

**SPECIAL MEETING OF THE  
ARAPAHOE COUNTY PLANNING COMMISSION  
TUESDAY, JANUARY 10, 2017 @ 6:30 P.M.**

**GENERAL BUSINESS ITEMS**

<b>APPROVAL OF THE MINUTES FROM NOVEMBER 1, 2016</b>	<b>VOTE: Approved with changes</b>
<b>APPROVAL OF THE MINUTES FROM NOVEMBER 15, 2016</b>	<b>VOTE: Approved</b>
<b>APPROVAL OF THE MINUTES FROM NOVEMBER 22, 2016</b>	<b>VOTE: Approved</b>
<b>APPROVAL OF THE MINUTES FROM DECEMBER 6, 2016</b>	<b>VOTE: Approved with changes</b>
<b>APPROVAL OF THE MINUTES FROM DECEMBER 20, 2016</b>	<b>VOTE: Approved with changes</b>

**GENERAL BUSINESS AND STUDY SESSION AGENDA ITEMS**

<b>ITEM 1</b>	<b>HIGHLINE CANAL CONSERVANCY</b>	<b>DIRECTION/ACTION</b>
<b>PRESENTER</b>	Josh Tenneson, Grants & Acquisitions Manager	INFORMATIONAL
<b>REQUEST:</b>	Presentation concerning: <ul style="list-style-type: none"> <li>• Highline Canal Conservancy</li> </ul>	
<b>ITEM 2</b>	<b>PLANNING COMMISSION REVISION TO BY-LAWS</b>	<b>DIRECTION/ACTION</b>
<b>CASE MANAGER:</b>	Jan Yeckes	ADOPTION OF REVISED BY-LAWS Approved 6:0:One absent
<b>REQUEST:</b>	<ul style="list-style-type: none"> <li>• Adoption of PC By-Laws</li> </ul>	
<b>ITEM 3</b>	<b>COMPREHENSIVE PLAN &amp; OTHER RELATED DISCUSSIONS AS TIME ALLOWS</b>	<b>DIRECTION/ACTION</b>
<b>CASE MANAGER:</b>	Julio Iturreria, Long Range Planner	INFORMATIONAL
<b>REQUEST:</b>	Discussions concerning: <ul style="list-style-type: none"> <li>• Comprehensive Plan</li> </ul>	

**ANNOUNCEMENTS:**

- The next regular Planning Commission meeting is scheduled for January 17, 2017.
- Planning Commission agendas, Board of County Commissioner agendas, and other important Arapahoe County information may be viewed online at [www.arapahoegov.com](http://www.arapahoegov.com) or you may contact the Planning Division at 720-874-6650.

**PLANNING COMMISSION MEMBERS:**

<b>Mark Brummel - Present</b>	<b>Richard Rader - Present</b>	<b>Paul Rosenberg, Chair - Absent</b>
<b>Diane Chaffin - Present</b>	<b>Jane Rieck - Present</b>	<b>Richard Sall - Present</b>
<b>Brian Weiss, Chair Pro-Tem - Present</b>		

**MINUTES OF THE REGULAR MEETING OF THE  
ARAPAHOE COUNTY PLANNING COMMISSION  
TUESDAY, NOVEMBER 1, 2016**

<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>Paul Rosenberg, Chair; Brian Weiss, Chair Pro-Tem; Mark Brummel; Richard Rader; Jane Rieck; Richard Sall, and Diane Chaffin.</p> <p>Also present were: Robert Hill, Senior Asst. County Attorney; Jason Reynolds, Current Planning Program Manager; Jan Yeckes, Planning Division Manager, and members of the public.</p>
<b>CALL TO ORDER</b>	<p>Chair Rosenberg called the meeting to order at 6:30 p.m. and noted a quorum of the Board was present.</p>
<b>DISCLOSURE MATTERS</b>	<p>There were no Planning Commission member conflicts with the matters before them.</p>
<b>REGULAR ITEMS:</b>	
<b>Item 1:</b>	<p><b>Case No. W16-002, Land Development Code (LDC) Amendment: Proposed New Planned Unit Development (PUD) Regulations – Chapter 13 – Jason Reynolds, Current Planning Program Manager, Public Works and Development (PWD)</b></p> <p>Mr. Reynolds introduced Mary Roberts and Don Elliott of Clarion Associates and introduced the work by Clarion, commencing with a 2015 assessment of the LDC, which recommended changes to the PUD processes.</p> <p>Ms. Yeckes distributed handouts to the Planning Commission (PC). She stated there was a red-lined version of changes made since the staff report had been sent. She also provided the PC with copies of the PowerPoint that would be presented.</p> <p>Mr. Elliott presented a PowerPoint, a copy of which was retained for the record. He identified the reasons for amending the LDC, which included complexity for creating and amending PUD developments, level of detail required at various stages of the process, outdated base zone districts pushing excessive numbers of development into PUDs, and outdated development standards. He stated that PDPs and FDPs</p>

approved under the current PUD process are extremely difficult to amend. He explained, that is, in part, due to the level of engineering detail required at earlier points in the process than best practices support. Mr. Elliott explained the basics of the changes to the PUD process to define a two-step process, for projects meeting certain criteria and/or for projects far enough along that the applicant could commit a fair amount of detail in the first step (Specific Development Plan), and a three-step process for projects not meeting the two-step criteria and/or with a very general level of detail at the first step (General Development Plan). He said the Specific Development Plan occurred as the second step in the three-step process. Mr. Elliott explained how and where more specific levels of engineering detail were incorporated into the processes (Administrative Site Plan process), which was a change from the current Final Development Plan (FDP) process that incorporated a higher level of engineering detail. He stated the primary purpose of this change was to remove technical evaluations from the political review process and to avoid the need for excessive amendments of a document approved through a public hearing than is warranted based on the technical nature of the information. He stated both new processes had as a final step the Administrative Site Plan (ASP), which allowed staff-level approval of the technical details of the project. Mr. Elliott explained the map that provided a delineation between the more urban western areas of the county that have more strict criteria on qualifying for the two-step process and the more suburban and rural areas that have criteria with more flexibility. He stated the delineation respected the areas with already greater densities, infill properties, and areas more likely to redevelop in the near future and recognized properties to the east were typically larger, less dense, and might have well-defined master plans. Mr. Elliott explained approval criteria that incorporated the goals of using a PUD development, including an improvement in quality over the otherwise applicable conventional zone districts or development standards. He stated consistency with the Comprehensive Plan was an important element. Mr. Elliott explained the criteria and allowed uses for Administrative Amendments (staff-level review) to approved PUD developments. He reported these would apply to projects approved under the current Land Development Code (FDPs), as well as those approved under the new PUD code. He explained the reasons for the limitations built into the Administrative Amendment criteria and gave examples of how those were applied. He said the restrictions included no administrative change to any area adjacent to residential zone districts outside the PUD boundary. Mr. Elliott reported another important change to the code was to clarify the application submittal documents required at various levels of review and the general guidelines for review. He stated some details would be included in

an accompanying Procedures Manual to be developed and maintained by staff, separate from the LDC. He provided clarification of the appeals process and how and when those could occur. He stated there was also a call-up provision for the Board of County Commissioners (BOCC) to conduct a *de novo* review (as opposed to an appeal). He explained this was a provision that was added to the updated text. Mr. Elliott summarized that the process distinguished between knowing or not knowing more detail at the first level of review (which requires PC and BOCC public hearings), distinguishing between larger and smaller projects, and distinguishing between minor amendments and major amendments.

There were discussions regarding the line between the east and west portions of the County and why there were different standards for properties based on the delineation.

Mr. Reynolds explained the interests of the Arapahoe Development Services Coordinating Committee (ADSCC), for flexibility and greater administrative review, and citizen concerns arising in the Four Square Mile area that developers would have too much flexibility for the conditions in their neighborhoods and that more projects may warrant public review under these conditions. Those areas also include areas near Yale and I-25 and areas near Littleton and Sheridan. Areas that are developing with larger, master-planned tracts east of this line include Tall Grass and Copperleaf, located west of E-470.

Mr. Elliott explained how the City of Aurora is approaching regions with varying degrees of flexibility depending on the conditions within those areas, such as small in-fill parcels or large undeveloped tracts near major transportation corridors. He stated the County's proposal is not as detailed, but provided an example of how this was being used within an Arapahoe County city.

There were discussions regarding the advantages of the code revision to the public, where there would be more staff review and less public input. It was noted the values of good standards and criteria and the value of staff-level view are the predictability of the code and how those standards are applied. The projects that require greater discretion in how the code is applied would still go to the Planning Commission if these changes are approved. It was noted most jurisdictions are going this direction, where the elected officials define the parameters within which staff could evaluate variations in standards (such as % of change in parking) and approve alterations when able to document that the purpose of the standards of the code are being met.

There were discussions regarding the areas that could still develop under the larger project standards. It was noted, larger developments, such as Copperleaf and Tall Grass, were already planned; however, they found a need for some flexibility to amend sections of their plans, as those go to implementation. Some of the developers of properties located west of the line also expressed (through the ADSCC process) that they would like the same flexibility proposed for use east of the line.

There were discussions regarding advantages of the developer requests for code changes and the effect on homeowners/citizens. It was noted many of the site plan projects go to the PC and BOCC, currently, with no citizen turnout or comments. This seemed to indicate there is room for greater administrative review, for a more efficient process, without compromising public review. The GDP (three-step) or SDP (two-step) processes, where the major development parameters were established, would continue to go before the PC and BOCC for hearings and provide for that higher level of public review and citizen involvement. It was noted many jurisdictions that are actively writing code are establishing an administrative process for the types of cases that draw in no public.

Mr. Elliott reported he makes his living understanding and implementing processes that consider what the public and homeowners need, as well as what the development community feels is necessary to be able to develop economically. He explained developers would like to have considerably more latitude than is currently given in the code. He understood thresholds that affect the degree of impact to neighborhoods. He said these thresholds might vary some from one community to another; however, many communities were satisfied they were protecting the citizens without going through the number of steps, and level of review, we currently undergo.

There were discussions regarding when a case would go before the PC, BOCC, or be handled administratively. It was noted zoning or rezoning require at least one public hearing before the elected officials (BOCC). The proposed process requires this at the first step. Currently, however, there are many amendments that keep going back for more hearings. That is the reason for defining major changes (must go back to the body that approved the zoning) vs. those that do not need that level of review and to define the major changes to the site plan to go back to the approving body (the PC in the new process) vs. those that could be reviewed by staff. It was noted there

were a number of amendments that would go to PC, but not necessarily to the BOCC.

There were discussions regarding neighborhood meetings as a continued and important element of the processes. It was noted there would be procedures in place to elevate cases to a PC review. There are criteria proposed for evaluating whether or not impacts to nearby residential uses warrant a higher level of review through a PC hearing.

Mr. Reynolds reported public noticing requirements were also being reviewed and would likely be updated prior to the effective date of the new process. He stated neighborhood meetings could be a part of this process.

Mr. Elliott noted early communication between the developer and neighbors were important to make the process work. He stated, if Arapahoe County had good standards in place, and the proposed development met all of those standards, there would be no need for a hearing. He said some communities would like to have notification, even when an administrative decision is being made, so they are not surprised and so they know whether or not they want to appeal the staff's decisions. He explained people like to be notified in advance, even if everything is in accordance with all the standards and codes. Mr. Elliott stated that some jurisdictions' fears that every decision would be appealed have not been realized. He said that, as a rule, that really didn't happen.

Mr. Brummel stated citizens needed to be educated as to what they could object to for a given case and have an impact on a decision. He said bringing in 100 people to submit comments on something they really couldn't change would not be productive and would further upset the community.

Mr. Elliott reported he was hearing that the % of buffer change might be too large, and there might need to be some discretion on properties within a certain distance of the line as to which standards apply.

Mr. Rosenberg asked Mr. Brummel whether he felt there was a need for differences between the east and west county areas.

Mr. Brummel felt the standards should be the same across the county. He felt some developers abused the circumstances of lower densities in the east county and should be held to the same standard as the rest of the county.

Ms. Rieck expressed concern about the increased levels of density. She was concerned about rigidity when it did not favor the homeowner. She recalled a change within Copperleaf for which the PC specified conditions for additional landscaping and access; she is concerned this level of oversight would not occur.

There were discussions regarding the appeal process. It was noted the appeal process would be defined in the procedures manual. It was reported, a letter would be filed with the Planning Division objecting to the decision. Said letter would have to be submitted within ten business days of the PC's decision. A majority of the BOCC would review the letter and determine whether or not to hear the case. The BOCC would not be obligated to conduct a hearing. If there was an appeal of the PC decision for an SDP, the BOCC could call it up for a BOCC hearing. An appeal of a staff decision, based on an error being made, would go to the Board of Adjustment.

There were discussions related to posting decisions, a table of points of decisions, types of notice, and types of appeal.

Mr. Rosenberg stated the east-west dividing line needed further consideration and was not supported by PC Member Brummel, who represented and lived in the east county.

Mr. Rader requested clarification on the change in process for properties within the east county. It was explained one area would have either a more or less restrictive set of criteria than currently allowed.

Mr. Hill stated the change could be made as part of a motion to approve the new code. Mr. Reynolds gave an example of how that could be worded to specify which standard would apply.

Ms. Chaffin raised some concerns about ability for staff to modify buffer areas within 4SM area, where buildings and property lines were closer together and impacts could be greater from development on an adjoining property.

Mr. Elliott noted staff planned to bring the reorganized code back to the PC and incorporate these changes into that code.

Mr. Hill noted there would be a delay in implementing this code while other aspects were worked through.

Mr. Elliott said it was reasonable and common practice to make the best recommendation the PC could at this point and then look at the revised code again in the future and make adjustments, if needed.

There was further discussion on the benefits of using either the proposed “eastern” or “western” standard if the dividing line was eliminated. It was noted this primarily affected the size of the residential project that could be considered for the two-step or three-step process.

Ms. Yeckes recommended the PC open public comment before spending too much time working through this, as public comment might influence their decision.

Mr. Rosenberg opened the hearing for public comment.

Lynn Sauve, Four Square Mile Neighborhoods Association land use committee and resident of the area, stated she had attended a meeting at which Jason Reynolds explained the basics of the proposed PUD code. She stated the Four Square Mile area requested the more restrictive standard given the density and type of development in that area. She did not feel she had adequate knowledge of the east area of the county to know whether that standard would work.

There were no further public comments.

The public hearing was closed.

Mr. Rosenberg felt it was time to say we have one County and that all areas should have the same standards. He said many projects came before the PC and BOCC when there was really no discussion required. He said this was a good direction to go.

Mr. Rader requested an explanation of “total site.”

Ms. Roberts explained the relationship of the residential area to the total project area and the impact on which type of process could be used.

Mr. Brummel asked for clarification about the rule that would apply if the dividing line was eliminated. Additional examples were given on how this would be applied.

**It was moved by Mr. Rosenberg and duly seconded by Mr. Weiss, in the case of W16-002 – Land Development Code Amendment Chapter 13 Planned Unit Development, that the**

	<p><b>Planning Commission read the proposed code amendment and staff report and considered additional information presented during the public hearing, and found themselves in agreement with Staff findings one (1) through four (4), as set forth in the Staff report dated October 20, 2016, and recommend the Board of County Commissioners approve the amendment with the following changes:</b></p> <ol style="list-style-type: none"> <li><b>1. Remove the east-west dividing line and apply the more restrictive west of the line standards across the whole unincorporated area of the county.</b></li> <li><b>2. Density would be changed from 10 du/ac to 6 du/ac in criteria for two-step process.</b></li> <li><b>3. Limit access move administratively from 50 ft to 25 ft.</b></li> <li><b>4. Max buffer change administratively would change from 20% to 10%.</b></li> </ol> <p><b>The vote was:</b></p> <p><b>Mr. Brummel, Yes; Ms. Chaffin, Yes; Mr. Rader, Yes; Ms. Rieck, Yes; Mr. Rosenberg, Yes; Mr. Sall, Yes; Mr. Weiss, Yes.</b></p> <p>Mr. Elliott commented he has worked in many countries and that he had been many places where this type of discussion never occurred. He complimented the thoughtful discussion that took place during this hearing.</p>
<p><b>Miscellaneous Discussions</b></p>	<p>Mr. Reynolds reported having sent the PC a map and memo explaining heights in the Four Square Mile Area. He stated the data for the map of approved height limitations was researched and compiled by Zoning staff and that the SubArea Plan did not address recommended maximum heights. He also noted that a maximum 50-ft height was allowed within an industrial zone was not an indication that the buildings were actually constructed to those heights. He stated most buildings were much lower than the allowed 50 feet. He explained the map/memo was sent in response to earlier questions from the PC.</p> <p>Ms. Sauve asked whether she could make an additional comment related to the code revision. She noted the 4SM area was pleased with the decision to give the PC a higher level of authority on decision-making under the new PUD process. They felt the PC decisions were very thoughtful.</p>

	<p>Mr. Rader noted his concern that the neighborhood chairs and HOA members often failed to show up for hearings. He felt their participation was important.</p> <p>Ms. Sauve said the time of the BOCC meetings was very difficult because people work during the day.</p>
<p><b>ADJOURNMENT</b></p>	<p>There being no further business to come before the Planning Commission, the meeting was adjourned.</p>

