The Arapahoe County Board of County Commissioners typically holds weekly Study Sessions on Monday and Tuesday. Study Sessions (except for Executive Sessions) are open to the public and items for discussion are included on this agenda. Agendas (except for Executive Sessions agendas) are available through the Commissioners’ Office or through the County’s web site at www.arapahoe.gov. Please note that the Board may discuss any topic relevant to County business, whether or not the topic has been specifically noticed on this agenda. In particular, the Board typically schedules time each Monday under “Committee Updates” to discuss a wide range of topics. In addition, the Board may alter the times of the meetings throughout the day, or cancel or reschedule noticed meetings. Questions about this agenda? Contact the Commissioners’ Office at 303-795-4630 or by e-mail at commissioners@arapahoe.gov

Study Session
March 12, 2019

Study Session Topics

10:00 A.M.  Administrative Meeting: Leadership Workshop Next Steps (WHR)
Board of County Commissioners

Break

2:00 P.M.  *Dog Licensing Requirements (WHR)
Discussion of a request for direction on whether the new Animal Control Resolution (to be proposed as the “Animal Services” Resolution) should eliminate the County dog licensing regulation, but maintain the rabies vaccination requirement

Request: Information/Direction

Caitlyn Cahill, Zoning and Animal Control Manager, Public Works and Development
Jan Yeckes, Planning Division Manager, Public Works and Development
Bryan Weimer, Director, Public Works and Development
Todd Weaver, Budget Manager, Finance
Robert Hill, Senior Assistant County Attorney

Documents:

    BSR_DOGLICENSING STUDY SESSION-FINAL.PDF

2:30 P.M.  *Proposed Adoption Of Building Code Appendix M Addressing Child
Day Care In Residential Homes (WHR)
Discussion of a request regarding the Building Division of Public Works and Development moving forward to public hearing on the adoption of Appendix M of the 2015 International Residential Code to specifically address Home Day Care in R3 Occupancy Building Classification

Request: Information/Direction

Bryan Weimer, Director, Public Works and Development
Keith Ashby, Purchasing Manager, Finance
Robert Hill, Senior Assistant County Attorney

Documents:
- DAY CARE APPENDIX M SS BSR 3-4-19 .DOC
- APPENDIX M - HOME DAY CARE .PDF
- RESOLUTION.TO ADOPT.IRC.APPENDIX M.DRAFT1.18.18.DOCX
- CCAP LICENSED PROVIDERS.PDF

3:00 P.M. *Design Standards Small Cellular Facilities In The Right-Of-Way (WHR)
Discussion of a request from the Public Works and Development Department for direction from the Board of County Commissioners regarding design standards for small cell facilities in the public right-of-way

Request: Information/Direction

Jason Reynolds, Current Planning Program Manager
Chuck Haskins, Engineering Division Manager, Public Works and Development
Bryan Weimer, Director, Public Works and Development
Keith Ashby, Purchasing Manager, Finance
Robert Hill, Senior Assistant County Attorney

Documents:
- BSR - SMALL CELL ROW DESIGN STANDARDS 3-12-19-2.DOCX

3:30 P.M. *Executive Session (WHR)
Executive Study Session and County Attorney Administrative Meeting [Section 24-6-402 (4)C.R.S.](As required by law, specific agenda topics will be announced in open meeting prior to the commencement of the closed and confidential portion of this session) (WHR)

Ron Carl, County Attorney

* To Be Recorded As Required By Law
WHR - West Hearing Room

Arapahoe County is committed to making its public meetings accessible to persons with disabilities. Assisted listening devices are available. Ask any staff member and we will provide one for you. If you need special accommodations, contact the Commissioners’ Office at 303-795-4630 or Relay Colorado 711. Please contact our office at least 3 days in advance to make arrangements.
Date: February 28, 2019

To: Board of County Commissioners

Through: Jan Yeckes, Planning Division Manager
          Bryan Weimer, Public Works & Development Director

From: Caitlyn Cahill, Zoning & Animal Control Manager

Subject: Request for Direction: Dog Licensing Regulation

Direction/Information

Staff is seeking direction from the Board of County Commissioners on whether or not the new Animal Control Resolution (to be proposed as the “Animal Services” Resolution) should eliminate the County dog licensing regulation, but maintain the rabies vaccination requirement.

