



**REGULAR MEETING OF THE  
 ARAPAHOE COUNTY PLANNING COMMISSION  
 OCTOBER 18, 2016 @ 6:30 P.M.**

**GENERAL BUSINESS ITEMS**

<b>APPROVAL OF THE MINUTES FROM SEPTEMBER 20, 2016</b>	<b>VOTE: Approved unanimously, as submitted.</b>
<b>APPROVAL OF THE MINUTES FROM SEPTEMBER 27, 2016</b>	<b>VOTE: Approved unanimously, as submitted.</b>

**REGULAR ITEMS**

<b>ITEM 1:</b>	<b>Case No. W16-001, Land Development Code Revisions Re: Solar (Case continued from 09-27-2016)</b>	
<b>LOCATION:</b>	Unincorporated Arapahoe County	<b>VOTE:</b>
<b>ACREAGE:</b>	N/A	<b>4 IN FAVOR</b>
<b>EXISTING ZONING:</b>	N/A	<b>1 OPPOSED</b>
<b>PROPOSED USE:</b>	Amendment would create an administrative process for Small Scale Solar Facilities	<b>2 ABSENT</b>
<b>APPLICANT:</b>	Arapahoe County	<b>ABSTAIN</b>
<b>CASE MANAGERS:</b>	Planner, Diane Kocis; Engineer, Spencer Smith	
<b>REQUEST:</b>	Request a positive referral for a Land Use Code amendment	<input type="checkbox"/> <b>CONTINUED TO:</b>
<b>MOTION SUMMARY:</b>	Recommended approval with staff findings and conditions; BOCC action required.	
<b>ITEM 2:</b>	<b>Case No. W15-003, Seasonal Farm and Ranch Events / Land Development Code Amendment</b>	
<b>LOCATION:</b>	Unincorporated Arapahoe County	<b>VOTE:</b>
<b>ACREAGE:</b>	N/A	<b>5 IN FAVOR</b>
<b>EXISTING ZONING:</b>	N/A	<b>0 OPPOSED</b>
<b>PROPOSED USE:</b>	Amendment to clarify Rodeo and Seasonal Farm and Ranch Events	<b>2 ABSENT</b>
<b>APPLICANT:</b>	Arapahoe County	<b>ABSTAIN</b>
<b>CASE MANAGERS:</b>	Zoning Administrator, Tammy King; Engineer, Cathleen Valencia	
<b>REQUEST:</b>	Request a positive referral for a Land Use Code Amendment	<input type="checkbox"/> <b>CONTINUED TO:</b>
<b>MOTION SUMMARY:</b>	Recommended approval with staff findings and conditions as updated in the September 26, 2016 staff report; BOCC action required.	<b>Date: _____</b>

**STUDY SESSION AGENDA ITEMS**

<b>ITEM 1</b>	<b>RURAL TRANSPORTATION FEE</b>	<b>DIRECTION/ACTION</b>
<b>CASE MANAGER:</b>	Bryan Weimer, Transportation Division Manager	<b>INFORMATIONAL</b>
<b>REQUEST:</b>	Discussions concerning: <ul style="list-style-type: none"> <li>Rural Transportation Fee</li> </ul>	

**ANNOUNCEMENTS:**

- The next regular Planning Commission meeting is scheduled for November 1, 2016 at CSU Extension Conference Room, East Entrance, 6934 S Lima St., Centennial, CO 80112.
- 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 - Present</b>
<b>Diane Chaffin - Absent</b>	<b>Jane Rieck - Present</b>	<b>Richard Sall - Absent</b>
<b>Brian Weiss, Chair Pro-Tem - Present</b>		

**MINUTES OF THE REGULAR MEETING OF THE  
ARAPAHOE COUNTY PLANNING COMMISSION  
TUESDAY, SEPTEMBER 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 Asst. County Attorney; Chuck Haskins, Engineering Services Division Manager; Sue Liu, Engineer; Sherman Feher, Senior Planner; Jason Reynolds, Current Planning Program Manager; Julio Iturreria, Long Range Planning Program 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>The motion was made by Ms. Rieck and duly seconded by Mr. Weiss to accept the minutes from the September 6, 2016 Planning Commission meeting, as presented.</b></p> <p><b>The motion passed unanimously.</b></p>
<b>REGULAR ITEMS:</b>	
<b>Item 1:</b>	<p><b>Case No. P16-011, Sky Ranch / Preliminary Plat (PP) – Sherman Feher, Senior Planner, Public Works and Development (PWD)</b></p> <p>It was noted Case Nos. P16-011 and Z16-003 would be presented at the same time, with a single public hearing; however, two separate motions would be required.</p> <p>Mr. Feher introduced the case. The original Sky Ranch Preliminary Development Plan (PDP) was approved in 2004 and the County approved a minor amendment in 2006. The proposal would reduce</p>

the dwellings from 750 to 525 in Neighborhood B (located in the western part of the project) and remove non-residential uses from Neighborhood B. The overall residential unit and non-residential square footage would remain the same – 4,000 residential units and 1.15 million square feet of non-residential uses for the entirety of the Sky Ranch development. The proposed Preliminary Plat establishes super blocks for Neighborhood B. Mr. Feher provided two additional referral comments: a letter of support from REAP and no objections from Anadarko, who owns mineral rights in a portion of Sky Ranch. Staff recommended approval.

The Planning Commission asked questions about water, the transfer of zoning between different owners, and the DRCOG urban growth boundary.

Staff replied that the State water engineer reviews the water at Final Plat and the county has received feedback that the State prefers not to see cases early. The 2004 Preliminary Development Plan (PDP) helped establish the water provided as well. Staff further explained that zoning stays with the land and doesn't go away if a new owner purchases the property.

Julio Iturreria, Long Range Planning, stated Sky Ranch has enough urban growth area to develop.

Mark Harding with PureCycle Corporation, the applicant, provided additional history of the project. The original developer had approached PureCycle Corporation, which is a water development company, about providing water to the project. PureCycle Corporation deed-restricted a portion of their water portfolio, so that it would be reserved for Sky Ranch. They were already connected to the property through that deed restriction and ended up purchasing the land interests as well. The purpose of the amendment is to zone the property for current market trends. He described some of the water infrastructure and water conservation measures the community would use.

Alan Cunningham from PCS Group, applicant's representative, showed a potential lot layout for Neighborhood B, which is in the western part of Sky Ranch. The proposal moves the non-residential uses closer to I-70 and increases the number of single-family detached homes in Neighborhood B. He noted that the proposed plan has more open space and more of a connected central park area than the previous approval.

The Planning Commission asked questions about land dedication for schools, the water system, the neighborhood design, location of nearby commercial, the future I-70 interchange, how water conservation would be enforced, the City of Aurora's letter recommending annexation, affordable housing, and potential chemicals in the water.

The applicant responded they would be dedicating land for two school sites in the project which would appear in later phases. He discussed the various pipelines, aquifers, the PureCycle Corporation water portfolio, and their participation in the WISE project with Aurora and other water providers. As part of the amendment, they did not update all of the neighborhood imagery on the plans but they would require a points system to ensure design diversity. The closest commercial is about 7 miles away on Tower Road and 11 miles away in Bennett but there is the opportunity for retail in this development when more houses are built. The first 525 units can be built without impacts to I-70 or the frontage road; they didn't do an interchange study (1601) because they're only good for 5 years and they didn't think they'd trigger the interchange in that window. They plan to enforce water conservation through water budgets based on irrigation design and projected demand derived from fixture counts in each house. They would also have a tiered rate structure based on that budget, which would incentive conservation. The applicant rebutted Aurora's letter, explaining that they've addressed water resources, that it was more likely Aurora traffic would drive past Sky Ranch to get to I-70 than for Sky Ranch traffic to drive through Aurora to the west, and that the project adheres to MetroVision – just as it did in 2004. The applicant said that *affordable* is a relative term. In today's market with entry level being slightly less than \$300,000, which is hard to deliver with land and materials costs. They would target the upper \$200's to low \$300's segment with 40-60 foot wide lots. The applicant discussed water testing protocols and said they had no hits on arsenic and they hadn't found any hits in their testing for volatile organic and synthetic organic compounds. If 1,4-Dioxane were a concern in this area, the applicant said CDPHE would require testing.