**MINUTES OF THE REGULAR MEETING OF THE  
ARAPAHOE COUNTY PLANNING COMMISSION  
TUESDAY, NOVEMBER 15, 2016**

<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>Paul Rosenberg, Chair; Brian Weiss, Chair Pro-Tem; Mark Brummel; Richard Rader; Jane Rieck; Richard Sall, and Diane Chaffin.</p> <p>Also present were: Robert Hill, Senior Asst. County Attorney; Chuck Haskins, Engineering Services Division Manager; Jason Reynolds, Current Planning Program Manager; Julio Iturreria, Long Range Planning Program Manager; Larry Mugler, Demographics; Jan Yeckes, Planning Division Manager, and members of the public.</p>
<b>CALL TO ORDER</b>	<p>Chair Rosenberg called the meeting to order at 6:30 p.m. and noted a quorum of the Board was present.</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</b>	<p><b>It was moved by Mr. Weiss and duly seconded by Mr. Sall to accept the minutes from the October 18, 2016 Planning Commission meeting, as presented.</b></p> <p><b>The motion passed unanimously.</b></p>
<b>REGULAR ITEMS:</b>	
<b>Item 2:</b>	<p><b>Case No. W15-002, Land Development Code (LDC) Amendments re: Multi-Chapter Clean-up – Jason Reynolds, Planning Division Manager, Public Works and Development (PWD)</b></p> <p>Staff, anticipating Case F16-002 would go long, recommended this item be continued to a date certain of December 6, 2016.</p> <p><b>It was moved by Mr. Weiss and duly seconded by Ms. Rieck, in the case of W16-002, Land Development Code Amendments for</b></p>

	<p><b>multiple chapters, to continue the hearing to a date certain of December 6, 2016.</b></p> <p><b>The vote was:</b></p> <p><b>Mr. Weiss, Yes; Ms. Rieck, Yes; Ms. Chaffin, Yes; Mr. Rader, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Mr. Rosenberg, Yes.</b></p>
<p><b>Item 1:</b></p>	<p><b>Case No. F16-002, Uinta Way / Comprehensive Plan (Comp Plan) Amendment – Larry Mugler, Demographics Planner, Public Works and Development (PWD)</b></p> <p>Mr. Mugler introduced the case.</p> <p>Kathryn Latsis, applicant, introduced co-applicants Lois and Will MacPhee, Mary Oleson, and Jim Latsis. She reported Mountainview Gardens was located between Florida and E Jewell. She explained, in 2005, Arapahoe County adopted the 4 Square Mile Sub-Area Plan, affecting seven (7) properties west of Uinta Way. She asked for a change to 1-2 DU/ac for just their three (3) properties. Ms. Latsis provided an overview of the neighborhood. She reported there were 45 properties on the west side of Uinta Way; 8 were one acre or more in size; 10 were .5-.95 acres and the remaining 27 properties were less than .5 acres. She stated 82% of the west side properties did not comply with recommendations of sub-area plan. Ms. Latsis stated, under the current plan, there could be a total of 4 homes for 1 DU per 1.25 acres; however, at the suggested 1-2 DU/ac, there could be 5 additional homes. She believed it was compatible with the existing neighborhood density. Further, Ms. Latsis reported property owners would submit zoning requests individually and each would require public hearings.</p> <p>Lois MacPhee, 1593 S Uinta Way, reported she owned 2.41 acres, which was the most northern of the three properties requesting the change in DUs. She showed the Planning Commission (PC) a picture of their property from the street. She reported having built a passive, solar home and said they planned to live there until carted off. Ms. MacPhee demonstrated the potential increase in density if the amendment request was approved. She stated even at the higher density, their lot would still be lower density than their neighbors. She reported the topography had a lot of drops to High Line Canal, which would help prevent visual impacts. Ms. MacPhee reported having purchased the land in 1979, well before the Subarea Plan was incorporated. Further, she respected her neighbor’s rights to develop at the higher densities.</p>

Jim Latsis, 1683 S Uinta Way, reported his site was 2.65 acres and had the necessary infrastructure for development. He stated the lots on surrounding cul-de-sacs were .25 to .4 acres in size. Mr. Latsis reported the property had a 30' water easement through the middle of it to serve the Denver triangle to south. He explained they planned to create three lots, which would be larger than the lots in the surrounding area. He explained, under the current comp plan, they'd get about 1.32 acre lots; however, at 1-2 DU/ac, they could add one more lot. Mr. Latsis felt they were in substantial compliance with the existing neighborhood. He said the higher density would keep costs and pricing within neighborhood comparable values and would end up with 0.86 acres per lot.

Mary Oleson, 1739 S Uinta Way, reported having lived in her home on a 2.38 acre lot since 1972. She doesn't currently have plans to develop, but wanted the option to use her property consistent with her neighbors. She would like a reasonable amount of flexibility to use land. She explained adjacent properties mostly have smaller lots: to the north are 0.28-0.67 acres, to the east was a house on 0.45 acres; and to the south was 5.45 acres with large outbuildings. Ms. Oleson stated, currently, two houses were allowed on parcel; however, if the amendment was approved, there would be potential would for 1-2 additional houses. Further, she said the potential future home lots would be larger than 70% of the existing lots west of Uinta Way. She said the change would allow for 1-2 more houses than currently permitted. She didn't feel that would be a dramatic change. Ms. Oleson said property owners, who maintained their land over time, should not be constrained by others who purchased subdivided lots or had zoning allowing less than 0.5 acre lots.

Will MacPhee, 1593 S Uinta Way, felt they had covered all objective information. He said the three proposals would only add three homes fronting Uinta Way, which would be a minimal impact on the neighborhood. He explained the HOA was voluntary and there were no covenants. He said the survey that was sent out to the neighborhood resulted in opposition from 40 households; however, there were more than 100 houses in neighborhood. Mr. MacPhee referenced an illustration from the packet showing the proposed changes. He pointed out all areas that were zoned 1-2 DU/acre and included 3 acre Denver triangle, which had 10 homes. He explained the access and water supply came from their neighborhood and said they're separated from Denver by the Highline Canal. He reported there were only a few spots left for rezoning. He showed a combination of the existing zoning and proposed change. Mr. MacPhee said they were not asking so much for an exception

from the subarea plan, but were asking for parity and density that would be lower than 80% of their neighbors.

There were clarifications made regarding the actual number of houses that could be built, if the amendment to the sub area plan was approved. It was stated there would be nine (9) additional homes, three (3) of which would front Uinta Way. The price of the homes would be over a ½ million.

Mr. Mugler stated staff recommended approval of the request.

Ms. Yeckes explained there were additional sets of public comment received after the initial staff report was distributed. In addition, a letter was handed to her from James Neeley at the hearing. These items were distributed to the PC and copies were kept for the record.

Mr. Rosenberg opened the hearing for public comment.

Mr. Rader asked if speakers would report what year they purchased their property.

Mr. Rosenberg stated he would like speakers to disclose whether they live on a lot that was less than ½ acre or equal to or greater than ½ acre.

There were approximately 50 people who signed in to share their opinion on the proposed amendment, more than 25 of those people addressed the PC. There were 6 people who expressed support of the proposal and 41 expressed their opposition. The remaining 3 were undecided or neutral. A copy of the sign-in sheets was retained for the record.

Those in support cited various reasons, as follows: it was the right of the property owner to develop their land, the actual impact would be minimal, a belief that most of the issues expressed by those in opposition were imagined and that traffic, safety, and impact to wildlife was unreasonable, the applicants should have the same rights as existing neighbors, and approval of the amendment was a fair/just thing to do.

Those in opposition of the amendment cited various reasons, as follows: The Comp Plan was a directional document and changes would dilute the character of the area, there was no current development plan to consider, so the neighbors did not know what to expect, approval of the application to amend the Comp Plan would set a precedent so let people seek variances on a case by case basis,

not good for the area, the request was strictly profit-motivated, decreasing density would devalue homes in the area because open space was desirable, do not want a blanket approval of change in density, safety concerns due to lack of sidewalks, narrow streets, lack of parking, and traffic, proposal defeats sub-area plan and a previous request to change density was already denied, want to maintain rural feel, adverse effect on wild life in the area, desire to maintain the uniqueness of the area, and forest and view shed preservation.

Staff clarified some of the statements made during public testimony.

Mr. Hill spoke to the reference regarding variances made during the public comment period. He said there was no *variance* process in place that would allow this proposed development. Mr. Hill said if the PC did not approve the Comp Plan amendment, the applicant could still come forward with an application. However, he explained the Comp Plan was an advisory document and the zoning was expected to generally conform.

Mr. Rosenberg asked if there were properties that were already approved for more density.

Ms. Yeckes responded in the affirmative.

Ms. Latsis stated they were talking about the addition of 9 homes, 5 more than what was allowed today. She said regarding of the process and why, it was the County's process. She stated amending the Comp Plan was the starting gate to have the properties rezoned and subdivided. Ms. Latsis explained that this case is different from the May case because that case was county-initiated. She stated this application was initiated and paid for by the residents/property owners and this hearing was their due process. She said they could try to rezone without attempting to amend the comp plan; however, that could cost tens of thousands of dollars and they'd run the risk of being denied.

Ms. MacPhee reported there was only a sidewalk on the east side of the road and even that was spotty. She said many of the people, here today, wanted to keep the area rural and natural, so didn't want a sidewalk and in some cases no curbs. She stated having tried to get no parking signs installed on one side of the road; however the neighborhood couldn't agree so her efforts failed.

Mr. Haskins reported in the late 1990's Arapahoe County paved the road. He said the County surveyed the neighbors and asked how wide the neighbors wanted the road and whether or not there should

be sidewalks. He explained, at the time, the majority of neighbors supported a narrower road than the standard width specified and sidewalk only along one side. Further, as projects came in for development, those developers had to install sidewalks.

Mr. Mugler stated if approved, Open Spaces said an amendment, and consequent development, would not have an impact on park or open spaces.

**It was moved by Mr. Brummel and duly seconded by Mr. Sall, in the case of F16-002, Uinta Way Comprehensive Plan Amendment, that the Planning Commission read the proposed plan amendment, staff report, and attachments and has considered additional information presented during the public hearing, and found themselves in agreement with Staff findings one (1) through three (3) as set forth in the Staff report dated October 31, 2016, and find that the proposed amendment meets the criteria set forth in the Comprehensive Plan for amendments, and approved the application with the following conditions:**

- 1. Minor modifications to the text identified as necessary through final review are required prior to incorporation of this Amendment into the existing Four Square Mile Subarea Plan. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text.**
- 2. An attachment to this report illustrates the changes to be made to the Four Square Mile Subarea Plan Map if the Planning Commission approves the request. Staff, in conjunction with the County Attorney's Office, is hereby authorized to update the map.**

There were discussions about the lot sizes and which of them were created prior to the sub-area plan and which came after. It was noted many of the people speaking out against the comp plan amendment were on small lots. Further, it was noted that many of the people present for the hearing had lived in the area for several years.

Mr. Weiss commented that he was a big proponent of buffer zones. He said the east side was denser; when talking ½ acre lots, the west side provided a buffer to the Highline Canal.

Ms. Chaffin said she was struggling with this. She reported having been through the neighborhood several times in the last two weeks. She appreciated the developer facing the comp plan discussion. But then looked at the people who have been moving there for a long

	<p>period of time and understand their desire to perhaps want family to also enjoy property. She felt that what they wanted to do with the property was reasonable. She agreed that, yes, it might change down the road; however, currently, it was theirs.</p> <p>Mr. Rosenberg stated he had heard a lot of comments about density. He reported living on a ¼ acre lot and said it didn't feel that dense to him. He said the proposal was double his lot size.</p> <p>Ms. Rieck reported having visited the neighborhood on garbage day. She followed the Waste Management truck and understood the neighborhood's concerns. She said if the trees were preserved, the quality would remain. Further, when one of the applicants came back with plan specifics, then the PC could address specifics, such as setbacks, preservation, and density.</p> <p>Mr Rader asked if the applicants would preserve the trees.</p> <p>Ms. Latsis said, speaking for her own property, that if they installed a sidewalk they would find a way to preserve the trees.</p> <p>The MacPhees said they would do everything in their power to avoid the trees if they were to install a sidewalk. They had a line of 100 year old trees they would not want to jeopardize.</p> <p><b>The vote was:</b></p> <p><b>Mr. Weiss, No; Ms. Rieck, Yes; Ms. Chaffin, Yes; Mr. Rader, No; Mr. Brummel, Yes; Mr. Sall, Yes; Mr. Rosenberg, Yes.</b></p>
<b>ADJOURNMENT</b>	There being no further business to come before the Planning Commission, the meeting was adjourned.

**MINUTES OF THE SPECIAL MEETING OF THE  
ARAPAHOE COUNTY PLANNING COMMISSION  
TUESDAY, NOVEMBER 22, 2016**

<b>ATTENDANCE</b>	<p>A special 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>Paul Rosenberg, Chair; Brian Weiss, Chair Pro-Tem; Mark Brummel; Richard Rader; Jane Rieck; Richard Sall, and Diane Chaffin.</p> <p>Also present were: Robert Hill, Senior Assistant County Attorney; Sherman Feher, Senior Planner; Sue Liu, Engineer; Jan Yeckes, Planning Division Manager; applicants and team for XCEL Energy, and members of the public.</p>
<b>DISCLOSURE MATTERS</b>	<p>There were no Planning Commission member conflicts with the matters before them.</p>
<b>CALL TO ORDER</b>	<p>Chair Rosenberg called the meeting to order at 6:30 p.m. and noted a quorum of the Board was present. He announced Agenda Items 3 and 4 re: Case Nos. L16-002 and ASI16-001, Prosper Wastewater Treatment Plant L&amp;E and 1041 Permit, would not be heard tonight due to a noticing error. Mr. Rosenberg stated these cases would be noticed for the December 20, 2016 Planning Commission (PC) meeting.</p>
<b>REGULAR ITEMS:</b>	
<b>Item 1:</b>	<p><b>Case No. L16-007, Rush Creek 345 KV Transmission Line / Location and Extent (L&amp;E) – Sherman Feher, Senior Planner, Public Works and Development (PWD)</b></p> <p>Mr. Feher stated Case Nos. L16-007 and ASI16-003, Rush Creek 345 KV Transmission Line / L&amp;E and 1041 Permit, would be presented together; however, the PC would need to vote on them separately. He introduced the applications and explained the general location of the proposed transmission line project, which would parallel the NextEra transmission line, previously approved. He stated staff recommended approval with the conditions as outlined in the staff report.</p> <p>Erin Degutis, Senior Siting and Land Rights Agent with Xcel presented a PowerPoint, a copy of which was retained for the record.</p>

She explained Xcel Energy operated in eight western and Midwestern states in Colorado as the Public Service Company of Colorado (PSCo). She presented data on service area, number of customers, and the total wind energy on Xcel's system. She reported PSCo purchased energy through long-term contracts with power producers. Ms. Degutis referenced a map that showed existing projects and transmission lines to deliver energy to the system. She stated, for the current project, Xcel would own and operate the facility. She said transmission line was approximately 90 miles, with 13 miles (300 acres of 150-ft wide right-of-way) located within Arapahoe County. Ms. Degutis reported construction would begin spring 2017 with the project commissioning by end of year 2018. She showed diagrams and explained the construction of the transmission towers that supported the system. She detailed the planning process that went into defining the project, including public involvement, multi-agency coordination, and opportunity / constraints analysis of alternative routes, which resulted in the preferred route proposed. Ms. Degutis referenced additional maps, which showed the project context across Fort Morgan and Adams, Arapahoe, and Elbert Counties. She reported a substation was proposed within Arapahoe County. She explained over 2,000 landowners and 63 local and regional stakeholders were invited to five public open houses, with a total attendance of 235 people, including a June 2<sup>nd</sup> meeting in Deer Trail with an attendance of 20 people. Ms. Degutis reported a project web site was available and would continue to be available throughout the construction process. She discussed the approval criteria of the County's 1041 Permit process, highlighting Agricultural Activities (minimize disturbance to grazing and cultivation activities), No Nuisance (noise, vibrations, odors, glare – temporary during construction and short duration), and Environment (disturbance limited to H-frame support structures and new access roads).

There were discussions related to the proximity of the line to nearby homes, noise created as a result of the line and various conditions, revegetation post-construction, noxious weed prevention, induced charges and grounding to mitigate issues, approval of the transmission line by other jurisdictions, and the wind project.

Mr. Rosenberg opened the public hearing for public comment. There were no public comments. The public hearing was closed.

