



**MINUTES OF THE REGULAR MEETING OF THE  
ARAPAHOE COUNTY PLANNING COMMISSION  
TUESDAY, APRIL 19, 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 confirmed their continued qualification to serve:</p> <p>Paul Rosenberg, Chair; Brian Weiss, Chair Pro-Tem; Mark Brummel; Richard Rader; Richard Sall, and Diane Chaffin.</p> <p>Also present were: Robert Hill, Senior Asst. County Attorney; Chuck Haskins, Engineering Services Division Manager; Sarah White, Engineer; Sherman Feher, Senior Planner; Jason Reynolds, Current Planning Program Manager; Julio Iturreria, Long Range Planning Program Manager; Jan Yeckes, Planning Division Manager, and members of the public.</p>
<b>CALL TO ORDER</b>	Chair Rosenberg called the meeting to order at 6:30 p.m. and noted a quorum of the Board was present.
<b>DISCLOSURE MATTERS</b>	There were no Planning Commission member conflicts with the matters before them.
<b>GENERAL BUSINESS ITEMS:</b>	
<b>APPROVAL OF THE MINUTES</b>	<p><b>The motion was made and duly seconded to accept the minutes from the <u>February 16, 2016</u>, <u>March 8, 2016</u>, and <u>March 15, 2016</u> Planning Commission meetings, as presented.</b></p> <p><b>The motion passed unanimously.</b></p>
<b>REGULAR ITEMS:</b>	
<b>Item 1:</b>	<p><b>Case No. P14-023 / Welch Subdivision #04 / [Lanser] / Minor Subdivision (MS) – Bill Skinner, Senior Planner, Public Works and Development (PWD)</b></p> <p>Mr. Skinner introduced the application and explained the request, history, and purpose for the Planned Unit Development (PUD) process. He stated the applicant was seeking to split the single lot to</p>

create one additional lot for a single-family, detached home. He described the zoning and provided a summary of the surrounding lot sizes. Mr. Skinner stated some of the lots in the area were smaller than the minimum required lot size for the zone designations on the property. He reported staff did not know the history of why those lots had been approved. He stated at least one of these lots was smaller than the smaller of the two proposed lots within the minor subdivision. He stated staff felt this was compatible with the surrounding residential development. Mr. Skinner noted the property adjoined a larger property, which was in use as a place of worship. He reported announced that the applicant and property owner were in attendance; further, he stated there might be neighbors present at the meeting as well. Mr. Skinner then pointed out the recommended height difference from what was requested. Mr. Skinner state staff recommended a 30-ft height as a compromise between the 25-ft and 35-ft homes in the area.

Jamie Chambers, represented on behalf of the property owner. She reported being a land surveyor and planner. Further, Ms. Chambers stated she had been pursuing this change since 2013 and had taken the time to address the issue with the area neighbors. She said, due to the zoning being obsolete, she was requesting a PUD rezoning as their only option. She planned to sell the property and have the new owner proceed with the Final Development Plan (FDP) for the new home. He stated the restrictions of the PUD would run with the land. He said the Homeowner's Association (HOA) had expressed concerns with the property height, which staff recommended a compromise. Ms. Chambers felt the request was consistent with the Comprehensive Plan. She stated the property was already bounded by a fence on three sides and was open on the north side.

Mr. Rosenberg commented there was no new letter changing what the HOA originally requested. He read the stipulations into the record.

Mr. Rosenberg and Mr. Weiss expressed their concern over the building height being 30 feet instead of 25 feet.

Ms. Chambers indicated the owner had agreed to the setbacks.

Mr. Rosenberg asked whether this requirement could be added as a condition of approval.

Ms. Chambers said she was agreeable to that.