Request and Recommendation

Staff’s recommendation is to modify the licensing regulation and only require a dog owner to provide proof of current rabies vaccination, by a licensed veterinarian. This requirement would replace the existing dog licensing regulation while upholding the historical intent behind dog licensing – ensuring rabies vaccination and minimizing risk to the public. This would also eliminate the fee currently required of citizens.

Background

Animal Control Resolution No. 060261 requires that all dogs within Unincorporated Arapahoe County, over 180 days old, maintain current vaccination against the rabies virus and are issued a County dog license.

Requirements of licensing:

- Rabies vaccination must be up to date in order to purchase a license
- Owner must pay a yearly (or 3 year) licensing fee
  - Annual License Fees
    - A spayed female or neutered male dog annual fee - $12.00
    - An un-spayed female or un-neutered male dog annual fee - $24.00
    - The above license fees shall be waived for one dog for Owners over the age of 65 years.
- License must be kept up to date and payment/rabies certificate submitted annually, or every 3 years
- Dog owner must ensure that license tag, issued by the County, is affixed to the dogs collar

“Section B” of Resolution 060261 identifies that a violation occurs if a dog owner does not have their dog licensed through the County. Similar to a traffic citation, if an owner received a citation for a violation of “Section B- Licensing of Dogs Required”, the owner has two option: (1) pay the fine listed, or, (2) appear at the scheduled court date and dispute the citation.
The following penalties may be issued per dog not in compliance.

<table>
<thead>
<tr>
<th>Section N - Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) First Offense</td>
</tr>
<tr>
<td>b) Second Repeated Offense</td>
</tr>
<tr>
<td>c) Third Repeated Offense</td>
</tr>
<tr>
<td>d) Fourth Repeated Offense</td>
</tr>
<tr>
<td>e) Fifth and above repeated offenses, mandatory court appearance.</td>
</tr>
</tbody>
</table>

“Section C” of Resolution 060261 documents the two requirements prior to license issuance: proof of rabies vaccination and payment of a licensing fee. Additionally, the section breaks down the required procedures and responsibilities of staff involved in maintaining the licensing records.

<table>
<thead>
<tr>
<th>Sun, Mar. 12, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total # Licenses Sold</td>
</tr>
<tr>
<td>2014</td>
</tr>
<tr>
<td>2015</td>
</tr>
<tr>
<td>2016</td>
</tr>
<tr>
<td>2017</td>
</tr>
<tr>
<td>2018</td>
</tr>
</tbody>
</table>

**Discussion**

While drafting updates to Animal Control Resolution No. 060261, staff completed a thorough assessment of the dog licensing program. This assessment included the following research:

- Past and present enforcement measures necessary to either maintain or potentially increase the amount of revenue generated from licenses sold
- Revenue generated compared to cost expenditures
It was determined that, to truly benefit the County overall, staff would need to find a way to increase the revenue, in addition to decreasing the costs associated with enforcement of the regulation. Regulations and responsibilities of surrounding jurisdictions, both City and County. Goals of the Animal Control team associated with addressing observed community needs relevant to quality of life and community safety.

Currently, Animal Control addresses dog licensing violations on a reactive level. This means that staff only follows up to enforce licensing when responding to other primary complaints and calls for service. Additionally, if there is no history with the dog owner, the Officer will typically educate the owner on the licensing requirement and give them time to complete the licensing. Normally, a citation is only issued if the dog owner fails to comply within the given timeframe. Once an owner has been advised of the requirement to license, the case will only be completed with either compliance or a citation being issued.

A dog owner can license their animal through one of several options. Any of the below listed options would require proof of rabies vaccination and payment.

- Mail in the completed license application
- License online
- Schedule an appointment to license, in person at their residence
- Come in to the office to purchase a license during business hours

2018 Dog Licensing Statistics

In 2018, Animal Control responded to 1,013 initial calls for service and completed an additional 1,555 follow-up responses. Total responses were 2,568 from January 1, 2018 through December 31, 2018.