A few closing statements were provided relative to complying with all criteria, collaboration with the County's Engineering Services

	<p>Division, coordination with the weed specialist, and coordination with area landowners.</p> <p>There were discussions regarding the use of eminent domain, which was a tool of absolute last resort and had yet to be needed. It was noted landowner agreements were in place along the corridor.</p> <p>Mr. Rosenberg read a statement into the record from the application and noted that the low impact to land use patterns and the environment were admirable.</p> <p><b>It was moved by Mr. Weiss and duly seconded by Mr. Brummel, in the case of L16-007, Rush Creek Transmission Line / Location and Extent, that the Planning Commission read the staff report and received testimony at the public hearing and found themselves in agreement with staff findings, including all plans and attachments as set forth in the staff report dated November 14, 2016, and move to approve this case, subject to the following conditions:</b></p> <ol style="list-style-type: none"> <li><b>1. The applicant makes any minor modifications to plans, as requested by the Public Works and Development Department.</b></li> <li><b>2. The applicant agrees to address the Division of Engineering Services' comments and concerns as identified within the various Division of Engineering Services reports.</b></li> <li><b>3. The applicant will execute and record all utility easements and provide the Public Works and Development Department with a copy prior to construction of the project.</b></li> <li><b>4. The applicant will obtain all necessary permits prior to commencing project.</b></li> </ol> <p><b>The vote was:</b></p> <p><b>Mr. Weiss, Yes; Ms. Rieck, Yes; Ms. Chaffin, Yes; Mr. Rader, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Mr. Rosenberg, Yes.</b></p> <p>Ms. Yeckes thanked the PC for being present for an additional meeting in November and during a holiday week. She noted items distributed to the PC for the December 6<sup>th</sup> meeting.</p>
<p><b>Item 2</b></p>	<p><b>Case No. ASI16-003, Rush Creek 345 KV Transmission Line / 1041 Permit – Sherman Feher, Senior Planner, Public Works and Development (PWD)</b></p>

It was moved by Mr. Weiss and duly seconded by Ms. Chaffin, in the case of ASI16-003, Rush Creek 345 KV Transmission Line / 1041 Permit, that the Planning Commission read the staff report and received testimony at the public hearing and found themselves in agreement with staff findings, including all plans and attachments as set forth in the staff report dated November 14, 2016, and recommended approval to the Board of County Commissioners, subject to the following conditions:

1. The applicant makes any modifications to plans, as requested by the Public Works and Development Department, prior to any construction is started on this project.
2. The applicant agrees to address all Engineering Services Division comments and concerns as identified within their reports, prior to construction.
3. The applicant will need to deal with and resolve all wildlife issues with the Colorado Parks and Wildlife before, during and after construction of the applicant's transmission line and switchyard per the Colorado Parks and Wildlife's letter dated, October 7, 2016.
4. The applicant will need to do a burrowing owl survey per Colorado Parks and Wildlife(CPW) protocol and will need to follow CPW restrictions regarding construction time periods and distances from nesting burrows listed in the Colorado Parks and Wildlife's letter dated, October 7, 2016.
5. The applicant will need to avoid destruction of Swift Fox dens between December 15 through August 15 and minimize disturbance of active dens during this time period per the Colorado Parks and Wildlife's letter dated, October 7, 2016.
6. The applicant will provide sufficient funds to Arapahoe County to restore County Roads that are used by the applicant to the preconstruction condition following construction of the transmission lines and switchyard.
7. All necessary utility easements or transmission rights-of-way must be recorded and executed prior to construction of the transmission line.
8. The applicant will need to create a Noxious Weed Management Plan and follow the Plan in order to deal with noxious weeds. The applicant will provide the County with a copy of the Noxious Weed Management Plan.

The vote was:

Mr. Weiss, Yes; Ms. Rieck, Yes; Ms. Chaffin, Yes; Mr. Rader, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Mr. Rosenberg, Yes.

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

**MINUTES OF THE REGULAR MEETING OF THE  
ARAPAHOE COUNTY PLANNING COMMISSION  
TUESDAY, DECEMBER 6, 2016**

<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>Paul Rosenberg, Chair; Brian Weiss, Chair Pro-Tem; Mark Brummel; Richard Rader; Jane Rieck; and Richard Sall.</p> <p>Also present were: Robert Hill, Senior Assistant County Attorney; Sherman Feher, Senior Planner; Sue Liu, Engineer; Jason Reynolds, Current Planning Program Manager; Jan Yeckes, Planning Division Manager, and member(s) of the public.</p>
<b>CALL TO ORDER</b>	<p>Chair Rosenberg called the meeting to order at 6:30 p.m. and noted a quorum of the Board was present.</p>
<b>DISCLOSURE MATTERS</b>	<p>There were no Planning Commission member conflicts with the matters before them.</p>
<b>REGULAR ITEMS:</b>	
<b>Item 1:</b>	<p><b>Case No. Z16-006, Riggs Rezoning Plan / Conventional Rezone (CR) – Sherman Feher, Senior Planner, Public Works and Development (PWD)</b></p> <p>Mr. Feher stated Case Nos. Z16-006 and P16-020, Riggs Conventional Rezone and Minor Subdivision, would be presented together; however, the Planning Commission (PC) would need to vote on them separately. He stated the cases had been properly noticed in The Villager and the PC had jurisdiction to proceed. Mr. Feher introduced the cases. He explained the applicant was seeking approval to rezone to create a legally subdivided lot on CR 2, near Strasburg. He provided a history of the property, which included an illegally subdivided lot (from 1978) that did not meet the minimum lot size requirements of the RA-2 zone district. Mr. Feher reported the current owner purchased the property without knowledge of this; there was no disclosure of the issue at closing. He said a foreclosure on the property may have caused issues with a clear history being documented for the property. He stated the current owner was seeking a building permit and needed a legally subdivided and zoned lot before those could be issued. Mr. Feher stated staff was currently working on a subdivision exemption</p>

process to address a number of these types of properties within the eastern county; however, this was not an option at this time.

There were discussions concerning how the illegal lots were permitted to occur. It was noted a recording with the Clerk and Recorder's office did not necessarily constitute a legal subdivision. It was stated many of these types of properties and issues weren't discovered until application for a building permit.

Mr. Hill explained the options for remedies under current codes and processes. He noted these were still "divided parcels" that were mapped and taxed separately, but were not "legal lots."

Mr. Reynolds explained the general terms of a process that may be developed to help correct these situations. He also answered questions about dates of subdivision regulations in the State of Colorado and in Arapahoe County.

Mr. Riggs, owner and applicant, explained that he had been denied a building permit and financing due to the illegal subdivision that created his parcel, prior to his ownership of the land.

Mr. Rosenberg opened the hearing for public comments, noting they would take comments for both Z16-006 and P16-020 at the same time. There were no public comments. The public hearing was closed.

**It was moved by Mr. Weiss and duly seconded by Mr. Brummel, in the case of Z16-006, Riggs Rezoning Plan / Conventional Rezon, that the Planning Commission read the staff report and received testimony at the public hearing and found themselves in agreement with staff findings 1 through 5, including all plans and attachments as set forth in the staff report dated November 29, 2016, and recommend this case favorably to the Board of County Commissioners subject to the following conditions:**

- 1. The applicant makes any minor modifications to plans, as requested by the Public Works and Development Department.**
- 2. The applicant agrees to address all Division of Engineering comments and concerns as identified within the attached report, prior to signed mylars.**

Ms. Rieck asked if there were plans to widen CR 2 and if so, would the barn need to be removed?

	<p>Mr. Feher stated there were currently no plans for road widening, but if that occurred, the barn would need to be moved, altered, or removed.</p> <p><b>The vote was:</b></p> <p><b>Mr. Weiss, Yes; Ms. Rieck, Yes; Mr. Rader, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Mr. Rosenberg, Yes.</b></p>
<p><b>Item 2:</b></p>	<p><b>Case No. P16-020, Riggs Subdivision #01 / Minor Subdivision (MS) – Sherman Feher, Senior Planner, Public Works and Development (PWD)</b></p> <p>It was moved by Mr. Weiss and duly seconded by Mr. Brummel, in the case of P16-020, Riggs Subdivision #01 / Minor Subdivision, that the Planning Commission read the staff report and received testimony at the public hearing and found themselves in agreement with staff findings 1 through 3, including all plans and attachments as set forth in the staff report dated November 29, 2016, and recommend this case favorably to the Board of County Commissioners, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The applicant must make all modifications to the Minor Subdivision as requested by the Public Works and Development Department.</li> <li>2. The applicant agrees to address all Engineering Services Division comments and concerns, as identified within their reports, prior to signed mylars.</li> </ol> <p><b>The vote was:</b></p> <p><b>Mr. Weiss, Yes; Ms. Rieck, Yes; Mr. Rader, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Mr. Rosenberg, Yes.</b></p>
<p><b>Item 3:</b></p>	<p><b>Case No. W15-002, Land Development Code (LDC) Multi-Chapter Minor Amendments (Chapters 12, 13, 14, 16, 17, and 19) – Continued from November 15, 2016 – Jason Reynolds, Current Planning Program Manager, Public Works and Development (PWD)</b></p> <p>Mr. Reynolds reported the case had been continued from November 15, 2016 and stated the item had been properly noticed in The Villager and the I-70 Scout, which gave the PC jurisdiction to proceed. He said the case was a County-initiated application to make multiple land development code (LDC) amendments. Mr. Reynolds</p>

highlighted some of the proposed changes, including the following: illumination standards to help with a planned commercial center with multiple lots; clarification of a process to request an administrative amendment to parking requirements; an adjustment to parking stall sizes; and adjustment to minimum parking requirements for certain restaurant types. He explained other changes were primarily clarifications, corrections, and adjustments for consistency, but did not change the substance of the code.

In response to questions from the PC, Mr. Reynolds answered questions about sources of information used for changes to standards and impacts of changes to parking lots for existing developments.

There were additional discussions regarding the need for changes to the “Cash in Lieu of Land Dedication” (CIL) requirements that were not included in this proposed amendment and questions about how to move this forward for consideration and action. It was noted the biggest impact might be to schools that were classified as rural, but were experiencing urban-school growth pressures. There was further discussion about the current code, the history of the distinctions between “urban” and “rural” schools, limitations of State statutes for modifying school funding, and a possible timeframe for taking this under consideration as a proposed code amendment.

Mr. Reynolds noted revising the CIL requirements would constitute a significant LDC change, which would require outreach to the public, school districts, and the development industry.

**It was moved by Mr. Rosenberg and duly seconded by Ms. Rieck to advance CIL revision discussions to a PC study session within 90 days.**

**The vote was:**

**Mr. Weiss, Yes; Ms. Rieck, Yes; Mr. Rader, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Mr. Rosenberg, Yes.**

Mr. Hill asked to clarify whether this motion was to forward a request to the BOCC.

Mr. Rosenberg stated the motion was to advance the issue to a study session of the PC, which might result in a request to the BOCC.

Mr. Feher noted the BOCC, at its recent study session, stated all affected parties should be included in the evaluation of the CIL formula.

Ms. Yeckes asked the PC to clarify whether the motion was intended as “direction to staff.”

Mr. Rosenberg stated that was the intent.

Several other issues were discussed. Some of the discussion included additional questions about the restaurant parking standards included in the previous agenda item. Also noted was a concern for changing parking stall standards from a commonly accepted dimension. There was concern voiced for extensions of time on approved projects before they were signed and/or recorded as final approvals and staff review time frames in relation to available resources.

Mr. Rosenberg opened the hearing for public comments. There were no public comments. The public hearing was closed.

**It was moved by Mr. Weiss and duly seconded by Ms. Rieck in the case of W15-002 – Land Development Code Amendment to update specific provisions within Chapters 12 – Specific Regulations, 13 – Zoning Procedures, 14 – Subdivision Regulations, 16 – Standard Notes, 17 – Notice and Notification, and 19 – Definitions, for corrections, updates and adjustments in regulations of the Land Development Code, the Planning Commission read the proposed code amendment and staff report and considered additional information presented during the public hearing and found themselves in agreement with Staff findings one (1) through four (4) as set forth in the Staff report dated November 4, 2016, and recommend that the Planning Commission forward to the Board of County Commissioners a recommendation for approval of the amendments, with the following two (2) conditions of approval:**

- 1. Minor modifications to the text identified as necessary are required prior to incorporation of this Amendment into the existing Land Development Code. Staff, in conjunction with the County Attorney’s Office, is hereby authorized to make necessary modifications to the text.**
- 2. Modifications to Chapters 12, 13, 14, 16, 17 and 19 of the Land Development Code will be effective and integrated into the existing Code upon approval by the Board of County Commissioners following a public hearing.**

**And with the following amendment:**

- 1. Eliminate the additional patio area without the requirement for additional seating.**

	<p><b>The vote was:</b></p> <p><b>Mr. Weiss, Yes; Ms. Rieck, Yes; Mr. Rader, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Mr. Rosenberg, Yes.</b></p>
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**ADDITIONAL GENERAL BUSINESS AND STUDY SESSION ITEMS:**

<p><b>Item 1:</b></p>	<p><b>Administrative Items – Planning Commission 2017 Hearing Calendar, Posting Location, and By-Laws Changes – Jan Yeckes, Planning Division Manager</b></p> <p><b>It was moved by Ms. Rieck and duly seconded by Mr. Sall that the Arapahoe County Planning Commission designates notices of their public meetings will be posted, at least 24 hours in advance, at the following location:</b></p> <p align="center"><b>Arapahoe County Public Works &amp; Development On the public bulletin board (just inside the front door public entrance) 6924 S Lima St, Centennial, CO 80112</b></p> <p><b>The vote was:</b></p> <p><b>Mr. Weiss, Yes; Ms. Rieck, Yes; Mr. Rader, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Mr. Rosenberg, Yes.</b></p> <p>The proposed 2017 Planning Commission Meeting Calendar was reviewed and there was general agreement. It was noted a final calendar would be distributed to the PC.</p> <p>There were discussions regarding the annual PC appreciation dinner. It was noted, the past few years, the dinners had been scheduled soon after the holidays. The PC stated their preference was to schedule the dinner in conjunction with a meeting date that was a study session only, with no public hearing items. Ms. Yeckes said staff would research available dates based on that criteria.</p> <p>There were discussions regarding the PC By-Laws. It was noted, at a study session that occurred earlier in the year, the PC members identified areas of the By-Laws that might need revised. A red-lined copy of the proposed revisions was distributed to the PC members for further review. A final draft of changes, agreed upon by consensus, would be distributed to the PC for approval at the December, 20, 2016 meeting. There was a motion to direct staff to amend the Land Development Code to change the required quorum from four members to five members; however, that motion failed on</p>
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	<p>a 3:3 vote. It was noted this item would not be incorporated into the draft of the revised by-laws at this time; however, it might be brought up for discussion at a future date should the PC desire to reconsider this when the entire board was present.</p>
<p><b>ADJOURNMENT</b></p>	<p>There being no further business to come before the Planning Commission, the meeting was adjourned.</p>

**MINUTES OF THE REGULAR MEETING OF THE  
ARAPAHOE COUNTY PLANNING COMMISSION  
TUESDAY, DECEMBER 20, 2016**

<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>Paul Rosenberg, Chair; Brian Weiss, Chair Pro-Tem; Mark Brummel; Richard Rader; Jane Rieck; Richard Sall, and Diane Chaffin.</p> <p>Also present were: Robert Hill, Senior Assistant County Attorney; Sherman Feher, Senior Planner; Sarah White, Engineer; Chuck Haskins, Engineering Services Division Manager; Jason Reynolds, Current Planning Program Manager; Julio Iturreria, Long Range Planning Program Manager; Jan Yeckes, Planning Division Manager; Caitlyn Cahill, Animal Control Supervisor; and members of the public.</p>
<b>CALL TO ORDER</b>	<p>Chair Rosenberg called the meeting to order at 6:31 p.m. and noted a quorum of the Board was present.</p>
<b>DISCLOSURE MATTERS</b>	<p>There were no Planning Commission member conflicts with the matters before them.</p>
<b>REGULAR ITEMS:</b>	
<b>Item 1:</b>	<p><b>Case No. L16-002, Prosper Wastewater Treatment Plant / Location and Extent (L&amp;E) - Sherman Feher, Senior Planner, Public Works and Development (PWD)</b></p> <p>Mr. Rosenberg announced that Case Nos. L16-002 and ASI16-001 were interrelated so would be presented together; however, the Planning Commission (PC) would need to make two separate motions.</p> <p>Sherman Feher, Senior Planner, introduced the two cases and established jurisdiction for the hearing through legal noticing. He noted the purpose of the 1041 Permit process and reported application was for a wastewater treatment plant for the Prosper development. He noted that a 1041 for a new community and Preliminary Development Plan had been previously approved for the development. Mr. Feher stated Staff recommended approval with the findings and conditions listed in the staff report.</p>

Jeff Vogel, Vogel & Associates, on behalf of Prosper, presented a PowerPoint, a copy of which was retained for the record. He showed a map of the overall site and the drainages that ran through the property in relation to the lowest point, which was the site of the proposed Wastewater Treatment Plant (WWTP). He showed the land-use plan and the location of the WWTP in relation to the land uses. Mr. Vogel showed the site plan of the WWTP in relation to I-70 and the Catholic church to the east. He reported the WWTP was set back to maintain a view corridor along I-70 for the church. He explained the perimeter of the plant would have a mix of evergreen and deciduous plants, an ornamental fence, and low profile buildings and equipment. Mr. Vogel reported access would eventually be along the realigned Watkins Road and a collector from that point. He stated temporary access would be from the northwest corner of the Prosper site. He explained reviews had been completed with the Fire District and Public Works and Development on issues related to safety and drainage. He said Prosper was a 30-year build-out project, so the WWTP would also be phased in over time.

Alan Pratt, Dewbury Engineers, stated the plan displayed for the PC was the ultimate build-out. He reported nutrient removal, membrane filtration, covered facilities and odor scrubbers, downcast lighting, and LED dimmable lighting would be used. He showed a schematic diagram demonstrating phasing of the project. Mr. Pratt showed the location of the aeration basins and noted they will be covered. He stated the headworks were inside a building. Further, he reported the clarifiers were not typically covered because the water had been substantially treated at that point and no longer produced odor. He explained the principal odor location was where the wastewater entered the plant. He stated that location was covered and had scrubbers. Mr. Pratt reported the overall odor was a “wet dirt” kind of smell, and aerobic digesters had a lower odor than other types of treatment. He stated residuals would likely be disposed of through contractors who had permitted sites for disposal.

There were discussions regarding responses to comments, odor mitigation, and Tri-County Health Department’s (TCHD) role in the review of this case.

Mr. Iturreria explained the site location plan review process with the County and TCHD in relation to the WWTP and issues such as odor. He stated the County asked for best practices to ensure the facility met those standards. He noted the site location plan application was approved by the Board of County Commissioners (BOCC) and sent on to the Colorado Department of Public Health and Environment

(CDPHE). He explained the site location must still be reviewed by and receive approval from the CDPHE. He said it was easy to confuse this process with the 1041 Permit. Mr. Iturreria recommend the PC look at the conditions recommended by staff.