	<p>Mr. Rader asked for clarification on the front yard of the new lot. He asked if it would be facing Jewell Circle and asked for clarification on the front setback and lot width.</p> <p>Mr. Skinner explained the front setback was 45 feet, the lot width at the setback was 75 feet, and the chord length at the street was 50 feet.</p> <p>Mr. Rosenberg opened the hearing for public comment.</p> <p>There was one neighbor present who had signed in, but said he had just come to learn about the project and had no comments.</p> <p>There were no further public comments.</p> <p>The public hearing was closed.</p> <p><b>It was moved by Mr. Brummel and duly seconded by Mr. Sall, in the case of P14-023, Lansor Minor Subdivision, that the Planning Commission had read the staff report, received public testimony, and found themselves in agreement with staff findings 1 through 3, including all plans and attachments as set forth in the staff report dated April 8, 2016, and recommended approval of this application, subject to the following conditions:</b></p> <ol style="list-style-type: none"> <li><b>1. Prior to signature of the final mylar copy of the plans, the applicant agrees to address the Planning and Engineering Division comments and concerns, as outlined in their reports.</b></li> <li><b>2. Prior to the Arapahoe County Board of County Commissioners meeting date, the applicant will provide a “Will Serve” letter from the local water and sanitary service district.</b></li> <li><b>3. Fees paid as cash in lieu of land dedication, and other public purposes, must be paid prior to recording the subdivision plat in accordance with Land Development Code requirements.</b></li> </ol> <p><b>The vote was:</b></p> <p>Ms. Chaffin recused herself from voting on the matter, due to a real or perceived conflict of interest.</p> <p><b>Mr. Weiss, Yes; Mr. Rader, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Mr. Rosenberg, Yes.</b></p>
<b>Item 2:</b>	<b>Case No. Z14-010 / Welch Subdivision #04 / [Lanser] / Preliminary Development Plan (PDP) – Bill Skinner, Senior Planner, Public Works and Development (PWD)</b>

This item had been presented and discussions held as part of the Agenda Item 1 presentation.

Mr. Weiss, prior to a vote, asked for clarification as to whether the current zoning limited the home height to 25 feet rather than the 30 feet recommended by staff and the 35 feet initially requested by the applicant.

Mr. Skinner reported the current R-2 zoning limited the height to 25 feet. He also noted the property adjoined the religious institution and could be considered transitional. He was unable to verify the height of the current home on the property.

Mr. Rosenberg opened the hearing for public comments.

There were no public comments.

The public hearing was closed.

There were discussions about whether to include a requirement for the HOA to provide a letter of approval of the changes.

Mr. Hill recommended additional conditions of approval, stipulating the two items from the HOA's current letter.

**It was moved by Mr. Brummel and duly seconded by Mr. Sall, in the case of Z14-010, Welch Subdivision / Preliminary Development Plan, the Planning Commission has read the staff report and received public testimony and find themselves in agreement with staff findings 1 through 3, including all plans and attachments as set forth in the staff report dated April 8, 2016, and recommend approval of the application, subject to the following conditions:**

- 1. Prior to signature of the final mylar copy of these plans, the applicant agrees to address Public Works and Development staff comments, including concerns identified in the most recent Engineering staff report.**
- 2. The Preliminary Development Plan will be amended to reflect a maximum building height of 30 feet.**
- 3. The minimum lot width will be 75 feet**
- 4. The front setback will be increased to 10 feet behind front building setback of the home on adjoining lot.**

	<p>Mr. Weiss questioned whether a compatible home could be built on the lot with those setbacks. He also questioned why there should be an exception to the height of the home when the other R-2 zoned lots were limited to 25 feet. He speculated that perhaps the owner wanted additional height to be able to build up rather than out with the restrictive setbacks. He noted the odd shape of the lot.</p> <p>Mr. Skinner noted the buildable area within the setbacks provided a building envelope of 3,900 square feet.</p> <p>Mr. Weiss felt this was approximately one-third less than available to the other lots.</p> <p>Mr. Rosenberg also felt the height should be limited to 25 feet.</p> <p>Mr. Weiss noted the home width, with the lot width and side yard setbacks, would allow a home to be only 36 feet wide at the front setback.</p> <p>Mr. Skinner further discussed some of the challenges of the heights within the R-2 zone district and what people expect to build today.</p> <p>Mr. Rader asked about the square footage of the current home on the property.</p> <p>Mr. Lanser indicated the home was approximately 2,700 sq. ft., of finished living area, plus a four-car garage.</p> <p>Ms. Chaffin recused herself from voting on the matter, due to a real or perceived conflict of interest.</p> <p><b>The vote was:</b></p> <p><b>Mr. Weiss, No; Mr. Rader, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Mr. Rosenberg, No.</b></p>
<p><b>Item 3:</b></p>	<p><b>Case No. Z16-002, Watkins Farm / Conventional Rezone – Jason Reynolds, Current Planning Program Manager, Public Works and Development (PWD)</b></p> <p>Jan Yeckes, Planning Division Manager, presented the application and shared the purpose of the staff-initiated request for the rezoning. She explained the request was based on history of the development and an incorrect recording of the lot size requirement and underlying zoning designation (R-A PUD rather than R-A conventional zoning) in the early 1980's. She reported the property owners and</p>

surrounding property owners had been notified of the proposed change. Ms. Yeckes noted she had received one phone call from a Watkins Farm resident with questions, but had received no comments. She also noted that two letters distributed to the Planning Commission this evening were from Xcel and the Division of Water Resources. She stated their comments would be addressed with the future subdivision of the remaining land and were not specific to the rezoning of the property.