Follow-up responses for licensing compliance:

- License follow-up attempts completed – 719
  - Almost 30% of total calls for service
- Compliance follow-ups per case ranged from 1-18 attempts. These included phone calls to dog owners and driving to the residence in attempt to make contact.
- Average number of follow-up attempts per case was 3.03
- 152 licenses sold in the field
- 81 cases closed out in the field

Cost Breakdown for licensing compliance efforts:

- Time put into compliance follow-up and administrative efforts totaled 780 hours
  - $17,786.66
- Miles driven 14,739.62 miles
  - $6,691.78
  - The vast majority of follow-ups occurred in District 3. Due to the geographical size of Arapahoe County, costs associated with time and travel length will always be a challenge.
- Postage and Supply Cost including envelopes, paper, and license tags
  - $915.00

2018 Total Cost put into licensing efforts - $25,393.44
2018 Total Revenue generated from licensing - $24,252.00
The focus of the Animal Control program is to ensure the safety and well-being of Arapahoe County citizens and their animals. Staff focuses on providing resources and educating citizens as it pertains to responsible pet ownership. Safety of those in the community is paramount and staff consistently seeks ways to resolve conflict and prevent further issues from arising. This requires creative and proactive approaches to neighborhood conflict and correlates strongly with all of the Align Arapahoe objectives - Service First, Quality of Life, and Fiscal Responsibility.

Animal Control provides education first, if possible, and then escalate to enforcement, when necessary.

In daily interactions with the community and citizens, staff has received a lot of confusion and reluctance with regard to dog licensing. Citizens are more frequently questioning the real benefits of a dog licensing program. Refocusing efforts would help to strengthen the Animal Control and community relationship and ensure that the County is aligned with the needs and interests of the citizens.

The current dog licensing regulation is not cost effective for the County when weighing enforcement efforts to revenue generated. This results in excessive effort to gain compliance from residents. The recommended change would better align with the goals of the County to use public funds wisely through ongoing efficiency improvement, while still ensuring the safety focus of dog licensing.

While evaluating the licensing program and compiling data, the following questions were discussed and determinations were made:

- **How would modification of the licensing program, to only require proof of rabies vaccination, cut down on enforcement costs?**
  - Dog licensing is necessary to ensure rabies vaccination is current and maintained. The recommended change in the regulation would streamline processes associated with licensing and would be easier for staff to articulate as a safety compliance concern, rather than what appears to citizens to be just a revenue generator.
  - If approved, staff anticipates issuing more citations during initial contact with citizens for lack of rabies vaccination. This is due to the recommended regulation being directly connected to citizen/animal health and well-being. Arapahoe County also sees a fair amount of rabies positive wildlife. It is important to emphasize the need for current vaccination of domestic pets.
  - Staff will be able to confirm rabies “licensing” compliance over the phone and will not have to meet with an owner as often to resolve. This is due to the fact that the current licensing regulation requires payment, which can only be completed in person, by mail or online.

- **How would modification to the licensing program improve level of service?**
  - Customer Services & Public Perception
    - It is more beneficial to have staff out in the community patrolling and educating citizens about responsible pet ownership, instead of utilizing staff to follow up on dog license sales. The overall goal of the Animal Control program is to keep citizens safe, while showing compassion to their circumstances involving pets and neighborly disputes. The recommendation is more in line with these goals, ultimately focusing on improving the overall quality of life and government experience for citizens.
  - Officers would refocus the efforts spent on licensing follow-ups to be more present in neighborhoods and communities. This would include public outreach and events.
  - Some areas staff has identified as needing improvement:
    - **Emergency Response Preparedness:** County Animal Control staff is responsible for the CART (County Animal Response Team). This program is vital to emergency response in the case of a disaster. Staff would be able to focus efforts on creating and improving the
details of the CART plan. Additionally, as animals have become such a significant part of people’s daily lives, it is important to focus on community outreach with regard to personal emergency response preparedness involving pets.

- **Outreach/Education Programs**: Staff has seen a need for additional resources and education in communities. Staff plans to address these gaps by increasing outreach to Homeowners Associations and schools, along with being stronger advocates for, and coordinating with local animal welfare resource providers.

- **Coordination with other community service programs**
- **Animal welfare investigation & resolution**
- **Feral cat program coordination**

  - **Would only increasing the dog license fees be enough to offset the costs and increase revenue?**
    - After researching other jurisdiction fees per license (attached document), it was determined that the fees could not be reasonably increased enough to offset the costs associated with enforcement.