Mr. Rosenberg noted the PC must address a land-use application that might create odor which would impact citizens.

Mr. Iturreria reviewed the layers of approvals and reviews and advised the PC to include the conditions to help ensure a good outcome. He stated the conditions included State, Urban Drainage, and County approvals. Mr. Iturreria noted WWTPs were often located in fairly urbanized areas with little impact to the nearby communities and often a lack of awareness by residents that the facility was nearby.

Ms. Chaffin said this was the first WWTP case she had been involved in approving, so she had a number of questions. She said the conditions included verbiage like “should” and “may be needed” which were open to interpretation.

Mr. Iturreria noted the PC could change the language if they saw a need.

Mr. Feher stated that the conditions of approval did not include the word “should.”

Ms. Chaffin clarified it was the Urban Drainage document that used the term “should.”

Mr. Feher noted the attorney might be able to help with language, as Arapahoe County could not dictate how Urban Drainage worded its comments. He said staff felt the application was at 90%, and the conditions were there to help with the last 10% and were not “show-stopper” issues.

Mr. Rosenberg compared the language with the process used by the Better Business Bureau, which lacked a requirement to actually make changes. He felt the term “address” might be weak and that the language should state “the applicant must make the requested changes.”

There were discussions regarding the difference between covered and enclosed facilities. It was noted enclosed meant it was a small enough facility to be placed inside of a building. Covered meant it had a cover over the surface of an outdoor facility, such as a pond.

It was stated there was usually two feet of wall above the water surface level and the cover was on top of that wall.

Mr. Pratt explained the relationship of the location, which was somewhat close to the lowest point of the Prosper site, with respect to the drainage of the property. He reported moving the plant would require pumping wastewater to a higher elevation.

Mr. Vogel stated they had to comply with the red-lined comments; that was not up for debate. Further, he reported there had been a lot of coordination with TCHD to date, especially with the recent site location application approved by the BOCC. He explained they were not asking to go a different direction and concurred with the staff's conditions.

There were discussions related to discharge to Rat Run Creek. It was noted the amount would vary over the years and throughout the day. The maximum would be 3.2 million gpd, but eventually there would be significant reuse of the treated wastewater.

Mr. Vogel showed elevations of the buildings and noted the design standards in the Prosper Preliminary Development Plan (PDP). He explained it reflected more of the "Prairie Modern" style. He stated the plants would be low-profile. He stated they would be single-story buildings with a height of approximately 32 feet with accents up to 36 feet; however, the structures would blend with the character of architecture to be used in future development.

Chuck Haskins, Engineering Services Division Manager, clarified the role of Urban Drainage. He stated their comments did not relate to discharge of treated wastewater. He said their comments related to the discharge of stormwater from building rooftops, roadways, etc. He also explained that it was common that not all final issues were worked out by the time the project went to the PC.

Mr. Rosenberg opened the hearing for public comment.

Over twenty people attended the meeting to express their opposition to the proposed wastewater treatment facility. Those in opposition included the President and Pastor of Saint Isidore Church, parishioners, and parents of children at the Academy. They said the proposed facility would be too close to the private school located on the Saint Isidore property. Speakers were concerned that the plant would generate too much odor given its proximity to the school. Further, they were concerned about a health threat to their children and employees at the school. They also voiced concern the facility

could be affected by floods. Speakers requested the plant be moved farther from the school and placed elsewhere on the 5,100 acre Prosper site.

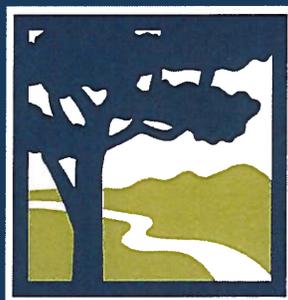
The public comment period was closed.

Mr. Vogel noted the extensive process used for the initial approval of the Prosper development and the open houses held for information on the land use plan and later specific to the WWTP. He reported a couple of the St. Isidore Church members came to the WWTP open house at Front Range Airport. He explained the plant location was consistent with the approved zoning. He stated the plant was not within the floodplain. Mr. Vogel said he would like to have their engineer address some of the more technical questions. He noted the architectural and landscaping that was incorporated. He reported, with regard to drainage, they had worked with PWD extensively and the project was not encroaching on floodplain. He stated there was a master drainage report in relation to PDP and did an additional drainage plan for the WWTP, which was reviewed by County engineers. Mr. Vogel said the setback was 900 feet to the church building and 385 feet from the school building. He reported there was a landscape buffer and ornamental fencing to provide transition. Further, he explained they had pulled further south on the site to preserve the view corridor to the church. Mr. Vogel reported the property was essentially a bowl with drainages running through it, consistently running down across the property. He explained, in the first phase there would be some discharge, but the intent outlined in the water supply plan was to reuse as much as possible, as water was a very valuable resource. He said Coyote Run and Rat Run were designated by FEMA as floodplains and were perennial streams with some historic flows. Mr. Vogel noted several residential and school developments that had proximity to a WWTP, including Stonegate, located near a WWTP with an open reservoir and gray -water component. He stated there was a treatment plant in Lowry, a former military base; however, he was not sure if it was still active. He also clarified a WWTP would not be permitted within a floodplain.

Mr. Pratt reported there was no chlorine proposed to be used, other than as a back-up measure, as required by the State. He said the chlorine would be in liquid form and contained. He noted there was a WWTP adjacent to the high school football field in Niwot. He explained the State established setbacks for WWTPs, and their facility complied as proposed. He said they had sufficient setback to not be required to cover their facilities, but would cover them anyway. He noted there were two types of plants, using either anaerobic or aerobic processes and this plant was aerobic. He stated

	<p>some of the plants, such as Littleton, referenced during the public comment period, were anaerobic process plants. He explained no large amounts of chemicals were needed for the Prosper plan, as this would be a biological plant. Further, he said there were no special protective measures required for employees other than washing their hands. He explained there were no serious health concerns from a WWTP.</p> <p><i>Mr. Rosenberg called for a 5 minute recess.</i></p> <p>The PC asked questions about the process, vesting with the Prosper development agreement, and whether the PC could mandate alternative locations. The Planning Commission asked for additional information about odor control, how odor violations would be enforced, information on other potential locations, and more information about the potential for flooding at the facility.</p> <p>Mr. Rosenberg asked whether there would need to be an action on the 1041 Permit if the L&amp;E was voted down.</p> <p>Mr. Hill explained the Land Development Code had a provision for an appeal of an L&amp;E decision to the BOCC and that the Metro District could overturn the decision of the County.</p> <p><b>It was moved by Mr. Weiss and duly seconded by Mr. Rader, in the case of L16-002, Prosper Wastewater Treatment Plant / Location and Extent, to continue the hearing to a date certain of January 17, 2017 in order to obtain more information about odor mitigation and to receive testimony from Tri-County Health Department.</b></p> <p><b>The vote was:</b></p> <p><b>Mr. Weiss, Yes; Ms. Rieck, Yes; Ms. Chaffin, Yes; Mr. Rader, Yes; Mr. Brummel, No; Mr. Sall, Yes; Mr. Rosenberg, No.</b></p>
<p><b>Item 2:</b></p>	<p><b>Case No. ASI16-001, Prosper Wastewater Treatment Plant / 1041 Permit - Sherman Feher, Senior Planner, Public Works and Development (PWD)</b></p> <p><b>It was moved by Mr. Weiss and duly seconded by Ms. Chaffin, in the case of ASI16-001, Prosper Wastewater Treatment Plant / 1041 Permit, to continue the hearing to a date certain of January 17, 2017 in order to obtain more information about odor mitigation and to receive testimony from Tri-County Health Department.</b></p>

	<p><b>The vote was:</b></p> <p><b>Mr. Weiss, Yes; Ms. Rieck, Yes; Ms. Chaffin, Yes; Mr. Rader, Yes; Mr. Brummel, No; Mr. Sall, Yes; Mr. Rosenberg, No.</b></p>
<b>ADJOURNMENT</b>	<p>There being no further business to come before the Planning Commission, the meeting was adjourned.</p>



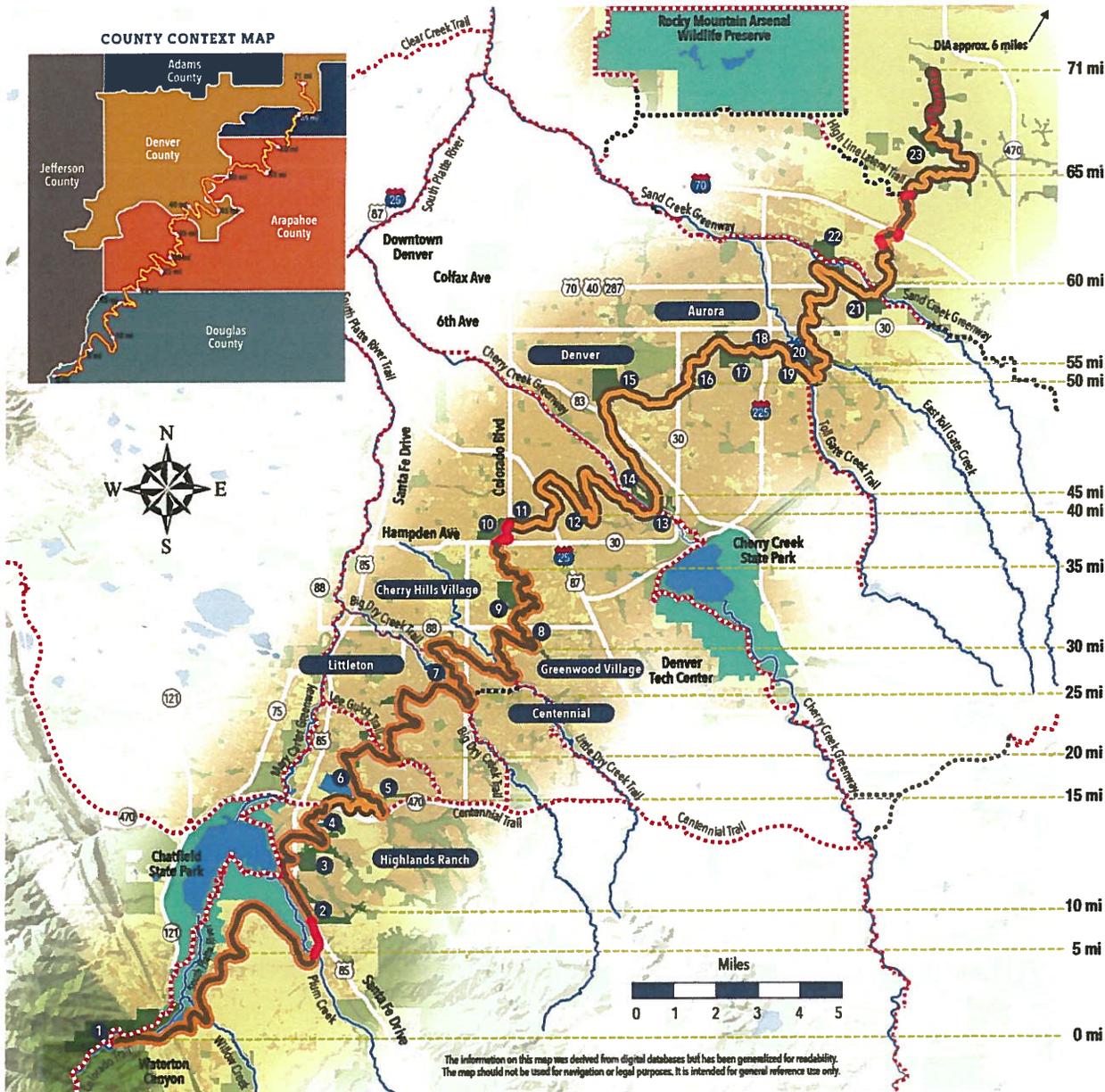
# HIGH LINE CANAL

## CONSERVANCY

Connecting Communities – Connecting Nature  
From the Foothills to the Plains

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2017



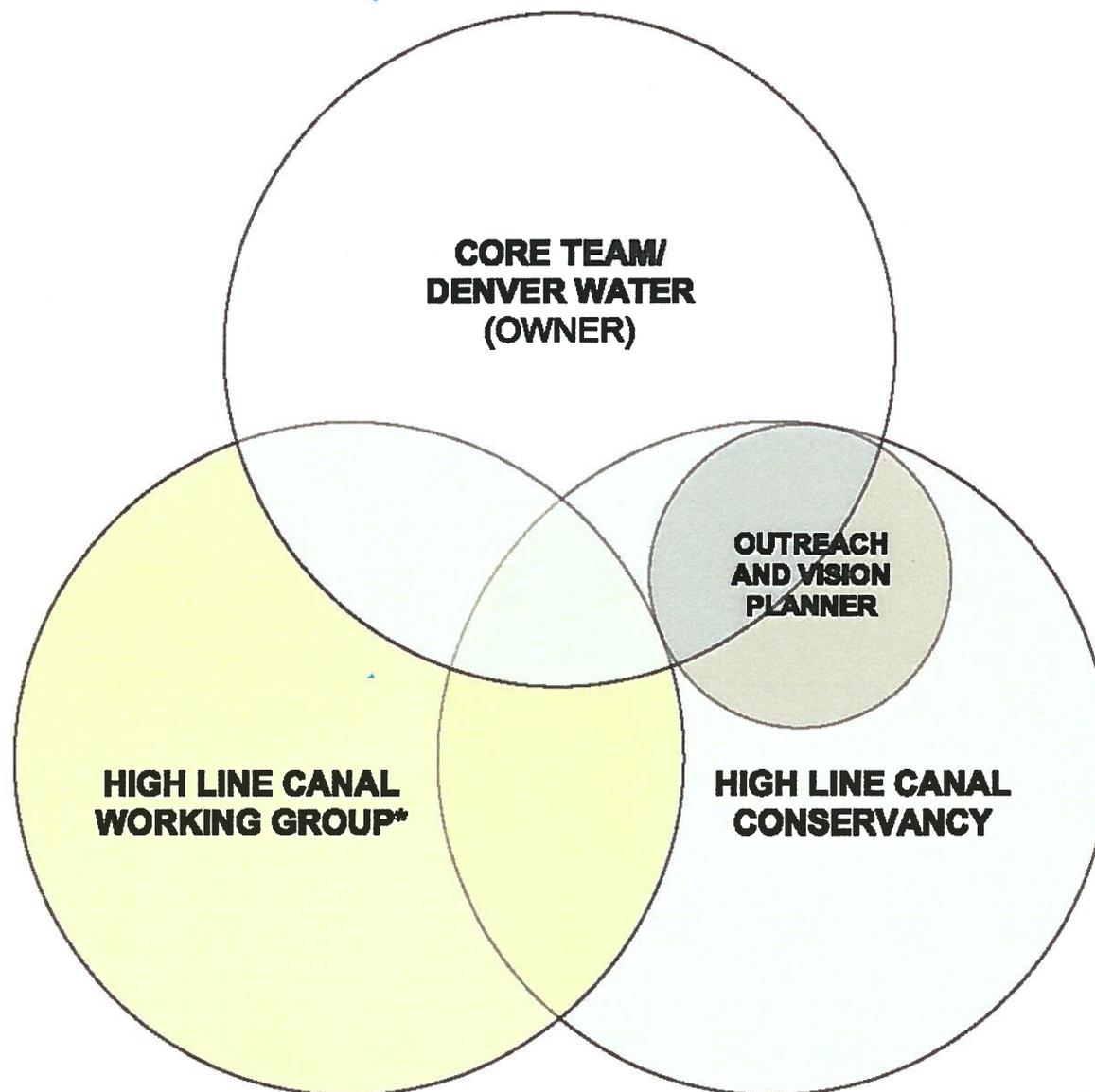
- Starts in Douglas County at the Mouth of Waterton Canyon.
- Passes through 11 jurisdictions and ends near DIA in Aurora.
- 71 miles long and approximately 100 feet wide.
- Total of over 800 acres that connects 73 different greenspaces ranging from State Parks to pocket parks.
- Threads together over 8000 acres of green space throughout the region.