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

In response to a Planning Commission question, Sue Liu from Engineering Services said significant engineering/drainage concerns had been addressed but there are some minor issues to resolve. Neighborhood B is within SEMSWA jurisdiction but other parts of the project are not.

	<p><b>It was moved by Mr. Brummel and duly seconded by Mr. Sall, in the case of P16-011, Sky Ranch / Preliminary Plat, 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 September 13, 2016, and moved to recommend approval of this case to the Board of County Commissioners, subject to the following conditions:</b></p> <ol style="list-style-type: none"> <li><b>1. The applicant will make minor modifications to the plans and supporting documentation, as identified by Public Works and Development staff, prior to signature of the mylar.</b></li> <li><b>2. The applicant agrees to address all Division of Engineering Services' findings, comments and concerns, as identified within all related Engineering report (s).</b></li> <li><b>3. The applicant will be able to construct 774 residential dwelling units without filing a 1601 process with CDOT. No further development beyond the 774 residential dwelling units will be permitted until completion of the CDOT 1601 process.</b></li> <li><b>4. The applicant agrees to address all SEMSWA's comments and concerns.</b></li> <li><b>5. The applicant agrees to address all UDFCD's (Urban Drainage) comments and concerns.</b></li> <li><b>6. The applicant agrees to address all CDOT's comments and concerns.</b></li> <li><b>7. The applicant agrees to address all Bennett Fire Protection District's comments and concerns.</b></li> <li><b>8. The applicant will provide more water supply and demand information at the Final Plat process.</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><b>Item 1:</b></p>	<p><b>Case No. Z16-003, Sky Ranch / Preliminary Development Plan (PDP) – Sherman Feher, Senior Planner, Public Works and Development (PWD)</b></p> <p><b>It was moved by Mr. Brummel and duly seconded by Mr. Weiss, in the case of Z16-003, Sky Ranch / Preliminary Development Plan Amendment, that the Planning Commission read the staff report and received testimony at the public hearing and found</b></p>

	<p>themselves in agreement with staff findings, including all plans and attachments as set forth in the staff report, dated September 13, 2016, and moved to recommend approval of this case to the Board of County Commissioners, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The applicant will make minor modifications to the plans and supporting documentation, as identified by Public Works and Development staff, prior to signature of the mylar.</li> <li>2. The applicant agrees to address all Division of Engineering Services' findings, comments and concerns, as identified within all related Engineering report (s).</li> <li>3. The applicant will be able to construct 774 residential dwelling units without filing a 1601 process with CDOT. No further development beyond the 774 residential dwelling units will be permitted until completion of the CDOT 1601 process.</li> <li>4. The applicant agrees to address all SEMSWA's comments and concerns.</li> <li>5. The applicant agrees to address all UDFCD's (Urban Drainage) comments and concerns.</li> <li>6. The applicant agrees to address all CDOT's comments and concerns.</li> <li>7. The applicant agrees to address all Bennett Fire Protection District's comments and concerns.</li> <li>8. The applicant will provide more water supply and demand information at the Final Plat process.</li> </ol> <p>The vote was:</p> <p>Mr. Weiss, Yes; Ms. Rieck, Yes; Ms. Chaffin, Yes; Mr. Rader, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Mr. Rosenberg, Yes.</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 SPECIAL MEETING OF THE  
ARAPAHOE COUNTY PLANNING COMMISSION  
TUESDAY, SEPTEMBER 27, 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 Sall, and Diane Chaffin.</p> <p>Also present were: Robert Hill, Senior Asst. County Attorney; Diane Kocis, Oil and Gas Specialist, Jason Reynolds, Current Planning Program Manager; Julio Iturreria, Long Range Planning Program Manager, Larry Mugler, Demographic Planner, Alan White, Planning Project Specialist; 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. W16-001, Land Development Code Revisions RE: Solar – Diane Kocis, Oil &amp; Gas Specialist, Public Works and Development (PWD)</b></p> <p>Ms. Kocis requested a continuance to October 18, 2016 because the referral process had generated comments which required some revisions to the proposed code. She wanted the Planning Commissioners (PC) to have the most current version of the draft to consider.</p> <p>Mr. Hill said, since the case had been noticed for public hearing, the PC should open the hearing.</p> <p>Mr. Rosenberg said he had sent email to Mr. Reynolds asking about fact that we’re doing this because our process is much more difficult than other communities; all we know is that they have told us that.</p> <p>Ms. Kocis reported having reached out to other communities in before drafting the proposed code and Memorandum of Understanding (MOU).</p>

	<p>There was a discussion regarding small solar projects, which were 2 MW or less and around 20 acres in area.</p> <p><b>It was moved by Mr. Weiss and duly seconded by Mr. Sall, in the case of W16-001, Land Development Code Revisions re: Solar, to continue the hearing to October 18, 2016 at CSU Extension.</b></p> <p><b>The vote was:</b></p> <p><b>Mr. Weiss, Yes; Ms. Chaffin, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Mr. Rosenberg, Yes.</b></p>
<p><b>STUDY SESSION ITEMS:</b></p>	
<p><b>Item 1:</b></p>	<p><b>Comprehensive Plan Amendment Discussion – Julio Iturreria, Long Range Planning Manager</b></p> <p>Mr. Iturreria led a study session to discuss Comprehensive Plan Amendments in anticipation of an application / case requesting an amendment.</p>
<p><b>ADJOURNMENT</b></p>	<p>There being no further business to come before the Planning Commission, the meeting was adjourned.</p>

**ARAPAHOE COUNTY PLANNING COMMISSIONERS  
PUBLIC HEARING  
18 October 2016  
CSU Extension Office, 6:30 PM**

**W16-001 Land Development Code Amendment of Section 12-1900  
From Oil and Gas Facilities to Energy Facilities**

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Diane Kocis, Oil & Gas Specialist

October 6, 2016

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**PROPOSAL:**

Planning Staff proposes to modify the Land Development Code in order to provide an administrative process for the review and approval of other types of energy facilities, specifically small scale solar facilities.

Staff has prepared proposed changes to the Land Development Code, so that section 12-1900, formerly reserved for Oil & Gas Facilities, will be re-named as “Energy Facilities” and provide rules for both oil and gas facilities and solar facilities with a capacity of 2 MW or less.

**STAFF RECOMMENDATION:**

Staff recommends approval of Case Number W16-001 based on the findings outlined in this staff report and with the conditions as noted.

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**I. BACKGROUND INFORMATION**

This County-initiated application is to modify the existing Section 12-1900 of the Land Development Code (LDC), Oil and Gas Facilities, to a new section entitled “Energy Facilities”, in order to provide an expeditious application and review process for small scale solar facilities, where an applicant has executed an acceptable Memorandum of Understanding (MOU). Just as the existing code provides an administrative review process for oil and gas operators who sign an MOU, the proposed code changes would allow a similar administrative process for small scale solar facilities. Historically, review and approval of small-scale solar facilities through the Use by Special Review (USR) and dual hearing process have taken approximately five months of staff time, at an estimated cost to the County of \$15,000 in staff time. According to the solar companies, Arapahoe County’s land use review process currently takes much longer than in some comparable communities. Staff has determined that the application process takes two weeks or less in Jefferson County, six weeks or less in the City and County of Denver, and six weeks to two months in Pueblo County.