Mr. Rosenberg opened the hearing for public comments.

There were no public comments.

The public hearing was closed.

Ms. Chambers asked staff to explain the role of the East Arapahoe Advisory Board and the reason one of the members objected to the proposed rezoning.

Ms. Yeckes noted the individual referral responses provided by the advisory members. She believed the member had been involved with the County for a very long time and was likely familiar with the original decision to require minimum five-acre lots and felt that decision should stand. She also explained that the action would resolve the nonconforming status of currently platted and developed lots and would allow the remaining property to be subdivided in a manner consistent with the current subdivision.

There was also a question about the Division of Water Resources (DWR) comment that this was not a “subdivision” with a water sufficiency determination and that DWR would like to review these case types in the future.

Ms. Yeckes explained DWR would receive referrals for any future subdivision/development of the remaining land and that DWR had no concern with the change in zoning relative to minimum lot size.

**It was moved by Mr. Brummel and duly seconded by Ms. Chaffin, in the case of Z16-002, Watkins Farm Rezoning, that the Planning Commission had read the staff report and received testimony at the public hearing. They found themselves in agreement with staff findings in the staff report dated April 8, 2016, including all attachments as set forth and recommended the case favorably to the Arapahoe County Board of County Commissioners, subject to the following condition(s):**

	<p><b>1. Minor corrections to the conventional rezoning exhibit, identified by Public Works and Development staff as necessary, must be completed prior to the submittal of the final plans for County signature.</b></p> <p><b>The vote was:</b></p> <p><b>Mr. Weiss, Yes; Mr. Rader, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Mr. Rosenberg, Yes; Ms. Chaffin, Yes.</b></p>
<p><b>Item 4:</b></p>	<p><b>W15-003, Seasonal Farm and Ranch Events / Land Development Code Amendment – Tammy King, Zoning Administrator, Public Works and Development (PWD)</b></p> <p>Ms. King presented the case and explained the proposal to update Chapters 4, 5, and 19 to better define parameters and thresholds for Seasonal Farm and Ranch Events.</p> <p>Ms. Yeckes presented REAP comments.</p> <p>Mr. Rosenberg opened the hearing for public comments.</p> <p>Sherry Hughes stated the roads were maintained by the homeowners and not by the County. She said this type of event was impacting their abilities to maintain a good road and their costs. She stated these are individual efforts and not by an HOA. The properties were 35-acre lots on private roads in unincorporated Arapahoe County. Ms. Hughes said there was also no alternate access, so having so many vehicles coming down the road impacted their access. She reported there had also been trespass incidents from people attending the rodeos.</p> <p>Mr. Rader commented that it sounded like 100 cars was an impact in the situation.</p> <p>There were no further public comments.</p> <p>The public hearing was closed.</p> <p>Mr. Brummel asked how this would impact the rodeo in Deer Trail.</p> <p>Ms. King stated that event occurred in the incorporated Town of Deer Trail, so would not be impacted by the code change.</p>

	<p>Mr. Rosenberg stated he felt a public hearing should be held in the eastern community, preferably in Strasburg or Byers, so people could address this in their own community.</p> <p>Mr. Hill stated this could be deferred for an informal committee.</p> <p>Mr. Rosenberg stated this was not his intent.</p> <p>For a new hearing, Mr. Hill stated no date certain was required, as the change in location would require new noticing with publication in the I-70 Scout and The Villager.</p> <p><b>It was moved by Mr. Rosenberg and duly seconded by Mr. Rader, in the case of W15-003, Land Development Code Amendment to amend Chapters 4, 5, and 19 to address Seasonal Farm and Ranch Events, that the Planning Commission determined to reschedule the meeting to be held in the eastern portion of the County and such hearing should be conducted within 90 days of today's meeting.</b></p> <p>Ms. Yeckes noted the case would likely move forward more quickly than 90 days; however, the additional time would allow additional coordination with REAP for an informal meeting to give affected businesses and individuals an opportunity to discuss this further. In addition, the extra time would help REAP to develop final comments on the proposal prior to the public hearing.</p> <p><b>The vote was:</b></p> <p><b>Mr. Weiss, Yes; Mr. Rader, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Mr. Rosenberg, Yes; Ms. Chaffin, Yes.</b></p>
<p><b>Item 5:</b></p>	<p><b>W15-004, Septage Regulations / Land Development Code Amendment – Tammy King, Zoning Administrator, Public Works and Development (PWD)</b></p> <p>Ms. King presented on the case. She reported staff proposed to add Section 12-2500 to the Land Development Code (LDC) to better define parameters and thresholds for Septage and Sewage Land Application Regulations. She explained the history of working with Tri-County Health Department (TCDH) and the Colorado Department of Public Health and Environment. Ms. King also noted letters from the owners of two affected properties; which had been provided in the Planning Commission (PC) packets along with agency referral comments. Ms. King reported the individuals could</p>

not be present for the hearing and requested their comments be entered into the record.

