No formal actions are taken on study session items.)</i>	
ITEM 1	<p>GESC Manual and Chapter 14 of Stormwater Management Manual Related to the County's MS4 Permit – Chuck Haskins, Engineering Services Division Manager</p> <p>Mr. Haskins introduced the nature and purpose of the changes and the source of the requirements for updates to the Grading, Erosion and Sediment Control (GESC) Manual for land disturbance activities</p>

	<p>and the Stormwater Management (SWM) Manual. He reported on December 1, 2016, the Colorado Department of Public Health and Environment (CDPHE) reissued the CDPS General Permit for stormwater discharges associated with the Municipal Separate Storm Sewer Systems (MS4) that discharge to the Cherry Creek Reservoir Drainage Basin. He explained the new permit imposed new requirements for MS4 communities that would need to be in place by July 1, 2019. He said staff had been working with the Southeast Metro Stormwater Authority (SEMSWA) to update the related manuals in order to meet this deadline and requirements. Mr. Haskins also highlighted public outreach efforts, including a March meeting with the Home Builders Association and a May open house held at the SEMSWA offices; questions were very general, and there was support for merging the manuals into a single manual. He reported the changes would come back to the PC on June 18th to further discuss proposed changes and on June 25th for a public hearing to obtain a recommendation to the Board of County Commissioners (BOCC). He stated there would be additional revisions later in the year; the current changes were undertaken at this time to meet deadlines for the MS4 permit.</p>
<p>ITEM 2</p>	<p>Oil and Gas Regulations – Diane Kocis, Energy Specialist</p> <p>Ms. Kocis noted that a study session was recently held with the BOCC to go over this information and to get further direction on a process to update the oil and gas regulations. She distributed a copy of the Board Summary Report used for the BOCC study session in advance of tonight’s study session, along with a number of attachments, as follows:</p> <ul style="list-style-type: none"> ▪ Recommendations for Oil & Gas Regulations + New COGCC Developments ▪ Citizen Issues/Concerns/Questions 2012 to Present (list) ▪ Oil and Gas Considerations (spread sheet addressing by topic, such as noise: Issue, Result/Concern/Lesson, Current MOU, Others/Best Practices, Current COGCC, Potential New COGCC, Options/Potential Solutions, Notes <p>She said recommendations for updates related to nine identified areas of concern. Ms. Kocis explained the proposed updates were not intended to shut down or hinder the industry, but to reduce impacts on County residents and their quality of life. She showed some photographs that helped illustrate the reasons for the proposed new regulations and discussed possible mitigation options that might be considered in drafting updated regulations. Ms. Kocis said changes were in response to lessons learned and were made possible through the passage of new State legislation related to regulation of oil and</p>

	<p>gas that gave local jurisdictions greater land use control. She reviewed new changes with COGCC permit application process, work being done on alternative site analysis guidelines; work with CDPHE on new air emissions rules, evaluation of cumulative impacts of multiple oil and gas sites, and new rules for deactivation of wells. Ms. Kocis reported the BOCC provided direction to develop updated regulations, with a goal of completing these by the end of 2019, and to continue to use the currently approved Memorandum of Understanding in place with oil and gas operators for the administrative process to approve oil and gas facilities. She outlined next steps for developing options, conducting research with stakeholders, drafting regulations, review by referral agencies, industry, special interest organizations, emergency service providers, and citizens. Ms. Kocis showed a list of stakeholders identified to date. She answered questions and received comments from the PC about the current MOU, whether wildlife and riparian issues were addressed, whether regulatory bodies should be characterized as “stakeholders,” impacts to new residential properties going in after the oil and gas facilities, awareness of homebuilders and new residents for potential activity within the area.</p> <p>Ms. Cahill answered questions about the ways staff identified conflicts and setback requirements during the building permit process and also earlier in the process during Planning application review or within the presubmittal meeting process.</p>
<p>ITEM 3</p>	<p>LDC19-002 – Arapahoe County Land Development Code: Temporary Moratorium on Billboards and Off-Premise Signs – Kat Hammer, Planner II</p> <p>Ms. Hammer explained the purpose of the study session was to inform the PC about the moratorium recently enacted by the BOCC on April 16th in relation to new applications for billboards and off-premise signs. She reported several inquiries had come in recently for new billboards and for conversion of existing billboards to electronic messaging billboards. Ms. Hammer said staff was researching other local codes. She explained staff would take these findings along with some recommendations to the BOCC for a study session. She said staff anticipated updating regulations currently in the Land Development Code (LDC) on addressing new billboards, nonconforming billboards, and conversions of static billboards to electronic messaging. Ms. Hammer reported two applications were submitted prior to the moratorium being enacted that would move forward. She explained the applications led staff to look into the regulations and the changing trends, since the code was adopted. She reported both billboards applications were proposed for electronic</p>

	messaging. She said CDOT regulations would affect how and whether the applications would be approved.
ITEM 4	<p>Design Standards for Small Cell Facilities within the Public Right-of-Way – Jason Reynolds, Current Planning Program Manager</p> <p>Mr. Reynolds noted the BOCC had recently enacted new regulations for “small cell” facilities in the public ROW which were part of an engineering manual rather than the Land Development Code, so did not come to the PC for review. He explained the purpose and need for these facilities were due to changes in technology and increasing demands for communications and data usage. He said Colorado had enacted a law that small cell towers must be accommodated in the ROW; further, the FCC limited the regulation and fees associated with use of the ROW for small cell facilities. Mr. Reynolds showed photographs of examples of small cells and explained how they were designed. He explained the FCC set an April 15th deadline for local governments to enact regulations for small cell facilities; however, the County had received some applications prior to developing these standards which had to move forward on the timeline established for reviewing these facilities. Mr. Reynolds reported the new regulations promoted safety and aesthetics using the County’s Infrastructure Design and Construction Standards Manual. He explained design standards for attaching small cells to existing poles and for installing new poles. He reported there was a 30-ft height limit in residential areas and a 40-ft height limit in non-residential areas, all within the ROW. He stated there was little incentive for operators to locate these cell towers on private properties, which would entail leases and lease payments. Mr. Reynolds reported staff was evaluating any changes needed to the Land Development Code to work better with the new regulations. He noted the FCC did not allow local governments to evaluate cellular communication facilities on the basis of health impacts. He stated the FCC was the responsible agency for ensuring health-related design and locational standards were met. Mr. Reynolds addressed questions and accepted comments from the PC and noted further changes were likely as 5G technology came on line. He explained County Planning had already received and was processing a number of small cell applications under the new regulations. He said, in residential areas, the poles must be placed at the property line to avoid having new poles put up directly in front of a home entrance, for example. He reported the process for approval of small cell towers in the County ROW was handled administratively. He showed additional photos from a provider’s web site of locations and designs and photo-simulations in the Highlands Ranch development in Douglas County.</p>

OTHER ISSUES	Mr. Reynolds noted links had been sent out to the Land Development Code reorganization and development manual and new residential zone districts, so the PC could begin preparing for the June 18 th public hearing. He asked whether PC members would like to receive printed copies of these and several members indicated they wanted printed copies.
ADJOURNMENT	There being no further business to come before the Planning Commission, the meeting was adjourned.