The intent of the Solar MOU is to provide the conditions under which an operator will develop and operate future community solar projects or newly expanded facilities in the county, in order to foster the efficient and economic production of renewable energy resources, to protect health, safety and welfare of county citizens, and to protect the environment and wildlife resources within the county, while at the same time providing

an expeditious administrative process for obtaining County land use approvals and permits for solar energy facilities. The terms Solar Energy “Facility” or “Facilities” are defined as including solar panels, racking structures, inverters, transformers, overhead or underground wiring, and associated roads for projects up to 2 MW in capacity.

The administrative process for oil and gas development applications, combined with an MOU, has been a success for both the oil and gas operators and staff. Under an administrative permitting process for oil and gas development, the oil and gas operators have agreed to some stricter stipulations, than what the State rules provide, in exchange for a more streamlined permitting process.

In the case of a Solar MOU and administrative permitting process, where staff would process small solar facility applications in six weeks or less, the County would save approximately \$15,000 in staff time because the application would not require a public hearing with either the Planning Commission or BOCC. It is, however, important to note two things: 1) that the administratively-processed applications would still receive the same level of scrutiny as applications for a full USR, and 2) the Public Works and Development (PWD) Director would retain the option of requiring a full USR for any administrative applications submitted that might have heightened impacts due to unique site conditions.

Funding decisions for solar projects typically need to be made in a timely manner. Going through a five- to six-month USR process removes the predictability of funding out of the solar company’s project planning process. Both Sunshare and Clean Energy Collective have presented applications to the Planning Commission in the past year. These companies are planning to submit four to five applications in the next six to 12 months. Additionally, several other sites in Arapahoe County are in lease negotiation for additional potential projects.

## **II. DISCUSSION AND FINDINGS**

While the solar companies would get an expedited permit review process under the proposed Solar MOU, similar to the Oil and Gas MOU, the County could require increased buffering for aesthetic mitigation where needed. The fee structure may also be amended. Fees would be evaluated and brought forward for BOCC approval as part of an updated fee schedule during an amendment to the LDC and would, if approved, apply to the Land Development application, GESC permit, Access permits, and Fence permits.

### **1. Comprehensive Plan and Align Arapahoe:**

The revisions proposed are consistent with the purpose and direction of the existing Section 12-1900 of the LDC in that these revisions provide additional language to guide small-scale solar development within the County.

Providing Community Solar Gardens fits with the Arapahoe County Comprehensive Plan strategy NCR 4.2(a): The County will support programs and education to reduce energy consumption, solar energy research and other clean energy programs, and energy-efficient building design and solar-oriented site planning.

The proposed amendment promotes the “quality of life” Align Arapahoe goal by addressing uses that may be appropriate within the unincorporated county and by providing renewable energy options for county residents.

## 2. Referrals and Public Notice

Staff published notices in both the I-70 Scout and The Villager regarding the proposed changes to the LDC and the September 27, 2016, Planning Commission hearing date and time. At that time, the Planning Commission continued the hearing, by motion, to October 18, 2016, date certain, which accomplishes noticing for the new hearing date.

Please see the following summary of referral comments.

### SUMMARY OF REFERRAL COMMENTS RECEIVED FOR W16-001

Tri-County Health Department	Commends the County – facilities “do not contribute to air/water pollution.”
Eastern Arapahoe County Advisory Planning Commission	One member responded with support for the proposed regulation, but questioned whether this much detail is necessary.
Douglas County Community Development Department	No comment, appreciates opportunity to review.
City of Centennial Community Development Department; City of Littleton; City of Lone Tree	No comment, appreciate opportunity to review.
IREA	Draft code updated based on their one comment: <i>“may require review by the jurisdictional electric utility if the project is to be interconnected with such utility’s system.”</i>
REAP	Good idea.
State Land Board	Supports proposed code. Seems efficient, yet comprehensive. In accordance with timing required under Xcel RFP process.
Xcel Energy (2) Right-of-Way	No conflict letter and letter stating full support.
Arapahoe County Engineering Services Division, PWD	Draft code updated based on Engineering Services comments.

### III. STAFF FINDINGS

Staff has reviewed the proposal and supporting documentation as well as referral comments, as detailed in this report. Based on review of applicable goals and policies as stated in the Comprehensive Plan, staff finds:

1. The proposed changes to Section 12-1900 within the Land Development Code appears to be in conformance with the Arapahoe County Comprehensive Plan.
2. Arapahoe County has the authority to amend provisions of the Land Development Code as proposed by this revision.

3. Modifications proposed comply with the applicable Land Development Code Amendment policies and procedures as set forth in the Land Development Code including public notification requirements. Notice was provided in both the Villager and the I-70 Scout newspapers.
4. The proposed changes promote the public health, safety, and welfare of the citizens of unincorporated Arapahoe County.

#### **IV. STAFF RECOMMENDATION**

In the event that the Planning Commission concurs with the Staff's findings, as stated above, and wishes to forward a recommendation for Approval of the modification of Section 12-1900, as proposed or with changes, Staff has recommended the following 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 Section 12-1900 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.

#### **V. DRAFT MOTIONS**

##### **A. Motion for Approval as Submitted:**

In the case of W16-001 – Land Development Code Amendment, Chapter 12 Specific Regulations, modification of Section 12-1900, Oil and Gas Facilities, the Planning Commission has read the proposed code amendment and staff report and has considered additional information presented during the public hearing. We find ourselves in agreement with Staff findings one (1) through four (4) set forth in the Staff report dated October 6, 2016, and recommend that the Board of County Commissioners **approve the amendment as submitted**, 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 and may relocate definitions to Chapter 19.
2. Modifications to Section 12-1900 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.

##### **B. Motion for Approval with Changes:**

In the case of W16-001 – Land Development Code Amendment, Chapter 12 Specific Regulations, modification of Section 12-1900, Oil and Gas Facilities, the Planning Commission has read the proposed code amendment and staff report and has

considered additional information presented during the public hearing. We find ourselves in agreement with Staff findings one (1) through four (4) set forth in the Staff report dated October 6, 2016, and recommend that the Board of County Commissioners **approve the amendment with the following changes** and with the following two (2) conditions of approval:

Changes to the proposed text:

1. *Changes to the text should be read as part of the motion to approve. The Planning Commission may note the nature of the change to be made and direct staff to finalize text prior to the hearing before the Board of County Commissioners.*
2. ....

Conditions of Approval:

1. Minor modifications to the text identified as necessary are required prior to incorporation of this Amendment into the existing LDC. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text.
2. Modifications to Section 12-1900 of the LDC will be effective and integrated into the existing Code upon approval by the Board of County Commissioners following a public hearing.

**C. Motion for Denial:**

In the case of W16-001 – Land Development Code Amendment, Chapter 12 Specific Regulations, modification of Section 12-1900, Oil and Gas Facilities, the Planning Commission has read the proposed code amendment and staff report and has considered additional information presented during the public hearing. We do not find ourselves in agreement with Staff findings set forth in the Staff report dated October 6, 2016, and therefore recommend the Board of County Commissioners **deny** the application **based on the following findings**:

1. *State new or amended findings to support a motion for denial as part of the motion.*

**D. Motion to Continue:**

In the case of W16-001 – Land Development Code Amendment, Chapter 12 Specific Regulations, modification of Section 12-1900 Oil and Gas Facilities, I move to **continue** the [public hearing for] [action on] this item to [Date, 2016], date certain, 6:30 p.m., at [this same location] [specify alternate location], [to obtain additional information] [to further consider information presented during the public hearing].

Attachments

- Proposed text revisions to the Arapahoe County Land Development Code, Section 12-1900
- List of referral agencies contacted.
- Letters of Support from Xcel Energy, Sunshare and the Clean Energy Collective.