There were a number of Planning Commission questions about State regulations, how septage and sewage differed from reclaimed water in reference to Cherry Creek Basin Water Quality Authority's comments, and the process for bio-solids land applications, which required a permit from CDPHE.

Mr. Hill explained how the terms in the proposed regulation were defined. He also explained that appropriate tillage practices were not occurring, which was leading to water quality contamination concerns for area creeks, accumulation of trash in the septic and sewage materials, and odor problems. He said this was not sufficiently regulated or enforced by the State, and the County did not have the expertise to manage these processes.

Mr. Rosenberg opened the hearing for public comment.

Reed Hanks, a ranch owner in the east county, stated he was very familiar with MetroGrow operations. He explained the history of tanker trucks depositing material on a poorly maintained and very erosive section of land. He assumed it was regulated, and noted the frequency increasing over a period of six years. He had observed Columbia Sanitation and noted they broke every rule in the book. He reported the driver explained what he was doing and stated there was no regulation other than grinding or filtering. He said the fluid was not injected, and tampons, condoms, and other trash were visible on the ground. Mr. Hanks stated filtering was not being done and it was apparent that no grinding was occurring due to the presence of whole trash. He stated the driver had indicated some of the material came from mountain resort towns. He reported that Tri-County Health Department (TCHD) had informed him that there were no regulations in place. Mr. Hanks reported having then contacted Commissioner Bockenfeld. He said, after receiving a violation notice from TCHD, they just moved farther east. He said the water table was only 15 to 20 feet down. He had reported to the Division of Water Resources that some digging down to the water table was going on near the site of dumping; however, it was covered up by the time DWR got out to inspect. He said his parents' parents had subsequently reported the company. Mr. Hanks stated his wife had a video of the occurrence.

Ms. King requested the name of the owner of the property where the dumping occurred.

Mr. Hanks, stated he was speaking for himself and his wife Tanya. He reported having inherited the property that had been in the family for a very long time. He said the ground was very erosive. He could not understand how TCHD could have issued a permit for the property. He explained the topography of the land, drainages across the land, and the soil types. Mr. Hands reported, after substantial rainfall, water ponds on the properties in this area and their cattle drank from the ponds on their own land. He said TCHD indicated they did not have the resources to test the water to make sure these actions were not causing contamination. Mr. Hanks stated it was the worst thing ever. He said, during winter, the ground froze to about a foot after a summer with higher rainfall as occurred last year. He reported the company was dumping on the snow and frozen ground every day. He felt TCHD had not been successful at monitoring and enforcing any permits they issued.

There were no further public comments.

The public hearing was closed.

Mr. Weiss asked how widespread the issue was and if it was occurring in multiple locations. He asked what action the County took.

Ms. King said Zoning was not out looking, but the Arapahoe County Board of County Commissioners felt, in this type of situation, two complaints were sufficient to indicate a need for regulation. She said the County could enforce as a zoning violation with the proposed regulation.

Mr. Rader asked if the Sheriff's got involved.

Ms. King explained the coordination efforts.

Mr. Hill further explained the process for enforcement. He stated the property owner was ultimately liable for the violation.

Mr. Rader asked how the company could be penalized.

Mr. Hill indicated that would require action beyond the County's authority.

**It was moved by Ms. Chaffin and duly seconded by Mr. Sall, in the case of W15-004, Land Development Code Amendment, Chapter 12 Specific Regulations, addition of Section 12-2500, Septage and Sewage Land Application Regulations, that the**

	<p><b>Planning Commission had 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 April 8, 2016, and recommend the case favorably to the Arapahoe County Board of County Commissioners, with the following conditions of approval:</b></p> <ol style="list-style-type: none"> <li><b>1. Minor modifications to the text identified as necessary are required prior to the incorporation of the 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.</b></li> </ol> <p><b>The vote was:</b></p> <p><b>Mr. Weiss, Yes; Ms. Chaffin, Yes; Mr. Rader, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Mr. Rosenberg, Yes.</b></p>
<b>ADJOURNMENT</b>	<p>There being no further business to come before the Planning Commission, the meeting was adjourned.</p>