**HIGH LINE CANAL**  
CONSERVANCY

# Our Leadership Team

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**HIGH LINE CANAL**  
CONSERVANCY



# Our Mission

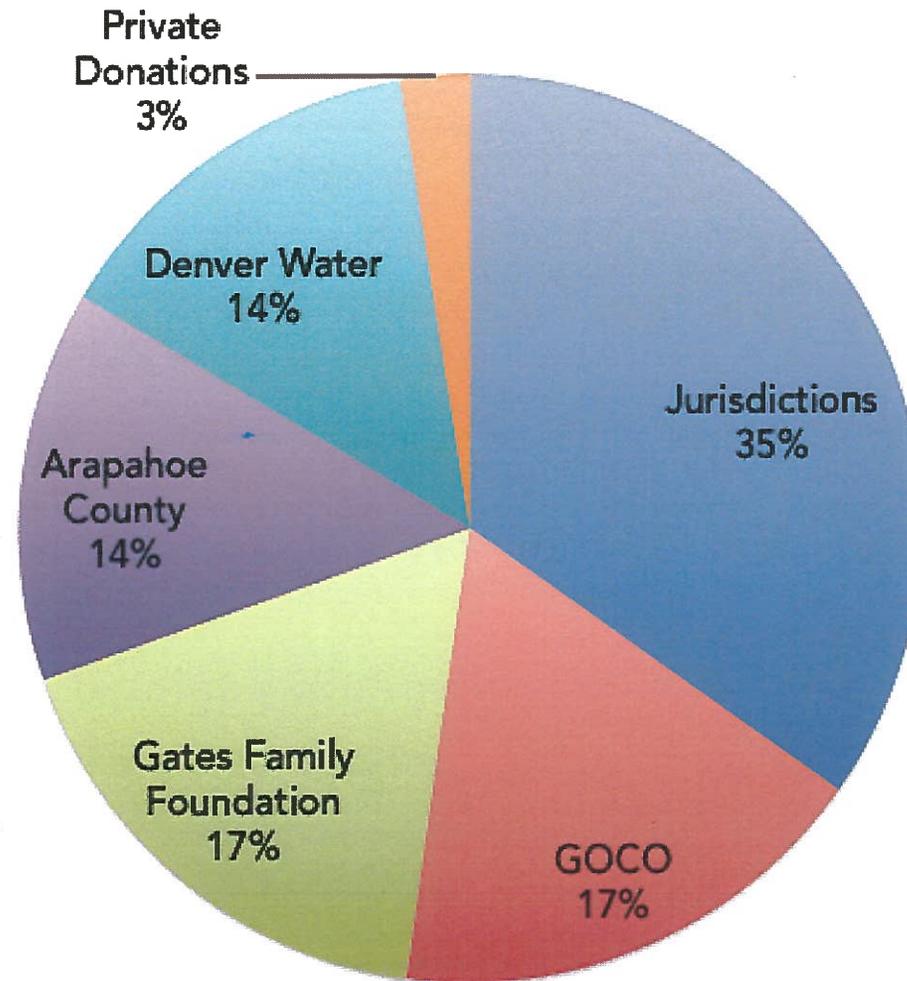
To preserve, protect and enhance the 71-mile long Canal in partnership with the public by being a steward for the future of the High Line Canal and greenway through leadership, education and advocacy.



**HIGH LINE CANAL**  
CONSERVANCY

## Committed Planning Funding Breakdown by Source: 2015 and 2016

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# High Line Canal Planning Initiative

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A regional planning initiative for the 71-mile corridor

Phase I: Public Outreach and Vision Planning (May 2016 – Jan 2017)

Phase 2: Comprehensive Master Planning and Outreach (2017 – 2018)

## Why Planning?

- Educate the public about the new realities of water and the Canal
- Plan for long term management, enhancement and funding as the Canal transitions from utility to regional greenway
- Ensure the Canal Corridor is preserved, protected and enhanced for future generations
- To leverage public and private funds to improve the user experience along the Canal
- Excite and engage people to imagine an unconstrained future vision for the High Line Canal that is sustainable and life enhancing



HIGH LINE CANAL  
CONSERVANCY



Governor Hickenlooper at the Outreach Launch Event

# Foothills

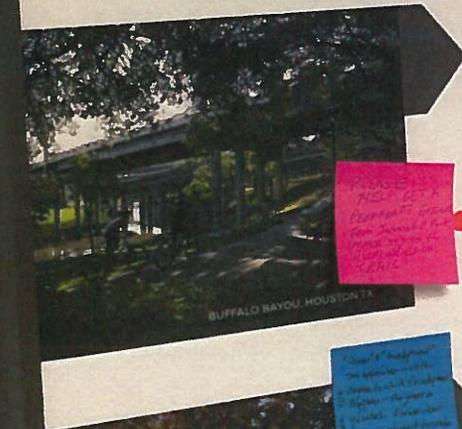
Choose your own  
adventure...

PUT A STICKER BY IDEAS  
THAT APPEAL TO YOU!



**W**hat if the Canal was an inviting frontage for all who visit or reside along it?

- IMAGINE:
- Development that engages the canal
  - Conserving and connecting to open space beyond the 100' ROW
  - Your idea here!

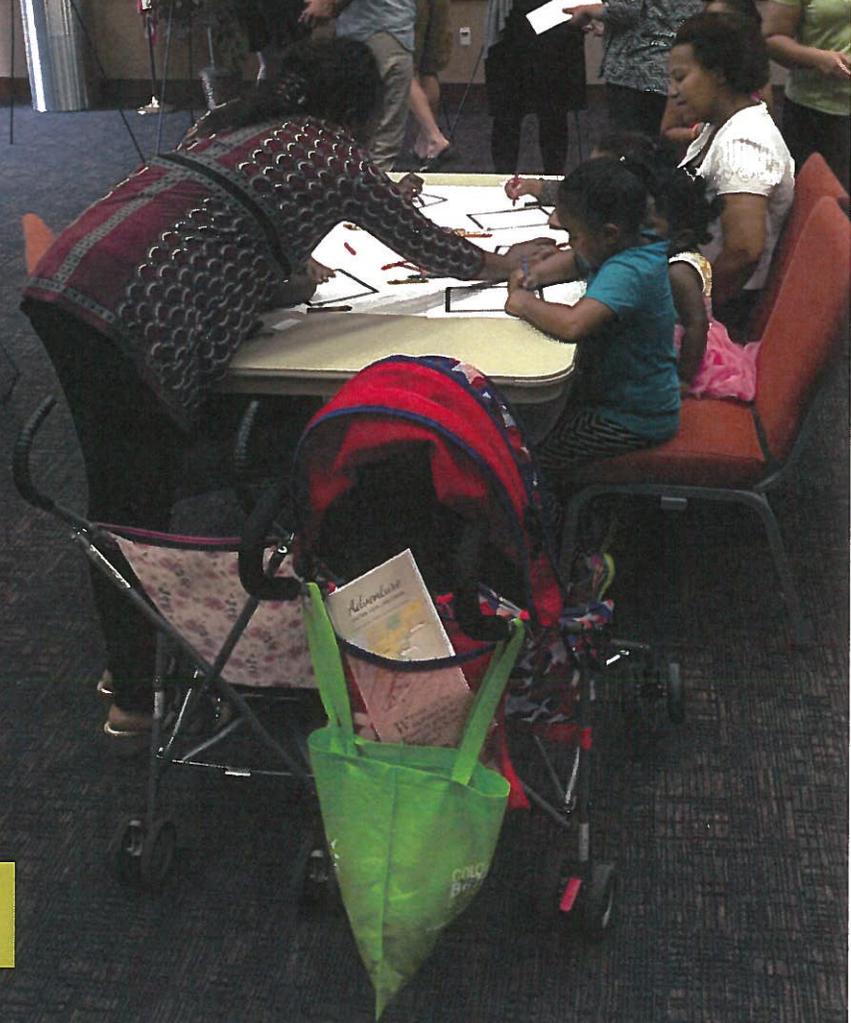


**W**hat if the Canal to link a larger land conservation vision?

- IMAGINE:
- Water resources
  - Habitat
  - Existing open spaces
  - Your idea here!

**W**hat if the Canal served as a new kind of green infrastructure and the backbone of new green development?

- IMAGINE:
- Stormwater Management
  - Tree Planting Programs
  - Connectivity





Community Events



Strategic Input Sessions



3,500 people engaged through public forum events

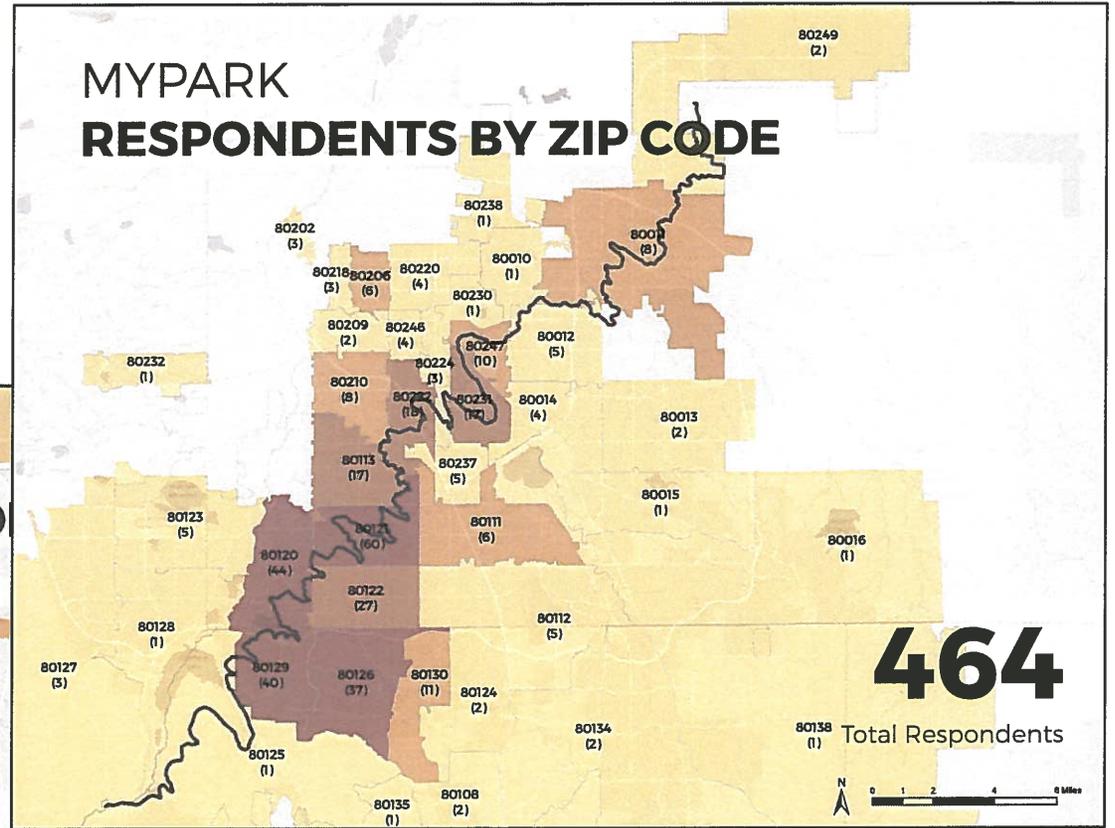


100 Community Leaders engaged

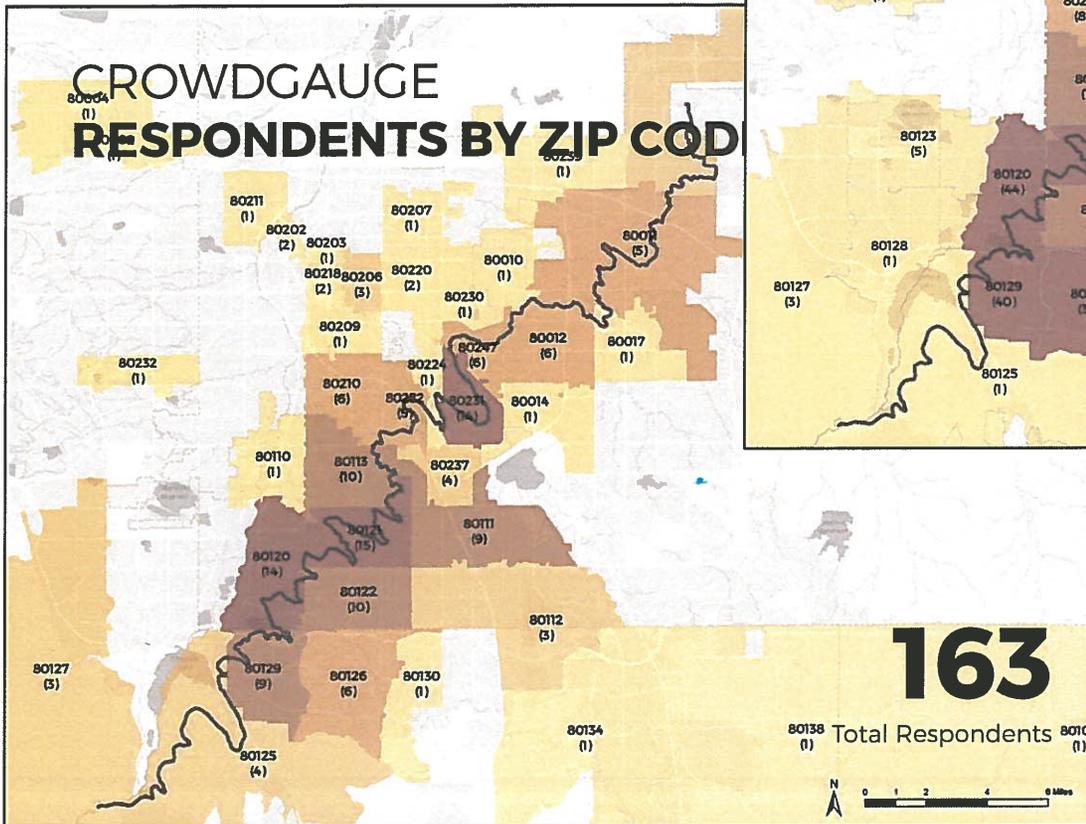


125 Community Youth engaged

## MYPARK RESPONDENTS BY ZIP CODE



## CROWDGAUGE RESPONDENTS BY ZIP CODE



500 online survey participants



**HIGH LINE CANAL**  
CONSERVANCY

Voice of the Rocky Mountain Empire

# THE DENVER POST

WEDNESDAY, SEPTEMBER 7, 2016

MOSTLY CLOUDY ▲85° ▼53° »18A • © THE DENVER POST • \$2 PRICE MAY VARY OUTSIDE METRO DENVER

## “One big resource” for the metro area

THE HIGH LINE CANAL TRAIL



### History

The High Line Canal, designated as a National Landmark Trail, was completed in 1883 to deliver irrigation water. The photo above is being done in 1913.



### What's next

- High Line Canal draft-division plan open houses  
**Wednesday, 5-8 p.m.**  
Kent Denver Dining Hall, 4000 E Quincy Ave., Englewood
- Thursday, 1-3:30 p.m.**  
Green Valley Ranch Library, 4856 Andes Court, Denver
- Thursday, 5:30-8 p.m.**  
Westridge Recreation Center, 9650 Foothills Canyon Blvd., Highlands Ranch

By John Aguilar  
The Denver Post

**WATERTON CANYON** It stretches clear across the metro area, spanning 71 miles from the jagged rock walls of Waterton Canyon to the windswept prairie south of Denver International Airport. But most people who wander alongside the High Line Canal, which boasts one of the longest urban trails in America, see only a mile or two of it when venturing out by foot or perhaps a more ambitious 10 to 15 miles if pedaling a bike.

That's all Jennifer Miller and her husband, from Evergreen, saw during a 15-mile bike ride on the trail Tuesday afternoon. Taking off from the trailhead at Platte Valley Reservoir, the couple headed to Chatfield State Park before turning back.

“I thought it was pretty nice,” Miller said. “I would probably explore it more.”

Urban planners hope to fill those gaps and bring the entire trail — which comprises 66.7 miles through four counties, several cities and towns — into a clearer view by emphasizing its regional importance and connecting it to an expanding trail network.

The High Line Canal advocacy, formed last year, held three public meetings in the metro area — one Wednesday in

1,000,000 reached: printed press and television



## Time to weigh in on Denver's famous ditch

### Open houses offer chance to share ideas on protecting, enhancing the High Line Canal

The High Line Canal and its trails are one of Denver's most cherished recreational assets.

The canal, a 71-mile irrigation ditch, was built in 1883 out of a vision to bring water from the foot of the Rocky Mountains to the dry plains northeast of Denver.

Denver Water purchased the canal in 1924 and still uses it today to transport un-treated water to about 70 customers for landscaping and irrigation.

While the canal was once considered an engineering marvel, it is no longer an efficient means of delivering water. About 70 percent of the water sent down the canal seeps into the ground before it makes it to customers.

You can share your ideas about the future of the historic canal and its greenway at upcoming community open houses, sponsored by the conservancy:

- Wednesday, Sept. 7: 5 to 8 p.m., Kent Denver Dining Hall, 4000 E. Quincy Ave., Englewood
- Thursday, Sept. 8: 1 to 3:30 p.m., Green Valley Ranch Library, 4856 N. Andes Ct., Denver
- Thursday, Sept. 8: 5:30 to 8 p.m., Westridge Recreation Center, 9650 Foothills Canyon Blvd., Highlands Ranch
- Wednesday, Oct. 19: 4 to 8 p.m., Dry Dock Brewing Co. North, 2801 Tower Rd., Aurora
- Thursday, Oct. 20: 2 to 5 p.m., Eisenhower Recreation Center, 4300 E. Dartmouth Ave., Denver
- Thursday, Oct. 20: 6 to 8 p.m., Goodson Recreation Center,

## 250,000 reached: Denver Water bill insert

for Denver Water, the High Line Canal Conservancy, the public and the 11 communities that border the canal.

at [highlinecanal.org](http://highlinecanal.org) and the canal's trails at [denverwater.org/Recreation/HighLineCanal](http://denverwater.org/Recreation/HighLineCanal).

## Stay vigilant about water as the seasons change

September may bring summer's end, but still falls within the watering season — which means our smart-irrigation mindsets should be far from dormant.

Here are some ways to stay efficient as autumn approaches:

- Keep an eye on the clouds. Summer watering rules, which are in effect until Oct. 1, limit each week's watering days to three. But a good rain lets you skip a day.
- Look for low or no sun. Lawn watering is not allowed between 10 a.m. and 6 p.m.
- Watch for a chill in the air. As the days grow shorter, nighttime temperatures tend to decrease. Consider cooling down your lawn watering routine by reducing the minutes per session.
- Build some roots. Before a big freeze hits the ground, aerate and fertilize your lawn to help promote a healthy root system — and a head start for spring.

Remember, everybody plays a role in water efficiency. If you see water waste that does not meet the rules, call 303-893-2444 or report it online at [denverwater.org](http://denverwater.org).