## **SECTION 12-1900 ENERGY FACILITIES**

### **12-1901 INTENT and APPLICABILITY**

- A. The intent of this Section 12-1900 is to describe the Use by Special Review process and approval criteria for Energy Facilities. Notwithstanding any other language in the Land Development Code to the contrary, an Energy Facility or related site preparation or development, including any such Facility that requires a Colorado Oil and Gas Conservation Commission (“COGCC”) permit, may not commence without first obtaining Use by Special Review approval, regardless of the zone district or category in which the operation will be located. Energy Facilities are specifically allowed in all zone districts, including Planned Unit Developments, subject to Use by Special Review approval and subject to obtaining other required permits and approvals, unless and to the extent otherwise stated in these regulations.
- B. The administrative Use by Special Review and the Memorandum of Understanding process available as provided under this Section of the Land Development Code shall apply only to an Oil and Gas Facility or Facilities as defined in Chapter 19 of this Land Development Code and to Solar Facility or Facilities as defined in Chapter 19 of this land Development Code.
- C. Nothing in this Section of the Land Development Code is intended to waive or modify any applicable provision of the Arapahoe County Regulations Governing Areas and Activities of State Interest (1041 Regulations).

### **12-1902 RELATIONSHIP TO SECTION 13-900**

This Section provides an Administrative Use by Special Review approval process for Energy Facilities where an applicant has executed an acceptable Memorandum of Understanding (“MOU”) with the County and meets other administrative approval criteria, as set forth in further detail below. An Administrative USR is not available for any Solar Facility or Facilities that exceed two megawatts (2 MW) in power generation or twenty (20) acres in solar panel field area. In the event that an applicant has executed an MOU and obtains approval for an Administrative Use by Special Review for a particular Energy Facility, compliance with the procedures and criteria in Section 13-900 (Use by Special Review) is not required. In other situations, in order to obtain Use by Special Review approval, the applicant must comply with the provisions of Section 13-900 (Use by Special Review), except to the extent modified in 12-1912 of this Section or waived by the Public Works and Development Department (“PWD”) Director or the Board of County Commissioners (“Board”) in accordance with the authority provided in this Land Development Code.

### **12-1903 ADMINISTRATIVE APPROVAL CRITERIA**

In order to obtain Administrative Use by Special Review approval, an Energy Facility shall first satisfy the following criteria, except to the extent waived by the PWD Director or by the Board:

#### **12-1903.01 Memorandum of Understanding**

An MOU acceptable to the County must have been executed by the applicant and the County and currently be in full force and effect, and the Energy Facility as proposed must be in compliance with the provisions of the MOU.

#### **12-1903.02 Satisfy Submittal Requirements**

The application and exhibits for the Administrative Use by Special Review must satisfy all applicable submittal requirements in this Section.

#### **12-1903.03 Environmental/Public Health and Safety Impacts**

The Energy Facility as proposed for approval shall not involve any site specific conditions that present significant and material impacts to public health, safety or welfare, or the environment, that cannot be adequately mitigated through conditions agreed to by the applicant in the MOU or by conditions imposed upon the Administrative Use by Special Review approval.

#### **12-1903.04 Emergency Service Providers**

The Energy Facility applicant must provide a commitment to serve (“will serve”) letter from the authority having jurisdiction for providing emergency services (fire protection and emergency medical services) for that facility, or, where no authority has jurisdiction, from an emergency services provider with the ability to provide such emergency services.

### **12-1904 ADMINISTRATIVE PROCESS**

#### **12-1904.01 Pre-Submittal Meeting**

Prior to submitting an application for an Administrative Use by Special Review for an Energy Facility, the applicant is required to attend a pre-submittal meeting with representatives of the PWD, unless waived. At the pre-submittal meeting the applicant will receive direction from County staff that will assist in preparing a complete application for submittal to the County. The applicant will need to obtain a list of applicable referral entities that will be sent a referral packet.

#### **12-1904.02 Review for Completeness**

Upon receipt of an Energy Use by Special Review application and fee, referral packets and associated application materials, the Planning Division staff of the PWD shall review the materials submitted to determine if the application is complete and consistent with the standards set forth in this Section.

#### **12-1904.03 Concurrent Referral and Review**

County staff will refer the complete application for a fourteen (14) working day review by the various divisions of the PWD and the County Attorney's Office, as deemed appropriate. An application may require review by outside agencies such as the U. S. Army Corps of Engineers, if the project impacts a floodplain, and may also be referred to any life-safety providers, adjacent jurisdictions, local public health department, and others as may be deemed appropriate. An application may require review by the jurisdictional electric utility if the project is to be interconnected with such utility's system.

#### **12-1904.04 Address Deficiencies**

The applicant will be notified of any outstanding issues in connection with application materials upon completion of this review and will be required to address any issues or deficiencies in connection with the application materials. If necessary, a meeting will be held to discuss any issues that need to be resolved. If necessary, the applicant will then submit an amended application, plan or other submittals, as appropriate, to the County for verification that deficiencies have been addressed by the

applicant. If the above described outstanding issues cannot be resolved, the PWD Director may refer the case to the Board for its consideration.

#### **12-1904.05 Final Review**

Upon acceptance of the final copy of the application and exhibits by the PWD, the application materials will be forwarded for final review by the PWD Director.

### **12-1905 ADMINISTRATIVE SUBMITTAL REQUIREMENTS**

A Submittal Requirements Matrix is available from the Planning Division outlining the complete list of submittal items and the proper number of documents. Other submittal requirements may be required based on Public Works and Development Department reviews. The following items are required as part of an Energy Facility application submittal:

#### **12-1905.01 Pre-Submittal Notes or Waiver**

Notes from the pre-submittal meeting pertaining to the application, or signed waiver of pre-submittal meeting form.

#### **12-1905.02 Application Form**

A completed Energy Facility application form. Application forms are available from the PWD.

#### **12-1905.03 Application Fees**

Application Fee Schedules are available from the PWD.

#### **12-1905.04 Plan**

An Energy Facility Plan drafted in accordance with 12-1906 of this Section.

#### **12-1905.05 Engineering Documents**

The following Technical Engineering documents are required by the Engineering Services Division of the PWD unless otherwise waived by the Engineering Services Division staff:

##### **12-1905.05.01 Construction Plans**

If applicable, Construction Plans for the proposed Energy Facility public improvements including road plan and profile sheets, storm drainage improvements plans and other public improvements, prepared in accordance with the latest version of the Arapahoe County Infrastructure Design and Construction Standards and Stormwater Management Manual.

##### **12-1905.05.02 Pavement Design Report**

If applicable, a Pavement Design Report prepared in accordance with the latest version of the Arapahoe County Infrastructure Design and Construction Standards.

##### **12-1905.05.03 Grading Erosion and Sediment Control**

If applicable, a Grading, Erosion, Sediment Control Report and Plan as defined in the latest version of the Arapahoe County Grading, Erosion, and Sediment Control (“GESCC”) Manual.

##### **12-1905.05.04 Truck Traffic Report and Traffic Impact Study**

If applicable, a Truck Traffic Report and Traffic Impact Study, prepared in accordance with the latest version of the Arapahoe County Infrastructure Design and Construction Standards for Traffic Impact Studies.

**12-1905.05.05 Drainage Study/Technical Drainage Letter/Plan**

If applicable, a Drainage Study/Technical Drainage Letter/Plan prepared in accordance with the latest version of the Arapahoe County Stormwater Management Manual.

**12-1905.05.06 Floodplain Modification Study**

The Energy facility shall be in compliance with the floodplain and drainage requirements of the Land Development Code. A Floodplain Modification Study prepared in accordance with the latest version of the Arapahoe County Stormwater Management Manual, if the proposed Energy Facility construction disturbance or operation encroaches into the 100-year floodplain or major drainageway, or the access is crossing a major drainageway as defined by the latest version of the Arapahoe County Stormwater Management Manual.