  - **Would modification of the licensing regulation allow for a FTE position to be eliminated or reallocated outside of Animal Control?**
    - Current services provided by Animal Control are 24/7/365. This level of service is currently distributed between 4 FTE. If staffing levels decreased, it would be unrealistic to maintain the level of service provided after-hours, in combination with continuing the business hours field and office coverage.
    - Due to current and continued population growth, calls for services continue to rise. Modification of the licensing program, as proposed, would increase the capacity of the current staff. It would also extend the need for additional FTEs a bit longer.

**Alternatives**

**Recommended Direction:** Staff’s recommendation is to modify the licensing regulation and only require a dog owner to provide proof of current rabies vaccination, by a licensed veterinarian. This requirement would replace the existing dog licensing regulation while upholding the historical intent behind dog licensing – ensuring rabies vaccination and minimizing risk to the public. This would also eliminate the fee currently required of citizens.

Staff has evaluated alternatives that could potentially decrease the cost associated with enforcement of dog licensing. However, it is important to note that there is not a strong alternative that would be able to accomplish an increase in revenue without excessive increase in workload for staff and the need for an additional one or more FTEs.

<table>
<thead>
<tr>
<th>Alternatives</th>
<th>Revenue Increase</th>
<th>Cost Decrease</th>
<th>Comments</th>
</tr>
</thead>
</table>
| Continue licensing compliance efforts as they are |                  |               | • While staff would recommend increasing the current fees slightly and in accordance with other jurisdictions, it would have little impact on the overall true revenue generation of the dog licensing program.  
• This option would continue to stretch resources and would not minimize costs associated with enforcement.  
• Proposed fee increases of less than $5.00-$10.00 per license |
| currently being handled and enforced, in addition to an increase in fees for licensing. | Yes, slightly    | No            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
### Increase enforcement policy

<table>
<thead>
<tr>
<th>Yes for citations</th>
<th>Probably not for licensing</th>
<th>Potentially</th>
</tr>
</thead>
</table>

- This would increase revenue overall, but would also be considered a very heavy handed approach, resulting in increased paperwork for staff and the Courts system.
- Citizens in violation would then have to pay for the citation (first offence $50.00/dog), in addition to still complying with the licensing requirement and paying a per dog licensing fee.

### Research a third-party vendor

<table>
<thead>
<tr>
<th>Yes</th>
<th>Not for enforcement</th>
</tr>
</thead>
</table>

- This alternative would hopefully increase revenue and eliminate most administrative responsibilities for staff
- Would not account for the efforts still necessary in enforcement of the regulation.
- Concerns with how outreach is handled as the County is very diverse with rural and urban perspectives on government involvement

### Keep licensing requirement, but do not actively follow up for compliance

<table>
<thead>
<tr>
<th>No, drastic decrease</th>
<th>Yes, significant savings</th>
</tr>
</thead>
</table>

- This option conflicts with the goals of a licensing regulation.
- Staff would recommend eliminating or changing the regulation before this option.
- Comments from jurisdictions that currently do this: “Why have a law that is not enforced?”

### Fiscal Impact

While eliminating the dog licensing regulation would initially appear to decrease revenue generated, there would be a cost savings to the County in resource expenditure. In 2018, the amount of staff time and other costs associated with maintaining the program, which generated, $24,252 in revenue, cost approximately $25,393.

Additionally, due to the population and development growth within Unincorporated Arapahoe County, staff has seen an increase in Animal Control service needs and inquiries, quickly leading to the strain of resources and risk to public safety. If the proposed modifications are supported, staff anticipates 1-2 years of cost savings by being able to reallocate resources and maintain current level of service, without additional FTEs.

