

**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
TUESDAY, JULY 7, 2020**

ATTENDANCE	<p>A regular meeting of the Arapahoe County Planning Commission was called and held in accordance with the statutes of the State of Colorado and the Arapahoe County Land Development Code. The following Planning Commission members were in attendance (through the Teams platform):</p> <p>Jane Rieck, Chair; Kathryn Latsis, Chair Pro-Tem; Richard Sall, Lynn Sauve, Jamie Wollman, Rodney Brockelman, and Randall Miller.</p> <p>Also present were: Robert Hill, Senior Asst. County Attorney; Chuck Haskins, Engineering Services Division Manager; Sue Liu, Engineer; Bill Skinner, Senior Planner; Jason Reynolds, Current Planning Program Manager; Caitlyn Cahill, Zoning and Animal Control Manager; Michelle Halstead, BOCC Administration and Communication Services Director; Jan Yeckes, Planning Division Manager; and members of the public.</p>
CALL TO ORDER	<p>Chair Rieck called the meeting to order at 6:30 p.m. and noted a quorum of the Board was present.</p>
DISCLOSURE MATTERS	<p>There were no Planning Commission member conflicts with the matters before them.</p>
GENERAL BUSINESS ITEMS:	
APPROVAL OF THE MINUTES	<p>The motion was made by Ms. Wollman and duly seconded by Ms. Latsis to accept the minutes from the <u>April 21, 2020</u> Planning Commission meeting, as presented.</p> <p>The motion passed unanimously.</p> <p>The motion was then made by Ms. Latsis and duly seconded by Mr. Brockelman to accept the minutes from the <u>May 19, 2020</u> Planning Commission meeting, as presented.</p> <p>The motion passed unanimously.</p>
PUBLIC HEARING ITEMS:	

ITEM 1

CASE NO. LDC20-002, FLOODPLAIN REGULATIONS UPDATE / LAND DEVELOPMENT CODE (LDC) AMENDMENT

Sue Liu, Engineer for Arapahoe County, established jurisdiction for the public hearing and introduced the amendment to the Land Development Code to update the Floodplain Regulations to meet the minimum requirements of the Federal Emergency Management Agency (FEMA) for the National Flood Insurance Program. She reported the map update process included 13 major drainageways, five of which were in Arapahoe County. She stated details of the changes and affected drainageways were outlined in the staff report. Ms. Liu explained two sections of the LDC were being updated to the current reference date for the approved FEMA Floodplain Maps. She noted the staff report included five staff findings in support of making the change. Ms. Liu showed four slides, outlining the geographic areas and drainage basins, affected within Arapahoe County by the recommended change.

The Planning Commissioners had no questions for staff.

Ms. Rieck opened the hearing for public comments. There were no public comments. The public hearing was closed.

It was moved by Ms. Wollman and duly seconded by Ms. Latsis, in the case of LDC20-002, Floodplain Regulations Update / Land Development Code (LDC) Amendment, to recommend approval of this case to the Arapahoe County Board of County Commissioners with the following staff findings:

- 1. The proposed revisions to the Floodplain Management Regulations is in compliance with the minimum National Flood Insurance Program (NFIP) requirements, and are consistent with the Floodplain Chapter of the Arapahoe County Stormwater Management Manual.**
- 2. Arapahoe County has the authority to amend provisions of the Land Development Code Regulations as proposed by this revision.**
- 3. The Floodplain Management Regulations, Land Development Code Amendment project is in compliance with the applicable Amendment policies and procedures as set forth in the Land Development Code including public notification requirements.**
- 4. The amended Floodplain Management Regulations will be effective and integrated into the existing LDC on September 4, 2020.**