**12-1905.06 Surface Owner Documentation**

Documentation, if any, as to whether the surface owner has authorized the proposed Energy Facility. Applicants for a Solar Facility or Facilities where the owner of the proposed facility or facilities is not the owner of the underlying real estate shall provide a copy of the lease or other legal documentation from the owner authorizing the Facility or Facilities on the property.

**12-1905.07 Additional Information**

Additional information may be requested by the PWD Department as deemed appropriate to process the application and the PWD Director may also waive the submittal of any information required above as deemed appropriate.

**12-1906 OPERATIONS PLAN**

**12-1906.01 Plan Format**

All plans will be 11" x 17" (for areas less than one acre) or 24" x 36" (for areas greater than one acre) format. No plans shall contain copyright restrictions or public use restrictions.

**12-1906.02 Cover Sheet**

The cover sheet shall have a title block with the reference to an Administrative Use by Special Review, project name, and location by section, township and range. The cover sheet shall also include a legal description of the area, date of the drawing, existing zoning of the site, a sheet key, a vicinity map with north arrow (scale of 1" = 2,000' preferred) with an emphasis on the major roadway network within two (2) miles of the proposal, and all applicable County notes, an approval signature block and a block to insert the State of Colorado permit number when approved and when applicable. Upon approval, the first sheet will be signed by the PWD Director.

**12-1906.03 Impact Area Map**

The second sheet shall contain an Impact Area Map that shows the proposed location of the Energy Facility, locations of all existing energy facilities or equipment within the one-mile impact area, locations of all water wells within ½ mile of the proposed Energy Facility, site access, and all existing and proposed roads within the one-mile impact area. For purposes of this paragraph, energy facilities or equipment shall include, but not be limited to, other oil and gas facilities, other solar facilities, power transmission lines, electric substations, natural gas transmission lines, and other similar such energy facility equipment or energy production sites.

**12-1906.04a Operation Plan for Oil & Gas Facilities**

The third sheet shall provide a site plan of drilling operations and drilling equipment with existing and proposed finished-grade topography at two-foot (2') contours or less tied to NAVD 88. The

layout of the equipment may be shown as a typical plan, if the County deems it appropriate for the extent of development of the proposed Oil and Gas Facility.

**12-1906.04b Operation Plan for Solar Facilities**

The third sheet shall provide a site plan of operations and equipment with existing and proposed finished-grade topography at two-foot (2') contours or less, tied to NAVD 88. The layout of the equipment may be shown as a typical plan, if the County deems it appropriate for the extent of development of the proposed Solar Facility.

**12-1906.05a Production Plan for Oil & Gas Facilities**

The fourth sheet shall provide a site plan of production operations with production equipment (stays in) with existing and proposed finished-grade topography at two-foot (2') contours or less tied to NAVD 88. A seed mix shall be provided for reseeding the project area. Equipment layout may be a typical plan appropriate to the degree of development for the Energy Facility submitted for approval.

**12-1906.05b Production Plan for Solar Facilities**

A production plan for Solar Facilities is not applicable; however, a seed mix shall be provided on the Operation Plan for reseeding the project area upon decommissioning the facility.

**12-1906.06 Signage Plan/Sign Detail**

A dimensioned Signage Plan or Sign Detail shall be included on one of the sheets describing and illustrating the appearance, size, location, type, color, material, and illumination of all signs. Directional signs for emergency responders and inspectors shall be included, along with a 24-hour, 7-days per week contact information to deal with all noise, traffic, or other complaints.

**12-1906.07 Approved Plan**

Once the review process is complete and staff has determined that all outstanding issues have been resolved, staff will request a final copy of the Operations Plan. The final copy of the Approved Energy Operations Plan shall be on paper (as opposed to Mylar). The drawing shall contain the information listed above unless otherwise specified by the County staff.

**12-1907 NOTICE OF APPLICATION REQUIREMENTS**

The applicant shall provide written notification by U.S. Mail to owners of parcels adjacent to the parcel on which the Energy Facility is proposed that an application for an Administrative Use by Special Review for an Energy Facility has been filed with the County. The Notice of Application shall meet the format prescribed by the County and shall be mailed at or no more than 30 days before the time of filing the application with the County. The property owner of record, as identified in the County Assessor's property records, shall provide the basis for notifications.

**12-1908 APPROVAL/DENIAL OF ADMINISTRATIVE USE BY SPECIAL REVIEW**

**12-1908.01 Action to Approve, Conditionally Approve or Deny**

Unless there are any issues that have not been resolved by the applicant, the County will exercise its best efforts to process the Administrative Use by Special Review for an Energy Facility within thirty (30) working days from the date of complete submittal by the applicant, or at such time as proof of any applicable State of Colorado permit approval is provided, whichever is later. The Administrative Use by Special Review can be administratively approved, approved with conditions or denied.

Written notice of the decision shall promptly be provided to the applicant, and, if denied, the notice shall include a statement of the reason(s) for denial. The thirty (30) working day timeframe counts only as the County's processing time and does not include the applicant's response time.

#### **12-1908.02 PWD Director's Discretion to Refer to the Board**

In lieu of the PWD Director making a decision on an application, the Director has the discretion to refer any application for Administrative Use by Special Review or amendment thereto to the Board for its consideration and decision at a public hearing. In such event, the Board shall make its determination based upon the requirements of this Section; however, unless waived by the Board, compliance with the notice requirements set forth in Sections 13-905.02 A. and 13-905.03 B. is required prior to the Board hearing. At such public hearing, the Board may approve, approve with conditions, or deny the application.

#### **12-1908.03 Expiration of Approval**

An approval of the Administrative Use by Special Review for Energy Facilities shall only be valid for five (5) years unless the Energy Facility is substantially commenced prior to the expiration of such timeframe.

#### **12-1908.04 Permits Required Prior to Commencement of Operations**

If applicable, a Street Cut and Right-of-Way Use Permit, GESC Permit, and Oversize/Overweight Vehicle Permit shall be required prior to the development of an Energy Facility. A Floodplain Development Permit shall be required prior to any work within a floodplain. A Building Permit may be required prior to construction of certain structures within the Energy Facility.

### **12-1909 APPEAL OF DECISION ON APPLICATION FOR ADMINISTRATIVE USE BY SPECIAL REVIEW**

An applicant may appeal the PWD Director's denial of an application for an Administrative Use by Special Review for an Energy Facility, or any conditions of approval, to the Board of County Commissioners for a *de novo* hearing. The applicant must file the appeal within fourteen (14) calendar days of the date of the Director's decision by submitting a letter of appeal to the Planning Division Manager. Thereafter, the matter will be scheduled on the next available agenda of the Board. At such hearing, the Board may affirm, reverse or modify the decision of the PWD Director, based upon the criteria set forth in Section 12-1903.

### **12-1910 MOU PROVISIONS AS CONDITIONS OF APPROVAL**

An approval of an Administrative Use by Special Review for an Energy Facility shall automatically include as conditions of approval all provisions of the MOU executed by the applicant, except to the extent waived by the PWD Director or the Board.

### **12-1911 ADMINISTRATIVE AMENDMENT**

If the applicant or operator proposes changes from the plans approved through the Administrative Use by Special Review, including and not limited to any changes in the source or location of water to be used by the Energy Facility, the applicant or operator is required to submit an amendment to the application showing the changes, unless such requirement has been waived by the PWD Director. The proposed amendment will be reviewed by PWD staff and, if applicable, PWD Staff may require additional information. The amended application will need to meet all requirements of this Section and be approved

in writing by the PWD Director, or the Board (if the Board approved the original application), prior to implementation.

## **12-1912 NON-ADMINISTRATIVE APPROVAL PROCESS**

Use by Special Review approval for an Energy Facility may also be requested through the process described in Section 13-900 of this Code, subject to the following modifications:

### **12-1912.01 Plan Format**

The site plan shall comply with the requirements of Section 12-1904 above in lieu of the provisions of Section 13-904. In addition, the final document shall be submitted in paper form instead of Mylar, notwithstanding the language of Section 13-905.06.