[Learn more at denverwater.org/SummerWatering](http://denverwater.org/SummerWatering).



©Stock.com/Catherine Lane

### On the cover:

Water quality technicians Aubrey Miller and Nicole Paschel collect water samples for testing.

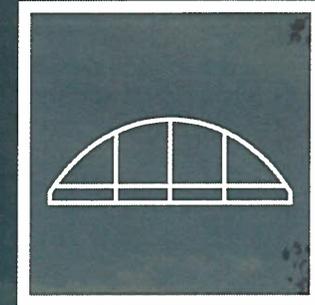
VISION STATEMENT

The High Line Canal's 71 meandering miles will be preserved and enhanced as a cherished greenway that connects people to nature and binds varied communities together from the foothills to the plains.

NATURAL



CONNECTED & CONTINUOUS



FIVE  
GUIDING  
PRINCIPLES

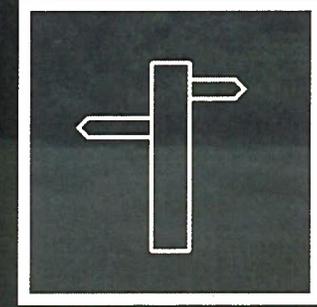
VARIED



MANAGED



ENHANCED



HIGH LINE CANAL  
CONSERVANCY

# Natural



To preserve the natural character of the Canal, ensuring it continues to be a natural refuge for the region's population and wildlife. The Canal's natural, scenic beauty is integral to its identity.

**Maintain the peaceful character of the Canal,** so it continues to be a place for the region to connect with nature, from the foothills to the plains

**Identify sustainable, responsible water sources** for the continued nourishment of the Canal's trees and vegetation, and transition to tree species that require less water to thrive

**Protect and improve wildlife habitat** and environmental health of the Canal

**Preserve and enhance open space** along the Canal, including identifying opportunities to protect adjacent open spaces to create larger habitat areas

**Employ environmentally sustainable practices** in landscape management and Canal maintenance to assure overall health and public safety

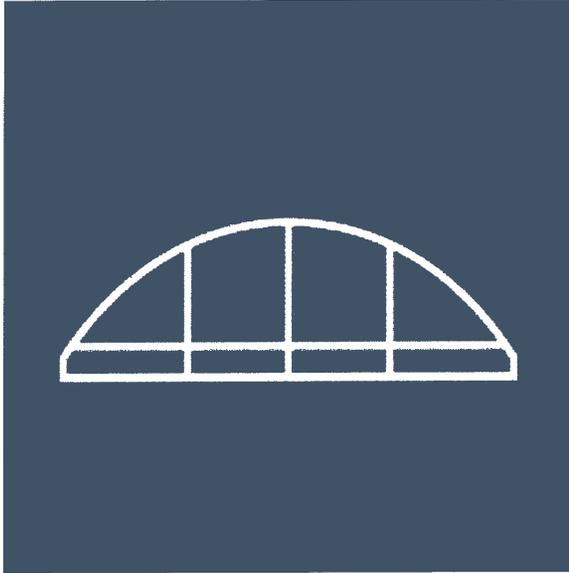
**Protect important viewsheds** to landmarks and natural landscapes



**HIGH LINE CANAL**  
CONSERVANCY

# Connected + Continuous

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To maintain and increase the connectivity of the Canal along all 71 miles, preserving and enhancing the Canal's use as an important continuous resource and part of the regional environmental and trail network.

**Improve connectivity along the Canal** by closing gaps and upgrading crossings

**Improve connections from the Canal** to other trail networks, further strengthening the regional trail network

**Provide safe connectivity for all types of users:** walkers, bikers, equestrians, joggers, dog-walkers, and more

**Strengthen safe access** to and from local neighborhoods, schools, parks, and other amenities

**Minimize future interruptions** of the Canal experience such as new crossings

**Maintain a continuous wildlife and ecological corridor**



**HIGH LINE CANAL**  
CONSERVANCY

# Varied



To respect the variety of communities and experiences along the Canal and to preserve its various physical characteristics of the different character zones through the course of its 71 miles.

**Acknowledge that there exists diverse communities, trail character zones, & ecosystems along the Canal:**

- The wild canyon (Waterton Canyon)
- The rolling foothills (Douglas County & Highlands Ranch)
- A wooded village (Cherry Hills Village, Greenwood Village, Littleton, Centennial)
- An urban refuge (Denver & unincorporated Arapahoe County)
- A natural retreat in the prairie (Aurora & Denver's Green Valley Ranch)

**As change happens, support enhancement and protection of unique characteristics** of each character zone to best suit each zone's needs

**Provide equity of experience** and opportunities along the length of the Canal for the varied communities

**Promote appropriate habitat caretaking** in the Canal's different ecosystems

**Encourage and promote continued public engagement** & local leadership involvement throughout the many Canal-adjacent jurisdictions



**HIGH LINE CANAL**  
CONSERVANCY

# Managed



To work together in order to preserve and support a long-term, sustainable future for generations to come. Our Canal is a critical, cherished asset for the region.

## “MANAGEMENT” IS BOTH OPERATIONAL AND PHYSICAL

### Operational

Establish a clear model for governance and a sustainable funding source (both monetary and in-kind)

Strengthen regional, county, municipal, and community partnerships

Provide a role for citizen input and stewardship

Increase use, safety, and awareness of the Canal in underused areas, including coordination with law enforcement

Promote a unified brand with common themes and approaches to management along the Canal (i.e., mile markers, maps, signage, etc.)

### Physical

Model responsible water management practices and consider the Canal for stormwater management where feasible

Plant drought-tolerant species that require less water and explore alternative irrigation methods

Provide appropriate maintenance of the Canal's vegetation for safety and beauty while exploring options for fewer or different trees

Provide on-going maintenance for physical improvements such as trailheads, signs, furnishings, etc.

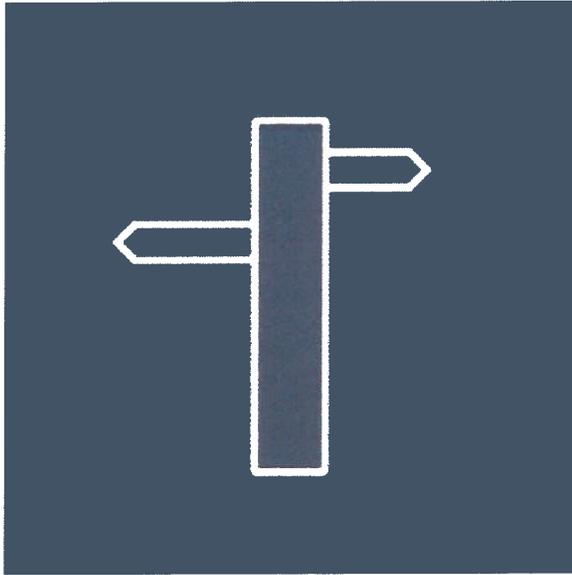
Provide an overall wildlife management plan consistent with regional and state authority plans



**HIGH LINE CANAL**  
CONSERVANCY

# Enhanced

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To enhance the enjoyment and use of the Canal in keeping with its natural and varied character.

**Provide enhancements** that are consistent with the Canal's Vision

**Increase awareness** about the Canal and its story

**Acknowledge and enhance views,** landmarks, and special moments

**Celebrate the Canal's history** through education, historic preservation, and documentation

**Improve connections and awareness** where appropriate from the Canal to nearby amenities like cafes, bicycle repair shops, and restrooms while protecting the Canal from commercialization

**Coordinate with new development** to encourage design that supports the character of the Canal

**Provide basic infrastructure and facilities** along the Canal where appropriate (i.e., trash cans)



**HIGH LINE CANAL**  
CONSERVANCY

# Action Plan Strategies



## STRATEGY 1

### Create a Roadmap for the Canal's Future Physical Form

- |  |  |
|--|--|
| 1.1 Framework Plan, including Character Zone Plans, Landscape Design Guidelines, and Trail & | Maintenance Standards                  |
|  | 1.2 Stormwater Program                 |
|  | 1.3 Branding & Wayfinding Plan         |
|  | 1.4 Interpretive & Educational Signage |



## STRATEGY 2

### Build Awareness & Understanding of the Canal

- |  |  |
|--|--|
| 2.1 Celebrate and share this Vision & Action Plan and report on progress | 2.4 Create supportive materials to make exploring the Canal easier |
| 2.2 Develop a Communications Strategy                                    | 2.5 Expand educational programs                                    |
| 2.3 Implement signage and wayfinding improvements along the Canal        | 2.6 Tell the story of the Canal's history                          |



## STRATEGY 3

### Align the Canal's Governance & Funding Structure with the Vision

- |  |   |
|--|---|
| 3.1 Study and develop a long-term coordinated governance model for the Canal                 | 3.3 Evaluate existing expenditures on the High Line Canal   |
| 3.2 Continue to coordinate with local jurisdictions, districts, and other governing entities | 3.4 Explore and identify funding sources (Funding Strategy) |
|  | 3.5 Continue to coordinate with developers                  |



## STRATEGY 4

### Harness the Community's Passion to Promote Stewardship of the Canal

- |  |   |
|--|---|
| 4.1 Grow volunteer opportunities   | 4.4 Continue to encourage community involvement and grow a network of local champions |
| 4.2 Provide exciting donation opportunities  | 4.5 Develop the next generation of High Line Canal stewards                           |
| 4.3 Continue to develop strategic partnerships with other cultural and community organizations |   |



## STRATEGY 5

### Capitalize on Existing Momentum to Take Action Now

- |  |   |
|--|---|
| 5.1 Pursue grant funding that aligns with quick win projects             | 5.4 Continue to improve crossings                           |
| 5.2 Provide tours and programming to increase familiarity with the Canal | 5.5 Continue to complete connections to other trail systems |
| 5.3 Initiate additional stormwater demonstration projects                | 5.6 Continue upgrading and replacing pedestrian bridges     |



**HIGH LINE CANAL**  
CONSERVANCY

# Resolution in support of the Vision + Action Plan



## HIGH LINE CANAL CONSERVANCY

Connecting Communities—Connecting Nature  
from the foothills to the plains

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### Draft Resolution in Support of the High Line Canal Vision and Action Plan *January 10, 2017*

WHEREAS, the historic High Line Canal (the "Canal") has always faced challenges as an irrigation delivery system due in part to its water right low priority and high rate of seepage; and

WHEREAS, despite its challenges as an irrigation delivery system, the Canal is a cherished part of the lives of millions of people of all ages and backgrounds, serving as a natural respite from the urban experience: the Canal's 71 meandering miles are vitally important to the region's citizens; and

WHEREAS, data indicates that more than 350,000 residents reside within one mile of the Canal, and more than 500,000 people use the Canal each year; and



HIGH LINE CANAL  
CONSERVANCY

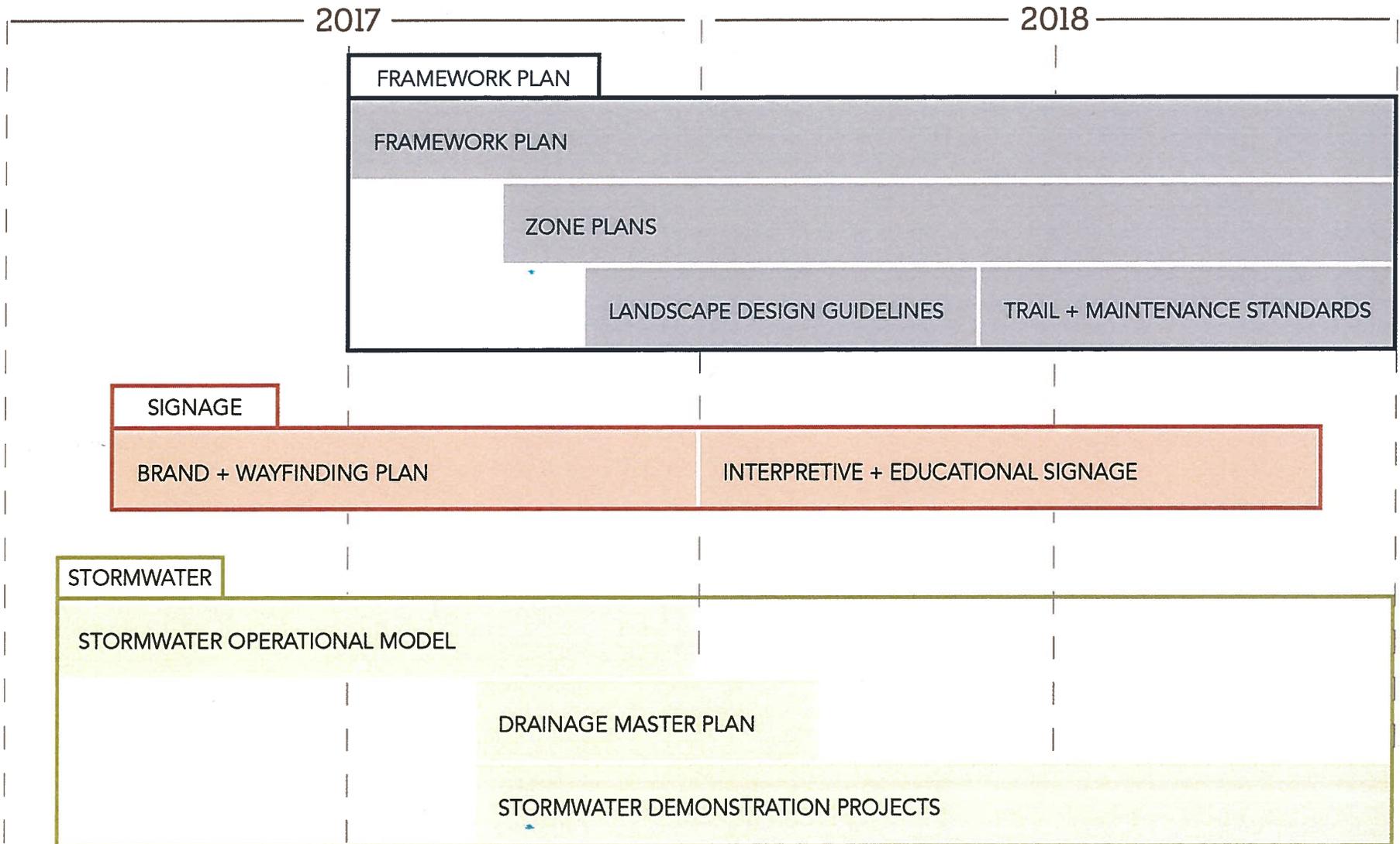
# Stormwater Demonstration Sites

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- Denver Site (Wellshire Golf Course to I-25)
  - Retrofit the 1 mile of the Canal to be a regional rain garden and water quality facility.
  - Currently in modeling and planning phase with construction expected in Nov. 2017.
  - Total project cost is approximately \$750,000
- Greenwood Village Site (Orchard Rd to Little Dry Creek)
  - Use the Canal as a stormwater treatment and conveyance facility for a 3.3 mile segment.
  - GV working with UDFCD to develop a preliminary design
  - Total study cost is \$40,000



# Phase II Planning



# Thank you! Questions?

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## HIGH LINE CANAL CONSERVANCY

Connecting Communities – Connecting Nature  
From the Foothills to the Plains

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[Highlinecanal.org](http://Highlinecanal.org)

PLANNING COMMISSION MEMORANDUM – January 10, 2017 Meeting

TO: Planning Commissioners  
FROM: Jan Yeckes, Planning Division Manager  
DATE: December 22, 2016  
SUBJECT: **Planning Commission Bylaws Changes for Consideration and Action**

Attached is an updated version of proposed changes to the Planning Commission Bylaws. The currently approved bylaws were adopted in 2009. Changes proposed include the following:

1. **Throughout document** – Change “Chairman” to “Chair”
2. **Definitions**
  - a. Chair and Chair Pro-Tem added terms
  - b. Continued updated language
  - c. Quorum – remains at four members; a motion to direct staff to amend the Land Development Code to require five members for a quorum failed on a 3:3 vote on December 6.
  - d. Take Under Advisement deleted on advice of County Attorney’s Office
  - e. Work/Study Sessions updated language
3. **Administration**
  - a. B. Duties of Officers: Updated language under 4. Recording Secretary
  - b. D. Attendance: Updated 1. absences and 2. expected attendance
  - c. E. Amendment of the Bylaws: Clarified language in 2. timing of action on proposed changes to bylaws
4. **General Rules of Order** – *see additional discussion later in this memo*
  - a. Clarify suspension of rules by motion
  - b. Amend B. addressing motions:
    - i. Relocate text from 3. action on a tie vote to a new 5. and 6.
    - ii. Add a new 4. to address action on a motion that fails for lack of a second
    - iii. Add 5. that failure to approve a motion when acting in an advisory capacity results in a recommendation of denial to the Board of County Commissioners
    - iv. Add 6. that failure to approve a motion when acting as an approving authority results in denial of the request
  - c. Amend D. to update language on postponing or continuing an item of business
5. **Conduct of Planning Commission Hearings, Meetings, Work/Study Sessions**
  - a. A. Hearings: Add 5. to address a process already in use to vote to continue on with the meeting or to start a new item after a certain time of day
  - b. C. Order of Business for Hearings/Meetings: Amend and clarify action for an item removed from the Consent Agenda
  - c. D. Consideration of Land Use and/or Subdivision Cases:
    - i. Amend 12. to change tapes to audio recording
    - ii. Amend 14. To clarify actions when individuals or groups attending a meeting fail to comply with the Chair’s request for orderly conduct of the meeting
  - d. E. Comprehensive Plan Amendments, 2. change tapes to audio recordings
6. **Severability** – Change this resolution to these Bylaws
7. **Add Amended Date** – general nature of changes

## DISCUSSION

Any changes first identified and discussed at a previous meeting can be acted upon at the January 10 Planning Commission meeting. Under these bylaws, any newly identified change would need to be acted upon at least two weeks following the meeting date on which the issue or proposed change was identified.