### Reviewed By

Caitlyn Cahill, Zoning & Animal Control Manager  
Jan Yeckes, Division Manager  
Bryan Weimer, Public Works & Development Director  
Todd Weaver, Finance Department  
Robert Hill, Senior Assistant County Attorney
<table>
<thead>
<tr>
<th>Town/County</th>
<th>Licensing/Rabies</th>
<th>Cost of License</th>
<th>Policy to Enforce</th>
<th>Revenue/year</th>
<th>Licensing Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Columbine</td>
<td>None</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Valley/Bow Mar</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Littleton</td>
<td>Rabies only</td>
<td>x</td>
<td>N/A</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Sheridan</td>
<td>Rabies only</td>
<td>x</td>
<td>Citation 1st contact</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Englewood</td>
<td>Rabies only</td>
<td>x</td>
<td>Follow up Officer Discretion</td>
<td>x</td>
<td>Looking into external company options</td>
</tr>
<tr>
<td>Glendale</td>
<td>None</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Cherry Hills</td>
<td>License, Looking into getting rid of program</td>
<td>$10</td>
<td>Educate only</td>
<td>$2-3,000</td>
<td>x</td>
</tr>
<tr>
<td>Greenwood Village</td>
<td>Rabies only, license program deleted</td>
<td>x</td>
<td>N/A</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Centennial</td>
<td>Licensing &amp; Rabies 17% Compliance Rate</td>
<td>$12-$24</td>
<td>Citation on 2nd contact</td>
<td>N/A</td>
<td>Looking into DocuPet</td>
</tr>
<tr>
<td>Aurora</td>
<td>Focus on Licensing 7-10% Compliance Rate</td>
<td>$15-$50</td>
<td>Educate only</td>
<td>$122,765.5</td>
<td>Work with Vets</td>
</tr>
<tr>
<td>Bennett</td>
<td>Licensing</td>
<td>$10-$25</td>
<td>N/A</td>
<td>N/A</td>
<td>x</td>
</tr>
<tr>
<td>Deer Trail (Arapahoe County Contract)</td>
<td>Licensing by Town</td>
<td>$15-$30</td>
<td>No enforcement</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Denver City and County</td>
<td>Licensing &amp; Rabies</td>
<td>$15-$45</td>
<td>Follow up on licensing Officer Discretion</td>
<td>$500,915</td>
<td>$392,605 Gross</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PetDate Fee 22% each license</td>
</tr>
<tr>
<td>Adams County</td>
<td>Licensing &amp; Rabies</td>
<td>Free-$25</td>
<td>Follow up on Rabies only, Officer Discretion</td>
<td>$3000</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jefferson County</td>
<td>Licensing Shelter controls program. 25% Compliance Rate</td>
<td>$20</td>
<td>Citation 1st contact</td>
<td>$825,000</td>
<td>PetDate Fee $4.10 each license</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Work with Vets</td>
</tr>
<tr>
<td>Douglas County</td>
<td>Rabies only</td>
<td>x</td>
<td>Bites Citation 30day grace period</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Elbert County</td>
<td>Rabies only</td>
<td>x</td>
<td></td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Arapahoe</td>
<td>Licensing 7.9-10% Compliance Rate</td>
<td>$12-$24</td>
<td>Follow up Officer Discretion</td>
<td>$24,276</td>
<td>x</td>
</tr>
</tbody>
</table>

**PROPOSED:**

<table>
<thead>
<tr>
<th>Arapahoe</th>
</tr>
</thead>
<tbody>
<tr>
<td>RABIES VACCINATION ONLY</td>
</tr>
<tr>
<td>NO ADDITIONAL FEES</td>
</tr>
<tr>
<td>CITATION IF NOT VACINATED</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>N/A</td>
</tr>
</tbody>
</table>

X – Agency does not perform
N/A – Information not available
DATE: March 4, 2019

TO: Board of County Commissioners

FROM: Bryan D. Weimer, PWLF, Director
Public Works and Development

SUBJECT: PROPOSED ADOPTION OF BUILDING CODE APPENDIX M – ADDRESSING CHILD DAY CARE IN RESIDENTIAL HOMES

Direction/Information
The Public Works and Development Department (PWD) is requesting support from the Board of County Commissioners (BoCC) regarding the Building Division of Public Works and Development moving forward to public hearing on the adoption of Appendix M of the 2015 International Residential Code to specifically address Home Day Care – in R3 Occupancy Building classification.