### **12-1912.02 Other**

The applicant shall not be required to submit a letter from a water and sanitation district, notwithstanding the language of Section 13-903.07, and shall not be required to comply with Section 13-903.08.

**12-1912.03 Expiration of Approval** An approval of a Use by Special Review shall only be valid for five (5) years unless the Energy Facility is substantially commenced prior to the expiration of such timeframe.

## **12-1913 STATE AND COUNTY APPROVALS REQUIRED**

Development of the Energy Facility shall not commence until and unless any required permits from the state, and a Use by Special Review (administrative or non-administrative) from the County, have both been approved.

**List of Referral Agencies Case Number W16-001**

Land Development Code Amendment Section 12-1900 from Oil and Gas Facilities to Energy Facilities

**Arapahoe County Agencies**

Assessor's Office  
Building  
Engineering  
Mapping  
Oil and Gas  
Open Spaces  
Sheriff's Office  
Zoning

**Referral Agencies**

City of Aurora  
Town of Bennett  
City of Centennial  
City of Cherry Hills Village  
Town of Columbine Valley  
Town of Foxfield  
City of Glendale  
City of Greenwood Village  
Town of Deer Trail  
City of Denver  
City of Englewood  
City of Littleton  
City of Lone Tree  
Town of Parker  
City of Sheridan

Colorado Parks and Wildlife  
Colorado State Land Board

Adams County  
Douglas County  
Elbert County  
Jefferson County  
Weld County

Tri-County Health Department  
Regional Economic Advancement Partnership (REAP)  
Eastern Arapahoe County Planning Advisory Commission

**Water/Sanitation/Stormwater/Wetlands**

US Army Corps of Engineers  
Urban Drainage

**Utilities**

Centurylink  
IREA  
XCEL Energy



Arapahoe County Public Works and Development  
6924 South Lima Street,  
Centennial, CO 80112

September 20, 2016

To Whom It May Concern:

For the last several months SunShare has been working alongside Arapahoe County Public Works and Development with the idea of implementing a Memorandum of Understanding (MOU) to streamline USR permit submittals for solar gardens. The idea originated after successfully developing two solar gardens in Arapahoe County and successfully completing the USR process. With each project we received either positive comments or no comments from referral parties, the projects themselves are very low impact, and everybody seems to be in favor of them. As long as we established pre-defined design and site selection criteria than solar gardens could go through a less cumbersome review process.

SunShare has worked in dozens of jurisdictions in CO and MN and have found Arapahoe County's current USR review process to be one of the longest and most cumbersome. All planning and engineering staff is very helpful and receptive to our projects, the process is just unnecessarily long and complicated. Approving the MOU would put Arapahoe County in a position of efficiency which will help with staffing resources and additionally would attract additional solar development to the county. We think this will be a win for all parties involved without any compromise in design criteria.

SunShare has a pipeline of several more Arapahoe County solar gardens in plans to develop in the coming years. We plan to actually submit a new project located on East Quincy known as Quincy II Solar Garden. We will also likely submit 2-3 more projects in early 2017. From what I hear, several other solar developers are also targeting Arapahoe County for small solar garden projects as well. The timing is good to approve the MOU as the rush of solar development seems to be imminent.

We look forward to continuing to work with Arapahoe County in all facets. Please let us know what questions you have.

Best Regards,

Jon Sullivan  
Director of Project Development  
[jon@mysunshare.com](mailto:jon@mysunshare.com)  
303-718-3291

September 16, 2016

Ms. Diane Kocis  
Arapahoe County Planning Division  
6924 South Lima Street  
Centennial, CO 80112

Re: Administrative Review and Approval for Solar Energy Production Facilities

Dear Ms. Kocis,

I recently processed a Use by Special Review application for a 2 MW solar power generation facility in Arapahoe County. While the process went smoothly, Clean Energy Collective would certainly support an administrative process for review and approval for solar facilities.

Having worked with the Arapahoe County Planners on various land use applications through the years, I can attest to their professionalism and attention to detail that would be required for such an administrative process for reviewing and approving solar facilities. Several counties along the Front Range had gone to such a process and it seems to be working very well for both the counties and the solar industry. I was recently involved in assisting Weld County review and modify their land use process for solar installations. After Weld County approved their new land use process, I filed an application for a 2 MW solar installation and found their new processes and procedures to work quite well. Jefferson County has also recently modified their land use regulations to be an administrative process and a permitted use in most zone districts.

Clean Energy Collective is fully supportive of your efforts and I would like to offer to help the Arapahoe County Planning staff with the modifications to their land use regulations, if such assistance is desired. I am also available to speak at any Planning Commission or Board of County Commissioners' public hearings, if you think that would be helpful. Please keep me updated on your progress and let me know if I can be of any assistance with this effort.

Best regards,



Richard L. Miller, AICP  
Land Manager  
e-mail: richard.miller@easycleanenergy.com  
Phone: 303.809.2128



The Clean Energy Collective is a new idea in power generation. A member-owned cooperative venture that builds and operates centralized clean power-generation facilities at the community level.

go ahead. power up.



1800 Larimer Street  
Denver, Colorado 80202

1-800-895-4999  
xcelenergy.com

September 23, 2016

Diane Koris

Arapahoe County Planning Division

E-mail: [dkocis@arapahoegov.com](mailto:dkocis@arapahoegov.com)

Phone: (720) 874-6751

**Dear Arapahoe County Planning Division,**

This letter is in response to express Xcel Energy's full support for Arapahoe County's Land Development amendment that would allow for administrative permitting process for small scale solar facilities of 2MW or less. Please let us know if or how we can support this effort on a go forward basis.

A handwritten signature in cursive script, reading 'Lyndsay A. McDonald'.

Lyndsay A. McDonald  
Associate Program Manager  
Colorado Solar\*Rewards, Xcel Energy  
Email: [Lyndsay.McDonald@xcelenergy.com](mailto:Lyndsay.McDonald@xcelenergy.com)

**ARAPAHOE COUNTY PLANNING COMMISSIONERS**  
**PUBLIC HEARING**  
**18 October 2016**  
**6:30 PM**

**W15-003 Land Development Code Amendment to Chapters 4, 5 and 19  
Seasonal Farm and Ranch Events**

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Tammy King, Zoning Administrator

26 September 2016

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**PROPOSAL:**

Planning Staff proposes to update Chapters 4, 5 and 19 to better define parameters and thresholds for Seasonal Farm and Ranch Events.

**STAFF RECOMMENDATION:**

Staff recommends approval of Case Number W15-003 based on the findings outlined in this staff report and with the conditions as noted.

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**I. BACKGROUND INFORMATION**

This County-initiated application to amend the Land Development Code is to update the existing Chapters 4 (Agricultural Zone Districts), 5 (Rural Residential Zone Districts) and 19 (Definitions) with new verbiage, thresholds and requirements in order to better address the range of Seasonal Farm and Ranch Events for which applications have been received in recent years. This draft amendment was the result of a meeting with concerned citizens held at the Longhopes Donkey Shelter on 5 May 2016 and provides the following:

- Amending definition of Seasonal Farm and Ranch Events to clarify what is permitted
- “Seasonal” will be removed from term Farm and Ranch Events
- Distinguishes between Farm and Ranch Events and Rodeo
- Rodeos will be required to receive an approved Special Exception Use through the Board of Adjustment.
- Redefines “Rodeos” to remove prohibitions that are difficult to enforce and may be beyond the County’s authority under state law to prohibit

In addition, the original proposal was to eliminate the definition of “Rodeo,” as this type of event is proposed to be included under “Seasonal Ranch and Farm Events.” However, on further consideration, staff is recommending the definition of “Rodeo” be retained and streamlined based on other changes in the code.