**III. General Rules of Order, B. Actions when the Planning Commission is unable to produce a motion that can proceed to a vote** due to no new motion made or failure of a motion to receive a second (this may be a new motion following a tie vote, an original motion that fails to receive a second, or lack of a motion by any Planning Commissioner):

There was discussion as to whether failure to produce a motion that could proceed to a vote should result in “No Recommendation” from the Planning Commission to the Board of County Commissioners or result in a recommendation of “Denial.” Staff has made a determination that this should result in a recommendation for denial when acting in an advisory capacity or in an action to deny when acting as a deciding authority.

When acting in a recommending capacity, such as for PUDs or Preliminary Plats, the code specifies, “Following the recommendation by the Planning Commission, the staff planner shall schedule the [Development Plan/Preliminary Plat] with the board of commissioners for final consideration.” LDC 13-104.07 and 14-203(F). In the case of FDPs, the code specifies that “For all eligible FDP applications, the Planning Commission will take one of the following actions: [approve, approve with conditions, continue/table, take under advisement, or deny].” LDC 13-105.03. Moreover, the Land Development Code also expressly provides that “[a] tie vote is cause for a recommendation of denial.” LDC Section 2-302.04.02.

An amendment to the Bylaws to allow for passing a development application on the BOCC without a recommendation would be inconsistent with these provisions of the Land Development Code. Accordingly, in order to remain consistent with the Code, and also with Robert Rules of Order, the situation where the Planning Commission cannot get past a tie vote, or is unable to agree to a recommendation, needs to be treated as a recommendation of denial for purposes of forwarding the application to the Board of County Commissioners. As such, forwarding an application without any recommendation is not an option, at least not without amendment of the Land Development Code.

**Draft Motions** – provided to assist with preparing a motion for action on the bylaws changes:

**Approval** (as presented or with changes): I move to approve the Planning Commission Bylaws with the proposed changes submitted for consideration at the January 10, 2017, meeting [as presented] [with the following changes].

1. *Read any changes to be made as part of the motion.*
2. ....

**Denial:** I move to deny the proposal to amend the Planning Commission Bylaws as submitted for consideration at the January 10, 2017, meeting. The 2009 Planning Commission Bylaws will continue to be in effect until amended at some future date.

**Continue:** I move to continue action on the proposed amendments to the Planning Commission Bylaws until a future date, at least two weeks from the date of today’s meeting, to consider further changes identified.

**Attachments:** 2016 Draft Bylaws Redlined from December 6, 2016, meeting  
2016 Draft Bylaws Clean Draft incorporating changes from December 6 meeting

## ***PROPOSED CHANGES TO ARAPAHOE COUNTY PLANNING COMMISSION BYLAWS***

Changes agreed upon by consensus of six Planning Commissioners present on December 6, 2016, for staff to prepare and present for further consideration and possible approval at the first available PC meeting date during which this discussion could be accommodated. PC members present: Rosenberg, Weiss, Sall, Brummel, Rader, Rieck; absent: Chaffin;  
Staff present: Bob Hill, Jan Yeckes, Jason Reynolds

### **I. DEFINITIONS**

As used in these Rules, the following terms shall have the following meanings, unless the context otherwise requires:

Applicant: That person or firm who proposes action to be taken by the Arapahoe County Planning Commission.

Business Items: Items for action before the Planning Commission not requiring a public hearing, such as adoption of minutes of previous meetings, election of officers, and amending the Planning Commission Bylaws.

Chair: Planning Commission member elected by the Commission to conduct the meetings.

Chair Pro-Tem: Planning Commission member elected by the Commission to conduct the meetings in the absence of the Chair.

Commission: See Planning Commission.

Commission Member: A County resident appointed by the Board of County Commissioners to serve on the Planning Commission.

Continued: To halt consideration of a case and set aside temporarily until a later certain date and time. The case would remain active. Public comment may be closed or ~~and~~ additional testimony ~~would~~ may be taken. (Planning Commission may specify that ~~only~~ additional written testimony will be taken by a date certain, or may limit the areas in which testimony may be taken at the future meeting date.)

County: Arapahoe County, State of Colorado.

Motion: A statement of proposed action to be taken by the Commission by a Commission member.

Motion Amendment to: A change to the proposed motion by any member of the Commission.

Planning Commission: The Arapahoe County Planning Commission, a body advisory to the Board of County Commissioners on certain actions, such as rezoning of property and approval of

a Final Development Plan for property, and the final decision body on other actions, such as Comprehensive Plan documents.

Planning Commission Meetings: Scheduled public meetings of the Arapahoe County Planning Commission during which land use applications, planning documents, and amendments to the Land Development Code are received and considered as public hearing items, business items or study items.

Postponed: The Planning Commission takes no formal action, and the item is held to a future time, but not to a date certain (requires new notice).

Public Hearing: A scheduled meeting item with prior notification to the general public concerning the item and outcome requested, with public testimony requested and received before the Planning Commission makes a recommendation/ decision.

Public Testimony: That portion of the Planning Commission Hearing during which public input is solicited.

Quorum: A quorum shall consist of at least four (4) Commission members. In the event that one or more vacancies exist on the board, the quorum shall consist of a simple majority of the filled seats.

**Commented [JY1]**: On a 3 3 tie vote on 12-6-2016, a motion to direct staff to amend the Land Development Code to require at least five (5) PC members to be present for a quorum failed. This will remain four (4) members in the Bylaws unless future direction is provided to staff for the LDC change that would facilitate a change in the Bylaws. CRS is silent on quorum.

Second: An acknowledgment by one other member of Commission that a motion should be considered.

Staff: Employees of Arapahoe County, typically those of the Planning and Engineering Services Divisions and the County Attorney's office, assigned by those agencies to assist the Commission with professional expertise.

~~Take Under Advisement: Hearing is closed and decision is set aside until a date certain or some future date. No new evidence or testimony will be taken when the item is brought back for Commission action.~~

**Commented [JY2]**: Legal concern that this may give impression that deliberation is occurring outside the hearing process

Work/ Study Sessions: Work/ Study Sessions held to study various planning matters in depth, conduct internal business, and provide training for Commission members will be scheduled as required. Such sessions will be posted on a public meeting agenda and open to the general public; ~~however, the~~ The public generally will not have the right to participate unless questions are invited by the Planning Commission or the Planning Commissioners ask questions of citizens, industry experts, or others in attendance.

## II. ADMINISTRATION

### A. Election of Officers

1. The Arapahoe County Planning Commission is a body composed of a maximum of seven (7) members, which is appointed by the Board of County Commissioners. The Planning Commission elects a

ChairmanChair and a ChairmanChair Pro-Tem from among its members. A permanent member of the Planning Division, elected by the Planning Commission, fills the position of Executive Secretary.

2. Between ~~February~~ March 1 and April 30, each year, the Commission shall elect, from its membership, a ChairmanChair and ChairmanChair Pro-Tem. A majority vote of those present is required to elect a ChairmanChair. After the ChairmanChair is elected, the same procedure shall be followed in the election of a ChairmanChair Pro-Tem.

Commented [JY3]: The BOCC does not usually make appointments until sometime during the month of February

#### B. Duties of Officers

1. ChairmanChair. It is the responsibility of the ChairmanChair to conduct Planning Commission hearings in accordance with the rules of order adopted herein. Upon motion made and passed, in accordance with these Rules, the Commission may suspend compliance with these Rules if it determines that no person's substantial rights would be prejudiced. The ChairmanChair shall be a voting member of the Commission, and is accorded the same rights and privileges accorded other members of the Commission. The ChairmanChair is authorized to sign documents, minutes, and schedule work sessions.
2. ChairmanChair Pro-Tem. In the event that the chairmanChair is temporarily unable to act due to absence, illness, or personal interest in any matter coming before the Commission, or due to any other cause, the ChairmanChair Pro-Tem shall be accorded the same privileges and responsibilities as the ChairmanChair. In the event neither ChairmanChair nor ChairmanChair Pro-Tem is present, those present shall elect a temporary ChairmanChair.
3. Executive Secretary. Schedules, in coordination with the ChairmanChair and the Planning Staff, hearings before the Commission, the Executive Secretary or a designee appointed by the Executive Secretary prepares and distributes the Commission ~~agenda's,~~ agendas and provides a written summary of decisions made by the Commission. The Arapahoe County Planning Division Manager shall be the custodian of all Commission files.
4. Recording Secretary. Shall keep the minutes and audio recordings of all Commission meetings ~~and prepare and attest to decisions made by the Commission.~~ The ~~Arapahoe County Clerk and Records Office~~ Executive Secretary or designee shall act as the Recording Secretary for the Planning Commission. ~~The Arapahoe County Clerk and Records Office, and the Planning Division Office of Public Works and Development~~ shall be the custodian of all Commission records pertaining to actions of the Planning Commission.

C. Conflict of Interest

1. No member of the Commission shall participate, in any way, in any matter pending before the Commission in which the member has a conflict of interest.
2. Each member must personally decide whether or not conflict of interest exists. However, conflict of interest must be disclosed, even after commencement of a hearing. Conflict of interest issues may be raised at the hearing by a member of the Commission, persons present at the hearing, or through a written statement presented to the Commission members or the ~~Chairman~~Chair. In case of doubt, the member should consult the County Attorney.

D. Attendance

1. Each Commissioner shall be responsible for his/her attendance. After three (3) consecutive absences or a series of absences over a period of time sufficient to cause concern about ability to fulfill the responsibilities of the position, the ~~Chairman~~Chair shall contact the member. If attendance continues to falter, the ~~Chairman~~Chair will contact the Board of County Commissioners to determine if further action is needed.
2. It is expected that each member will be in attendance for at least 75% of ~~the times~~scheduled meetings.
3. All Commissioners are expected to attend scheduled work/study sessions; e.g., Comprehensive Plan, Zoning and Subdivision Regulations, training sessions, and sessions of similar nature.

**Commented [JY4]:** This is six meetings per year per Planning Commission member if all 24 meetings held

**Commented [JY5]:** PC decided on 12-6-2016 that this should be 75% of all scheduled meetings (including any additional meetings during the year) and not just "regularly scheduled" meetings (24 per year)

E. Amendment of the Bylaws

These bylaws may be amended, upon proper motion and second, only upon meeting the following criteria:

1. All members present may vote on items pertaining to elections or procedures. A simple majority carries the motion.
2. ~~Consideration of the proposed amendment occurs at least two (2) weeks after the issue being raised for discussion. Amendments to the bylaws will be approved no sooner than two weeks following the date of the meeting at which the issue is first raised for discussion.~~

**Commented [JY6]:** The intent of this was confusing, updated the wording to clarify the purpose

III. **GENERAL RULES OF ORDER**

The following are general rules of order, and apply to the conduct of business at all Planning Commission hearings, unless the applications of the rules of order are suspended by motion.

- A. A quorum of the Planning Commission shall be present in order to open the public hearing/ public meeting and conduct business.
- B. A motion before the Commission may be made by any voting Commission member participating in the hearing. Another member of the Commission must second any motion for the Planning Commission to be able to vote on the motion.
1. After the motion and second, the ~~Chairman~~Chair shall ask for discussion from members of the Commission.
  2. After all interested Commission members have had an opportunity to speak, the ~~Chairman~~Chair may ask the Secretary to restate the motion. The ~~Chairman~~Chair shall then call for a vote in favor or in opposition to the motion and the recording secretary shall record the vote.
  3. ~~If a vote of the Planning Commission on an application pending before the Commission results in a tie vote, a new motion may be made and voted upon. If the Commission is unable to vote in favor of a new motion, a tie vote shall result in a recommendation to the Board of County Commissioners to deny the application.~~
  4. ~~If a motion on an application pending before the Commission fails for lack of a second, a new motion may be made.~~
  5. ~~If the Planning Commission is unable to produce a motion that can proceed to a vote when serving in an advisory capacity (no new motion made or the motion fails to receive a second), the application will move forward to the Board of County Commissioners with a recommendation to the Board of County Commissioners to deny the application.~~
  6. ~~If the Planning Commission is unable to produce a motion that can proceed to a vote when acting as the deciding authority (no new motion made or the motion fails to receive a second), the decision on the application will be denial.~~
- C. A motion may include provisions by reference.
- D. Upon proper motion, second and majority affirmative vote, any item of business may be postponed; ~~(where item was not properly noticed and Commission does not have jurisdiction to continue the item to a date certain) or continued (where the item has been properly noticed and the Commission has jurisdiction) or taken under advisement to a future date certain or a future date with notice.~~
- E. The Planning Commission shall establish its own rules of order and may consider Robert's Rules of Order as a guide.

**Commented [JY7]:** This section on action on a tie vote is already in the Bylaws, bold text added during review to distinguish between this and the two following proposed procedures

**Commented [JY8]:** Move to 5 to apply to both 3 and 4?

**Commented [JY9]:** This option would be consistent with 3, above, for actions that result in a tie vote when no other substitute motion is successfully approved. Relocate text in 3 to this location to apply to both 3 and 4 above?

**Commented [JY10]:** Bob Hill raised this question Bylaws addressed only conflicting action when PC is acting in an advisory role.

**Commented [JY11]:** "Taken under advisement" eliminated as an option under Definitions due to legal concerns

**IV. CONDUCT OF PLANNING COMMISSION HEARINGS, MEETINGS, WORK/  
STUDY SESSIONS**

**A. Hearings**

1. Regular Commission hearings shall be scheduled by the Executive Secretary and an agenda prepared for each meeting. The agenda shall be prepared at least five (5) days in advance of the meeting date and shall be made available to every member of the Commission, the Board of County Commissioners, and to any person or group requesting a copy of the agenda. The ~~Chairman~~Chair, with the assistance of the Planning Staff, shall have the power to limit the number of items on the agenda to assure adequate review.
2. Regular hearings shall begin (on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month) at the date and time designated in the agenda, or as soon thereafter as possible, and shall be at the place designated in the agenda.
3. Special hearings of the commission may be held at any time and place, provided that a quorum is present and that the agenda has been made with at least five (5) days notice.
4. All discussion and formal action of the Planning Commission shall be conducted in the public hearing/ public meeting. Executive sessions may be appropriate if done for the purpose of receiving legal advice on a specific legal question. Discussions outside the public hearing/public meeting are not considered appropriate for conduct of Planning Commission meetings.
- 4.5. At 10:00 p.m., a motion will be made to determine whether to move the discussion to a future date or whether to continue on with the discussion beyond 10:00 p.m., requiring a majority vote to continue meeting. At 10:30 p.m., a unanimous vote is required to continue with the discussion on an item or to start a new item on the agenda.

**B. Work/ Study Sessions**

1. Work/ Study Sessions requested by the Planning Commission shall be scheduled by the Executive Secretary with the consent of a simple majority of the Planning Commission and an agenda prepared for each such session; study sessions not requested by the Planning Commission may be scheduled by the Executive Secretary. The agenda shall be prepared at least five (5) days in advance of the meeting date and shall be made available to every member of the Commission.

2. Whenever possible, the work/ study session will be on regular Planning Commission meeting dates and shall be posted as a public meeting and open to the public.
3. Work/ Study Session items may include Land Development Code Amendments, Comprehensive Plan Updates and/ or Amendments, statute and legal issues of interest to the Planning Commission, and other items not considered to be regular agenda and public hearing items.

C. Order of Business for Hearings/ Meetings

1. The ChairmanChair calls the hearing/ meeting to order and the quorum is announced indicating the presence of Commission.
2. If minutes of the previous meeting(s) are to be considered, the ChairmanChair shall ask if there are any changes or additions. Whether or not changes are needed, the ehairmanChair shall ask for a motion to approve the minutes and the Commission members shall vote on the proposed motion.
3. The ChairmanChair shall conduct the hearing/ meeting in accord with the agenda unless a specific adjustment is made.
4. The Planning Commission public hearing/ meeting agenda—can include "consent" item(s), and such item(s) shall be placed on the agenda by the Commission's Executive Secretary. All consent items will occur as the first agenda item.
5. After calling the hearing/ meeting to order, and dealing with any administrative business, the ehairmanChair will read the case number and title of all cases on the consent agenda. The ehairmanChair will determine whether any Commissioner or member of the public would like to address the Commission on any consent agenda items. If any such indication is given, the case will be removed from the consent agenda. If items are removed from the consent agenda, the ehairmanChair will determine the nature of the concerns, and upon recommendation of the Planning DepartmentDivision, either place the case as the last-first item of the regular agenda as a business item if no public hearing is required or reschedule the case to the next available Planning Commission public hearing date for which noticing requirements can be met.
6. Following the above steps, the ehairmanChair will seek a motion recommending approval of all remaining consent items to the Board of County Commissioners. Upon second, the motion will be called for a vote of the Commission.