	<p>5. Adoption of the proposed Floodplain Management Regulations will enable the County to continue to participate in the NFIP.</p> <p>And subject to the following conditions:</p> <ol style="list-style-type: none"> 1. All minor modifications to the text are required prior to incorporation into the existing Land Development Code. 2. The amended Floodplain Management Regulations will be effective and integrated into the existing LDC on September 4, 2020. <p>The vote was:</p> <p>Ms. Rieck, Yes; Ms. Sauve, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis; Yes; Ms. Wollman, Yes, Mr. Brockelman, Yes.</p>
<p>STUDY SESSION ITEMS:</p>	
<p>ITEM 1</p>	<p>CASE NO. LDC20-003, RECREATIONAL MARIJUANA / LAND DEVELOPMENT CODE (LDC) AMENDMENT - STUDY SESSION</p> <p>Bill Skinner, Senior Planner for Arapahoe County, noted there would be no formal actions of the Planning Commission needed this evening and that no public hearing notice was required. He reported a public hearing, on the item, was scheduled to be heard before the Planning Commission on July 21, 2020. Mr. Skinner reported, in 2019, a stakeholder group approached the Board of County Commissioners (BOCC) requesting that Arapahoe County consider expanding the ability of four existing medical marijuana businesses, in unincorporated Arapahoe County, to operate by adding the retail sale of recreational marijuana to their existing medical marijuana businesses.</p> <p>It was noted Michelle Halstead, BOCC Administration and Communication Services Director for Arapahoe County, and Bill Mackiernan, CEO of PURE, one of the stakeholders who requested the County pursue this change, were in attendance to provide information and to answer questions, as needed.</p> <p>Ms. Halstead provided background for the County’s current marijuana land use regulations, which were based on State of Colorado statutes and the current federal position on marijuana sales permitted by states within the U.S. She reported the State of</p>

Colorado instituted regulations in 2014 and had regularly updated those regulations over time. Ms. Halstead said, since August 2019, an interdisciplinary County team had looked at options and considerations related to updating the County’s marijuana land use regulations and related ordinance. She explained the team included the Arapahoe County Sheriff’s Office, as well as. the Finance Department, the Public Works & Development Department, the County Attorney’s Office, and others. She gave a perspective of the national position on marijuana regulations across the U.S. and also noted that, while marijuana was still classified as a regulated/prohibited drug at the federal level, it had been decriminalized in small quantities. Ms. Halstead reported, that over time, the industry market had broadened the types of product provided. She stated, as the market for recreational marijuana expanded, the need and demand for medical-only facilities had decreased, as recreational marijuana dispensaries were also able to sell marijuana intended for medicinal use. She reported Arapahoe County currently had four (4) permitted medical marijuana dispensaries and that Arapahoe County’s current ordinance and related land use regulations of the Land Development Code prohibited new medical or recreational marijuana businesses. Further, Ms. Halstead explained, the legally existing, nonconforming businesses must demonstrate, annually, that they meet all legal requirements under the State of Colorado and that they continue to qualify for nonconforming status in Arapahoe County. She reported some cities within Arapahoe County,, and a number of cities and counties within the competing local market currently permitted recreational marijuana sales, which has had an impact on the ability of the four current medical marijuana businesses to compete successfully in the local market. Ms. Halstead explained the various regulatory options that were considered by Arapahoe County staff, before moving forward with the current proposal. She stated, during the evaluation process, the BOCC received information during study sessions and provided general direction to staff on elements to include in a proposal to update the marijuana regulations. She reported Arapahoe County had both an ordinance prohibiting marijuana businesses and related regulations in the Land Development Code. Ms. Halstead said the Planning Commission would be asked, during a future public hearing, to make a recommendation on changes to the Land Development Code.

Ms. Latsis asked for clarification that the intent of the LDC change was to allow *only* the four nonconforming businesses to expand sales, as a land use, to include recreational marijuana and to not create any new business opportunities throughout the county.

	<p>Mr. Skinner explained that marijuana businesses were currently prohibited by County ordinance; however, regulations provided an exception for the four medical dispensaries that were legally established prior to the adoption of the regulations, allowing them to continue operating for the purpose of medical marijuana sales. He said the intent of the regulatory change would be to allow those four established business to continue to operate and to include recreational marijuana sales.</p> <p>Assistant County Attorney Bob Hill further clarified that the code was drafted to refer to the nonconforming uses chapter of the Land Development Code. He explained thee provisions for nonconforming uses, in general, restrict the ability of an existing, nonconforming business to expand in area or to reestablish under certain conditions. He said, while the regulations would expand the sales options from “medical only” to also include recreational marijuana, it did not allow the physical expansion of the four businesses due to their status as nonconforming uses. Mr. Hill reported an additional provision that would apply, due to the recreational marijuana sales component, was an increase in the minimum age of customers to 21.</p> <p>There were no other questions or comments from the Planning Commissioners.</p>
ADJOURNMENT	There being no further business to come before the Planning Commission, the meeting was adjourned.