**II. DISCUSSION AND FINDINGS**

Staff reviewed this application for compliance with the Comprehensive Plan and Zoning Regulations and reviewed all background activity and comments from referral agencies. A summary of the analysis is as follows:

### **1. Comprehensive Plan and Align Arapahoe:**

The revisions proposed are consistent with the purpose and direction of the Comprehensive Plan in that these revisions provide additional language to guide development within the County, specifically meeting Strategy GM 2.2(a), which provides direction to amend the County's Development Regulations to Achieve Consistency with the Comprehensive Plan. These modifications to amend Chapters 4, 5 and 19 of the Land Development Code with new verbiage, thresholds and requirements are consistent with this guidance.

The proposed amendment promotes the "fiscal responsibility" and "quality of life" Align Arapahoe goals by addressing uses that may be appropriate within rural areas of the county, either as permitted uses or with additional review and conditions through the Temporary Use Permit process defined in 12-600 of the Land Development Code, and by prohibiting uses where impacts would be difficult to mitigate.

### **2. Referrals:**

- Staff sent out referral letters to the attached list of referral agencies and individuals requesting that referral responses be submitted during the outside referral comment period, from February 12, 2016 to March 11, 2016.
- Planning Commission hearing was held on 19 April 2016, and the meeting was continued until a time staff could meet with concerned citizens
- Staff met with several eastern concerned citizens at Longhopes Donkey Shelter on 5 May 2016. Staff and legal revised the proposal and sent back out for referral to the concerned citizens and received 100% concurrence.

## **III. STAFF FINDINGS**

Staff has reviewed the proposal and supporting documentation and referral comments, as detailed in this report. Based on review of applicable goals and policies as stated in the Comprehensive Plan, staff finds:

1. The proposed changes to the referenced Chapters 4, 5 and 19 within the Land Development Code (LDC) are in conformance with the Arapahoe County Comprehensive Plan.
2. Arapahoe County has the authority to amend provisions of the LDC as proposed by this revision.
3. Modifications proposed comply with the applicable LDC Amendment policies and procedures as set forth in the LDC, including public notification requirements. Notice was provided in both the Villager and the I-70 Scout newspapers.
4. The proposed changes promote the public health, safety, and welfare of the unincorporated county.

#### **IV. STAFF RECOMMENDATION**

In the event that the Planning Commission concurs with the Staff's findings, as stated above, and wishes to forward a recommendation for Approval of the amendment to Chapters 4, 5 and 19, as proposed or with changes, Staff has recommended the following 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 4, 5 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.

#### **V. DRAFT MOTIONS**

##### **A. Motion for Approval as Submitted:**

In the case of W15-003 – Land Development Code Amendment to amend Chapters 4, 5 and 19 to address Seasonal Farm and Ranch Events, the Planning Commission has read the proposed code amendment and staff report and has considered additional information presented during the public hearing. We find ourselves in agreement with Staff findings one (1) through four (4) set forth in the Staff report dated April 8, 2016, and recommend that the Board of County Commissioners **approve the amendment as submitted, including retaining and modifying the definition of Rodeo**, 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 4, 5 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.

##### **B. Motion for Approval with Changes:**

In the case of W15-003 – Land Development Code Amendment to amend Chapters 4, 5 and 19 to address Seasonal Farm and Ranch Events, the Planning Commission has read the proposed code amendment and staff report and has considered additional information presented during the public hearing. We find ourselves in agreement with Staff findings one (1) through four (4) set forth in the Staff report dated April 8, 2016, and recommend that the Board of County Commissioners **approve the amendment with the following changes** and with the following two (2) conditions of approval:

Changes to the proposed text:

1. *Changes should be read as part of the motion to approve. The Planning Commission may generally note the changes to be accomplished and direct staff*

to modify the text with language determined to accomplish the intended purpose prior to forwarding the recommendation to the BOCC.

2. ....

Conditions of Approval: Any changes to the following conditions should be stated as part of the motion.

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 Chapter 4, 5 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.

**C. Motion for Denial:**

In the case of W15-003 – Land Development Code Amendment to amend Chapters 4, 5 and 19 to address Seasonal Farm and Ranch Events, the Planning Commission has read the proposed code amendment and staff report and has considered additional information presented during the public hearing. We do not find ourselves in agreement with Staff findings set forth in the Staff report dated April 8, 2016, and therefore recommend the Board of County Commissioners **deny** the application **based on the following findings**:

1. As part of the motion, state new or amended findings to support a motion for denial.

**D. Motion to Continue:**

In the case of W15-003 – Land Development Code Amendment to amend Chapters 4, 5 and 19 to address Seasonal Farm and Ranch Events, I move to **continue** the [public hearing for] [action on] this item to [Date, 2016], date certain, 6:30 p.m., at this same location, [to obtain additional information] [to further consider information presented during the public hearing].

Attachments

- Proposed text revisions to the Arapahoe County Land Development Code, Chapters 4, 5 and 19, including updated revision to the definition of Rodeo – Red-lined to show changes from currently adopted text.
- Proposed text revisions – Clean copy as proposed to be amended.

**CASE W15-003**

**RODEO.** An event comprising ~~of~~ activities for competition, entertainment or display of skills including, but not limited to, horseback riding, bronco riding, steer wrestling, calf roping and/or riding, bulldogging, ~~steer tailing, horse tripping,~~ and barrel racing. Horse racing is not considered a rodeo activity. User fees, dues, admission fees, or other compensation may be paid, but compensation is not a required element to define an event as a rodeo. Food and/or alcohol may be bought or sold on the premises, subject to meeting any State or local health and safety regulations and/or licensing requirements. ~~Steer tailing and/or horse tripping are prohibited within unincorporated Arapahoe County.~~

**~~SEASONAL~~ FARMING OR RANCHING EVENTS.** Events related to or occurring in the course of farming and ranching, ~~taking place during, or dependent upon a particular season. Uses may include but not be limited to: rodeos, equestrian events, ancillary sales and previewing of livestock and training of small groups.~~ Events may take place during or be related to a particular season, but need not be dependent on a particular season. Uses at such Events may include but are not limited to: livestock or farming activity displays, farming or gardening classes for small groups, roping, riding or other equestrian events or demonstrations, incidental sales of ranch or farm produced goods, ancillary sales and previewing of livestock and training of small groups. Practice or group trainings for individual rodeo events may be conducted as Farming or Ranching Events; provided, however, that performance of multiple rodeo events in a venue at which user fees, dues, admission fees, or other compensation is charged to spectators for admission does not constitute a Farming or Ranching Event.

Rodeo	SEU	SEU
<del>Seasonal</del> Farming or Ranching Events	P	P

## Tammy King

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**Subject:** FW: W15-003 Seasonal Farm and Ranch Referral

**From:** Andrea Mimnaugh [mailto:amimnaugh@littletongov.org]

**Sent:** Friday, September 16, 2016 3:26 PM

**To:** Tammy King <TKing@arapahoegov.com>

**Subject:** Re: W15-003 Seasonal Farm and Ranch Referral

Tammy,

The City of Littleton has no comments on the seasonal farm and ranch code changes. Thank you for the referral.

Andrea

**Andrea Mimnaugh, AICP**

Planning Manager

Community Development

2255 W. Berry Avenue

Littleton, Colorado 80120

303-795-3719

[www.littletongov.org](http://www.littletongov.org)

[Twitter](#) | [Facebook](#) | [YouTube](#)



## Tammy King

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**Subject:** FW: W15-003 Seasonal Farm and Ranch Referral

**From:** Kaufman Brooks [mailto:BKaufman@Irea.Coop]  
**Sent:** Monday, September 19, 2016 7:18 AM  
**To:** Tammy King <TKing@arapahoegov.com>  
**Subject:** RE: W15-003 Seasonal Farm and Ranch Referral

The Association has reviewed the contents in the above-referenced referral response packet. We reviewed the project for maintaining our existing facilities, utility easements, electric loading, service requirements and environmental impact.