D. Consideration of Land Use and/or Subdivision Cases

The following procedures shall apply to the consideration of land use and/or subdivision cases:

1. The ChairmanChair shall open the public hearing. The ChairmanChair has the discretion of limiting the time allotted for input from Staff, the applicant and the public. Generally, staff is limited to 5 minutes, the applicant to 15 minutes, and the public to 3 minutes each.
2. The ChairmanChair may inquire at the beginning of each matter on the agenda whether there are any procedural matters to be addressed by the Commission prior to addressing the merits of the application.
3. The ChairmanChair shall ask the applicable Staff member to introduce the case. Such introduction shall include:
  - a) Case Number
  - b) Case Name
  - c) Name of Applicant
  - d) Description of Request
  - e) Location of the Request
  - f) Description of surrounding zoning, land use, staff analysis, findings, and recommendations which may be presented verbally or by reference to the written staff report.
  - g) The Staff report shall be part of the record.
4. The ChairmanChair may request that the applicant, as well as his or her representative, approach the Commission and identify themselves and give complete addresses.
5. The ChairmanChair may ask the applicant to provide a brief description of his or her request, if the applicant desires.
6. The ChairmanChair shall ask if any Commission member has questions relative to the request. These questions may be directed to the applicant or the Staff.
7. The ChairmanChair shall then open the hearing for public testimony. All speakers will give their names and address prior to giving testimony. The ChairmanChair shall have discretion to limit the number of speakers, as well as the arguments presented, to avoid undue repetition and consumption of time.
8. The applicant shall have an opportunity to answer questions and respond to conflicting testimony after all opposition has been heard. The applicant

is limited to rebuttal of the conflicting testimony, and may not introduce new topics of testimony at this time. The opposition and the applicant may be allowed time for clarification of previous testimony at the discretion of the ChairmanChair. Dialogue between the applicant and those members of the public addressing the Commission shall not be permitted except upon approval of the ChairmanChair.

9. The ChairmanChair shall ask if any Commission member has any comments and final questions relative to the testimony taken. Questions may be addressed to the applicant, other Commission members, the public, or the Staff.
10. The ChairmanChair shall close the public testimony portion of the hearing.
11. The ChairmanChair shall ask for discussion or a motion from the Commission. Upon proper motion and second, the ChairmanChair shall ask for further discussion on the motion. Any Commission or Staff member may be recognized for comments on the motion. After all discussion has taken place, the ChairmanChair shall conduct a vote as provided in Section III of these Rules.
12. Voting on Land Use and/or Subdivision Cases shall be done at a public hearing of the Planning Commission. Any Planning Commissioner present may vote if he or she was present at, or reviewed the tapes audio recording of, the prior hearing or hearings regarding the case. A quorum shall be necessary, and a simple majority thereon shall be required. The Commission's recommendation or decision shall contain reasonable findings of fact to support its recommendations or decisions.
13. The record of the Planning Commission transmitted to the Board of County Commissioners shall be sufficiently detailed to inform the Board of County Commissioners what transpired at the Planning Commission hearing.
14. No person participating in Planning Commission hearings may give testimony until recognized by the ChairmanChair. The ChairmanChair shall request any person or persons who are speaking out of order to wait until they are recognized by the ChairmanChair. In the event that individuals or groups fail to comply with the Chair's request, the Chair shall take such action as is necessary to maintain order, including, but not limited to, While such action may include temporary suspension, tabling continuing the meeting to a future date certain or adjournment of the meeting, these should be actions of last resort to avoid delaying completion of the noticed hearing and impacting the applicant's development schedule and other citizens in attendance.

E. Consideration of Comprehensive Plan Amendments

1. Amendment Procedure:  
As referenced in State Statutes and any other applicable the Arapahoe County Regulations.
2. Voting by Planning Commission to adopt Amendments:  
Voting on an amendment shall be done at a public hearing of the Planning Commission, which has sole authority to approve such amendments. Any Planning Commissioner present may vote if he or she was present at, or reviewed the ~~tapes~~ audio recordings of, the prior hearing or hearings regarding the amendment. A quorum shall be necessary, and a simple majority thereon shall be required to pass an amendment.

F. Consideration of Location and Extent Cases:

1. Procedure shall be as for consideration of Land Use and/or Subdivision cases.
2. Planning Commission takes final action on Location and Extent applications. The Board of County Commissioners may also consider Location and Extent plans according to County Regulations.

V. **SEVERABILITY**

If any section, sub-section, sentence, clause or phrase of these bylaws is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of these bylaws. The Planning Commissioners of Arapahoe County hereby declare that they would pass ~~this Resolution~~ these Bylaws and each section, sub-section, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, or phrases be invalid.

*ADOPTED FEBRUARY 7, 1984*

*AMENDED NOVEMBER 1, 1985*

*AMENDED NOVEMBER 6, 1986*

*AMENDED FEBRUARY 4, 1992*

*AMENDED JULY 25, 1995 (Meeting Times)*

*AMENDED OCTOBER 1, 1996 (Consent Agenda Items)*

*AMENDED JULY 10, 2001 (Members, Voting, Recording Secretary)*

*AMENDED JUNE 16, 2009 (Definitions, procedures, clarifications, attendance)*

*AMENDED [January 10, 2017] (Definitions, election of officers, attendance, record keeping, alternate motions, vote to continue hearing past a certain time, conduct of hearing)*

# ***PROPOSED CHANGES TO ARAPAHOE COUNTY PLANNING COMMISSION BYLAWS***

Changes agreed upon by consensus of six Planning Commissioners present on December 6, 2016, for staff to prepare and present for further consideration and possible approval at the first available PC meeting date during which this discussion could be accommodated. PC members present: Rosenberg, Weiss, Sall, Brummel, Rader, Rieck; absent: Chaffin;  
Staff present: Bob Hill, Jan Yeckes, Jason Reynolds

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Postponed: The Planning Commission takes no formal action, and the item is held to a future time, but not to a date certain (requires new notice).

Public Hearing: A scheduled meeting item with prior notification to the general public concerning the item and outcome requested, with public testimony requested and received before the Planning Commission makes a recommendation/ decision.

Public Testimony: That portion of the Planning Commission Hearing during which public input is solicited.

Quorum: A quorum shall consist of at least four (4) Commission members. In the event that one or more vacancies exist on the board, the quorum shall consist of a simple majority of the filled seats.

Second: An acknowledgment by one other member of Commission that a motion should be considered.

Staff: Employees of Arapahoe County, typically those of the Planning and Engineering Services Divisions and the County Attorney's office, assigned by those agencies to assist the Commission with professional expertise.

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## **II. ADMINISTRATION**

### **A. Election of Officers**

1. The Arapahoe County Planning Commission is a body composed of a maximum of seven (7) members, which is appointed by the Board of County Commissioners. The Planning Commission elects a Chair and a Chair Pro-Tem from among its members. A permanent member of the Planning Division, elected by the Planning Commission, fills the position of Executive Secretary.
2. Between March 1 and April 30, each year, the Commission shall elect, from its membership, a Chair and Chair Pro-Tem. A majority vote of

those present is required to elect a Chair. After the Chair is elected, the same procedure shall be followed in the election of a Chair Pro-Tem.

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1. Chair. It is the responsibility of the Chair to conduct Planning Commission hearings in accordance with the rules of order adopted herein. Upon motion made and passed, in accordance with these Rules, the Commission may suspend compliance with these Rules if it determines that no person's substantial rights would be prejudiced. The Chair shall be a voting member of the Commission, and is accorded the same rights and privileges accorded other members of the Commission. The Chair is authorized to sign documents, minutes, and schedule work sessions.
2. Chair Pro-Tem. In the event that the Chair is temporarily unable to act due to absence, illness or personal interest in any matter coming before the Commission, or due to any other cause, the Chair Pro-Tem shall be accorded the same privileges and responsibilities as the Chair. In the event neither Chair nor Chair Pro-Tem is present, those present shall elect a temporary Chair.
3. Executive Secretary. Schedules, in coordination with the Chair and the Planning Staff, hearings before the Commission, the Executive Secretary or a designee appointed by the Executive Secretary prepares and distributes the Commission agendas and provides a written summary of decisions made by the Commission. The Arapahoe County Planning Division Manager shall be the custodian of all Commission files.
4. Recording Secretary. Shall keep the minutes and audio recordings of all Commission meetings. The Executive Secretary or designee shall act as the Recording Secretary for the Planning Commission, and the Planning Division Office of Public Works and Development shall be the custodian of all Commission records pertaining to actions of the Planning Commission.

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**III. GENERAL RULES OF ORDER**

The following are general rules of order, and apply to the conduct of business at all Planning Commission hearings, unless the applications of the rules of order are suspended by motion.

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- B. A motion before the Commission may be made by any voting Commission member participating in the hearing. Another member of the Commission must second any motion for the Planning Commission to be able to vote on the motion.
  1. After the motion and second, the Chair shall ask for discussion from members of the Commission.
  2. After all interested Commission members have had an opportunity to speak, the Chair may ask the Secretary to restate the motion. The Chair

shall then call for a vote in favor or in opposition to the motion and the recording secretary shall record the vote.

3. If a vote of the Planning Commission on an application pending before the Commission results in a tie vote, a new motion may be made and voted upon.
  4. If a motion on an application pending before the Commission fails for lack of a second, a new motion may be made.
  5. If the Planning Commission is unable to produce a motion that can proceed to a vote when serving in an advisory capacity (no new motion made or the motion fails to receive a second), the application will move forward to the Board of County Commissioners with a recommendation to the Board of County Commissioners to deny the application].
  6. If the Planning Commission is unable to produce a motion that can proceed to a vote when acting as the deciding authority (no new motion made or the motion fails to receive a second), the decision on the application will be denial.
- C. A motion may include provisions by reference.
- D. Upon proper motion, second and majority affirmative vote, any item of business may be postponed (where item was not properly noticed and Commission does not have jurisdiction to continue the item to a date certain) or continued (where the item has been properly noticed and the Commission has jurisdiction) to a future date certain or a future date with notice.
- E. The Planning Commission shall establish its own rules of order and may consider Robert's Rules of Order as a guide.

#### **IV. CONDUCT OF PLANNING COMMISSION HEARINGS, MEETINGS, WORK/ STUDY SESSIONS**

##### **A. Hearings**

1. Regular Commission hearings shall be scheduled by the Executive Secretary and an agenda prepared for each meeting. The agenda shall be prepared at least five (5) days in advance of the meeting date and shall be made available to every member of the Commission, the Board of County Commissioners, and to any person or group requesting a copy of the agenda. The Chair, with the assistance of the Planning Staff, shall have the power to limit the number of items on the agenda to assure adequate review.

2. Regular hearings shall begin (on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month) at the date and time designated in the agenda, or as soon thereafter as possible, and shall be at the place designated in the agenda.
3. Special hearings of the commission may be held at any time and place, provided that a quorum is present and that the agenda has been made with at least five (5) days notice.
4. All discussion and formal action of the Planning Commission shall be conducted in the public hearing/ public meeting. Executive sessions may be appropriate if done for the purpose of receiving legal advice on a specific legal question. Discussions outside the public hearing/public meeting are not considered appropriate for conduct of Planning Commission meetings.
5. At 10:00 p.m., a motion will be made to determine whether to move the discussion to a future date or whether to continue on with the discussion beyond 10:00 p.m., requiring a majority vote to continue meeting. At 10:30 p.m., a unanimous vote is required to continue with the discussion on an item or to start a new item on the agenda.

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1. Work/ Study Sessions requested by the Planning Commission shall be scheduled by the Executive Secretary with the consent of a simple majority of the Planning Commission and an agenda prepared for each such session; study sessions not requested by the Planning Commission may be scheduled by the Executive Secretary. The agenda shall be prepared at least five (5) days in advance of the meeting date and shall be made available to every member of the Commission.
2. Whenever possible, the work/ study session will be on regular Planning Commission meeting dates and shall be posted as a public meeting and open to the public.
3. Work/ Study Session items may include Land Development Code Amendments, Comprehensive Plan Updates and/ or Amendments, statute and legal issues of interest to the Planning Commission, and other items not considered to be regular agenda and public hearing items.

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2. If minutes of the previous meeting(s) are to be considered, the Chair shall ask if there are any changes or additions. Whether or not changes are needed, the

Chair shall ask for a motion to approve the minutes and the Commission members shall vote on the proposed motion.

3. The Chair shall conduct the hearing/ meeting in accord with the agenda unless a specific adjustment is made.
4. The Planning Commission public hearing/ meeting agenda—can include "consent" item(s), and such item(s) shall be placed on the agenda by the Commission's Executive Secretary. All consent items will occur as the first agenda item.
5. After calling the hearing/ meeting to order, and dealing with any administrative business, the Chair will read the case number and title of all cases on the consent agenda. The Chair will determine whether any Commissioner or member of the public would like to address the Commission on any consent agenda items. If any such indication is given, the case will be removed from the consent agenda. If items are removed from the consent agenda, the Chair will determine the nature of the concerns, and upon recommendation of the Planning Division, either place the case as the first item of the regular agenda as a business item if no public hearing is required or reschedule the case to the next available Planning Commission public hearing date for which noticing requirements can be met.
6. Following the above steps, the Chair will seek a motion recommending approval of all remaining consent items to the Board of County Commissioners. Upon second, the motion will be called for a vote of the Commission.

D. Consideration of Land Use and/or Subdivision Cases

The following procedures shall apply to the consideration of land use and/or subdivision cases:

1. The Chair shall open the public hearing. The Chair has the discretion of limiting the time allotted for input from Staff, the applicant and the public. Generally, staff is limited to 5 minutes, the applicant to 15 minutes, and the public to 3 minutes each.
2. The Chair may inquire at the beginning of each matter on the agenda whether there are any procedural matters to be addressed by the Commission prior to addressing the merits of the application.
3. The Chair shall ask the applicable Staff member to introduce the case. Such introduction shall include:
  - a) Case Number
  - b) Case Name

- c) Name of Applicant
  - d) Description of Request
  - e) Location of the Request
  - f) Description of surrounding zoning, land use, staff analysis, findings, and recommendations which may be presented verbally or by reference to the written staff report.
  - g) The Staff report shall be part of the record.
4. The Chair may request that the applicant, as well as his or her representative, approach the Commission and identify themselves and give complete addresses.
  5. The Chair may ask the applicant to provide a brief description of his or her request, if the applicant desires.
  6. The Chair shall ask if any Commission member has questions relative to the request. These questions may be directed to the applicant or the Staff.
  7. The Chair shall then open the hearing for public testimony. All speakers will give their names and address prior to giving testimony. The Chair shall have discretion to limit the number of speakers, as well as the arguments presented, to avoid undue repetition and consumption of time.
  8. The applicant shall have an opportunity to answer questions and respond to conflicting testimony after all opposition has been heard. The applicant is limited to rebuttal of the conflicting testimony, and may not introduce new topics of testimony at this time. The opposition and the applicant may be allowed time for clarification of previous testimony at the discretion of the Chair. Dialogue between the applicant and those members of the public addressing the Commission shall not be permitted except upon approval of the Chair.
  9. The Chair shall ask if any Commission member has any comments and final questions relative to the testimony taken. Questions may be addressed to the applicant, other Commission members, the public, or the Staff.
  10. The Chair shall close the public testimony portion of the hearing.
  11. The Chair shall ask for discussion or a motion from the Commission. Upon proper motion and second, the Chair shall ask for further discussion on the motion. Any Commission or Staff member may be recognized for

comments on the motion. After all discussion has taken place, the Chair shall conduct a vote as provided in Section III of these Rules.

12. Voting on Land Use and/or Subdivision Cases shall be done at a public hearing of the Planning Commission. Any Planning Commissioner present may vote if he or she was present at, or reviewed the audio recording of, the prior hearing or hearings regarding the case. A quorum shall be necessary, and a simple majority thereon shall be required. The Commission's recommendation or decision shall contain reasonable findings of fact to support its recommendations or decisions.
13. The record of the Planning Commission transmitted to the Board of County Commissioners shall be sufficiently detailed to inform the Board of County Commissioners what transpired at the Planning Commission hearing.
14. No person participating in Planning Commission hearings may give testimony until recognized by the Chair. The Chair shall request any person or persons speaking out of order to wait until recognized by the Chair. In the event that individuals or groups fail to comply with the Chair's request, the Chair shall take such action as is necessary to maintain order. While such action may include continuing the meeting to a future date certain or adjournment of the meeting, these should be actions of last resort to avoid delaying completion of the noticed hearing and impacting the applicant's development schedule and other citizens in attendance.

E. Consideration of Comprehensive Plan Amendments

1. Amendment Procedure:  
As referenced in State Statutes and any other applicable the Arapahoe County Regulations.
2. Voting by Planning Commission to adopt Amendments:  
Voting on an amendment shall be done at a public hearing of the Planning Commission, which has sole authority to approve such amendments. Any Planning Commissioner present may vote if he or she was present at, or reviewed the audio recordings of, the prior hearing or hearings regarding the amendment. A quorum shall be necessary, and a simple majority thereon shall be required to pass an amendment.

F. Consideration of Location and Extent Cases:

1. Procedure shall be as for consideration of Land Use and/or Subdivision cases.
2. Planning Commission takes final action on Location and Extent applications. The Board of County Commissioners may also consider Location and Extent plans according to County Regulations.

## V. *SEVERABILITY*

If any section, sub-section, sentence, clause or phrase of these bylaws is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of these bylaws. The Planning Commissioners of Arapahoe County hereby declare that they would pass these Bylaws and each section, sub-section, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, or phrases be invalid.

*ADOPTED FEBRUARY 7, 1984*

*AMENDED NOVEMBER 1, 1985*

*AMENDED NOVEMBER 6, 1986*

*AMENDED FEBRUARY 4, 1992*

*AMENDED JULY 25, 1995 (Meeting Times)*

*AMENDED OCTOBER 1, 1996 (Consent Agenda Items)*

*AMENDED JULY 10, 2001 (Members, Voting, Recording Secretary)*

*AMENDED JUNE 16, 2009 (Definitions, procedures, clarifications, attendance)*

*AMENDED January 10, 2017 (Definitions, election of officers, attendance, record keeping, alternate motions, vote to continue hearing past a certain time, conduct of hearing)*