The Association has no comments at this time.

Brooks Kaufman  
Lands and Rights-of-Way Director  
Intermountain Rural Electric Association  
5496 N U.S. Hwy 85  
P.O. DRAWER A  
Sedalia, CO 80135  
Office (303) 688-3100 ext 5493  
Direct (720) 733-5493  
Fax (720) 733-5868  
Cell (303) 912-0765  
[bkaufman@irea.coop](mailto:bkaufman@irea.coop)

P please consider the environment before printing



## Tammy King

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**Subject:** FW: W15-003 Seasonal Farm and Ranch Referral

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**From:** Hans Friedel [mailto:Hans.Friedel@cityoflonetree.com]

**Sent:** Friday, September 16, 2016 1:57 PM

**To:** Tammy King <TKing@arapahoegov.com>

**Subject:** RE: W15-003 Seasonal Farm and Ranch Referral

Tammy,

Thank you for the referral opportunity. Lone Tree has no comment on these proposed changes.

Regards,

**Hans G. Friedel**

Planner III

City of Lone Tree

9220 Kimmer Drive, Suite 100

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720.509.1271

[hans.friedel@cityoflonetree.com](mailto:hans.friedel@cityoflonetree.com)

[www.cityoflonetree.com](http://www.cityoflonetree.com)

**Tammy King**

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**Subject:** FW: W15-003 Seasonal Farm and Ranch Referral

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**From:** Town Planner [mailto:TownPlanner@columbinevalley.org]

**Sent:** Monday, September 19, 2016 10:42 AM

**To:** Tammy King <TKing@arapahoegov.com>

**Subject:** RE: W15-003 Seasonal Farm and Ranch Referral

Tammy:

I reviewed the proposed amendment and do not believe that , if approved, would affect the Town. Therefore we have no comments.

Phil Sieber  
Town Planner



**Right of Way & Permits**  
1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: **303.571.3306**  
Facsimile: 303. 571.3284  
donna.l.george@xcelenergy.com

September 19, 2016

Arapahoe County Public Works and Development  
6924 South Lima Street  
Centennial, CO 80112

Attn: Tammy King

**Re: Seasonal Farm and Ranch Code Revision, Case # W15-003**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the documentation for **Seasonal Farm and Ranch Code Revision** and has **no apparent conflict**.

If you have any questions about this referral response, please contact me at (303) 571-3306.

Donna George  
Contract Right of Way Referral Processor  
Public Service Company of Colorado

August 8, 2016

Jan Yeckes  
Planning Division Manager

Tammy King  
Zoning Administrator

Arapahoe County Public Works  
and Development  
6924 South Lima Street  
Centennial, CO 80112

Dear Ms. Yeckes and Ms. King:

Thank you for the opportunity to comment on your draft revision transmitted on August 8, 2016 via email, hereafter the revision, to a proposed amendment to the Land Development Code Chapters 4, 5, and 19: Rodeo and Farm and Ranch Events. I appreciate that you met with our affected community, listened to our concerns, and considered our written comments.

As I understand the revision, the Land Development Code Chapters 4 and 5 would be amended to allow a rodeo event as a Special Exception Use (SEU). Per Section 13-800, a Special Exception Use requires an application to the Board of Adjustment, payment of a fee, solicitation of comment by appropriate agencies, public notice, and a Board of Adjustment hearing. Given the size and scope of rodeo events, this seems appropriate to me. This process would allow the Board of Adjustment to address many of the concerns regarding rodeo events which were raised in the May 5, 2016 meeting with our community.

With regard to farming or ranching events, the revision proposes to amend the Land Development Code Chapters 4 and 5 to allow these events in agricultural zone districts A-E and A-1, and in rural residential zone districts A-2, R-A and R-E. The revision removes the distinction between commercial and non-commercial events as originally proposed and which was objectionable to the community. Thank you.

The revision proposes to amend the definitions of "rodeo" and "farming or ranching events" in the Land Development Code Chapter 19. The proposed changes to the definitions do a good job of clarifying the activities covered. My concerns regarding the distinction between seasonal and non-seasonal events are addressed in the wording of the revision. I appreciate the clarification that "incidental sales of ranch or farm produced goods" is an allowable activity within the definition of farm event.

I think that you have done a good job of addressing my concerns in this revision. Thank you for the opportunity to comment.

Sincerely,

Sharon L. Kercher  
Mayberry Farm Alpacas  
6889 South County Road 185  
Byers, CO 80103  
303-822-6955

## Tammy King

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**From:** Longhopes <info@longhopes.org>  
**Sent:** Wednesday, August 10, 2016 10:49 AM  
**To:** Tammy King  
**Subject:** RE: W15-003 Code Update "Farm and Ranch Events"

Tammy:  
Thank you. I didn't want to presume.  
Thanks for all your listening and consideration on the issue.

*Kathy Dean*  
President  
Longhopes Donkey Shelter  
66 N. Dutch Valley Road  
Bennett, CO 80102  
[www.longhopes.org](http://www.longhopes.org)

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**From:** Tammy King [mailto:TKing@arapahoegov.com]  
**Sent:** Tuesday, August 9, 2016 3:37 PM  
**To:** Longhopes <info@longhopes.org>  
**Subject:** RE: W15-003 Code Update "Farm and Ranch Events"

Permitted without any permits☺

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----  
**From:** Longhopes <[info@longhopes.org](mailto:info@longhopes.org)>  
**Date:** 8/9/16 2:57 PM (GMT-07:00)  
**To:** Tammy King <[TKing@arapahoegov.com](mailto:TKing@arapahoegov.com)>  
**Subject:** RE: W15-003 Code Update "Farm and Ranch Events"

Tammy:  
Thank you for including Longhopes on the draft email.  
Please excuse my ignorance but what does the "P" stand for in the Farming and Ranching Events?  
Permit? Permitted?

*Kathy Dean*  
President  
Longhopes Donkey Shelter

66 N. Dutch Valley Road  
Bennett, CO 80102  
[www.longhopes.org](http://www.longhopes.org)

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**From:** Tammy King [<mailto:TKing@arapahoegov.com>]

**Sent:** Monday, August 8, 2016 10:02 AM

**To:** Becky Zierer <[LZBल्पacas@aol.com](mailto:LZBल्पacas@aol.com)>; Denise Hopkins <[denise@caramelapplefarm.com](mailto:denise@caramelapplefarm.com)>; Doug Claussen <[dclaussen@i-70scout.com](mailto:dclaussen@i-70scout.com)>; Gary Duke <[GARY.DUKE@GUARANTYBANKCO.COM](mailto:GARY.DUKE@GUARANTYBANKCO.COM)>; [garym@mayfarms.com](mailto:garym@mayfarms.com); Holly Dennis <[holly.dennis@state.co.us](mailto:holly.dennis@state.co.us)>; Jack Keever <[JAKREAP@AOL.COM](mailto:JAKREAP@AOL.COM)>; [jack.bell@faa.gov](mailto:jack.bell@faa.gov); Longhopes <[info@longhopes.org](mailto:info@longhopes.org)>; Ron & Sharon Kercher <[mfalpacas@gmail.com](mailto:mfalpacas@gmail.com)>; Sharon & Norm Johnson <[alpacas@chimeraranch.com](mailto:alpacas@chimeraranch.com)>

**Subject:** W15-003 Code Update "Farm and Ranch Events"

Good Morning,

Sorry for the delay, but we tried to brainstorm the best wording to protect the integrity of the existing (and future) events , yet address the issue of the rodeos. Please provide any comments within the week, so I can get this case rolling...

Thank you!

*Tammy King*  
*Zoning Administrator*  
*6924 S Lima Street*  
*Centennial, CO 80112*  
*720-874-6711*  
*(fax) 720-874-6611*



[www.arapahoegov.com](http://www.arapahoegov.com)



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