Request and Recommendation
The Study Session is to update the BoCC on the proposal to address the current requirement to provide sprinkler systems in residential homes that provide child day care for more than 5 children. The specific direction needed by the BOCC is as follows:

1. Does the Board of County Commissioners support Public Works and Development bringing forward a proposal to adopt Appendix M of the 2015 International Residential Code in a public hearing?
2. If there is support for the proposal to adopt Appendix M, as modified via resolution, are there further modifications to the adoption resolution that the BoCC would like to make regarding the adoption of Appendix M.
3. As a side note and somewhat related, PWD will be providing clarification in the land use code regarding home day care facilities and the requirement to meet all applicable building codes. This modification is not necessary with the adoption of Appendix M and will be handled via a separated BoCC action on the land use code updates.
Staff recommends that the BoCC hold a public hearing after the required advertisement period for adoption of Appendix M of the 2015 International Residential Code, with modifications.

Background
The County adopted building code for Group R3 Occupancy in the 2015 International Residential Code. As such, home day care occupancy limits are capped at 5 children without a sprinkler system being installed. In addition, the County’s land use code regarding child day care limited the use to 6 children without a Special Use Permit. Furthermore, the State of Colorado has the ability and has frequently issued permits for child day care facilities capable of caring for up to 12 children (see attached map for license day care facilities in the County). These inconsistencies has created challenges for day care providers, which in turn has led to exploration of state legislation by the Colorado Children’s Campaign to address licensing for child day care at a state level. To avoid a state mandated solution, as well as address this issue within Arapahoe County, Staff has met with the County Human Services Department, South Metro Fire District, CCI, Colorado Children’s Campaign, and other building officials and believed we have come up with a solution to the challenge of sprinkling homes for more than 5 children who receive custodial care for less than 24 hours.

Align Arapahoe
Two elements of Align Arapahoe (Service First, Quality of Life) would be addressed with this initiative and PWD’s involvement.

Service First
This effort would help provide a streamlined and efficient means for the licensed day care provider to obtain necessary permits from Arapahoe County to operate a safe day care facility.

Quality of Life
This action would provide a safe, licensed, permitted and inspected day care facility for children alternative to being “on the streets”, and 3) helps to address a gap in housing services for vulnerable populations.

Discussion
After meeting with various stakeholder groups referenced above, PWD decided to investigate the 2015 International Residential Code and discuss with other peer building officials on how to solve the home sprinkler issue, while providing a safe facility for children. Other communities are struggling with the same issue and pressures. A general consensus was arrived that adoption of Appendix M of the International Residential Code, with modifications, would address this issue.

Appendix M provides means of egress and smoke detection requirements for a Group R-3 Occupancy that is to be used as a home day care for more than five children who receive custodial care for less than 24 hours. This appendix sets forth the means of egress requirements that are unique to a home day care, such as two exits required, fenced yards, type of fencing, guards for decks and type of locks and latches for exits. This appendix also requires installation of smoke detectors. This appendix shall apply to a home day care operated within a dwelling. It is to include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians or relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for.

Additions to Appendix M are being proposed with the adoption of Appendix M via resolution (attached). This includes limiting the number of children to be cared for in the home to a maximum of 12. Appendix M did not set a maximum limit on the number of children in the home. This maximum number aligns with the maximum number that the State would license for a home day care facility. Also, the adoption resolution provides that the smoke and carbon monoxide detection shall be monitored by a third party monitoring service for all family child care homes that are subject to this Appendix M. These two amendments provide an additional factor of safety with adoption of the appendix.
Not directly related to this request, but important to note, the current County land use code allows a day care facility up to 6 children without having to process a special use permit. Above 6 children requires a Special Use Permit. PWD is proposing various land use code changes in 2019, of which clarification will be provided in this section of the code as it relates to the requirement to meeting adopted building codes for an occupancies proposed with a day care facility.

The proposed adoption of Appendix M is a modification to the building code, and as such, State Statues (C.R.S. 30-28-204) require a 14 day published notice of a public hearing before the BoCC. If the BoCC is supportive of this proposal moving forward to a public hearing, PWD will prepare and provide the public notice for a public hearing before the BoCC on April 2, 2019. We will also provide information on the Department website for review and comment by interested parties.

Alternatives
The alternative to the County adoption of Appendix M, would be for the Building Division to continue using the R-3 requirements of the building code, which would have a limitation 5 children in an in-home day care facility before sprinkler systems would be required.

Fiscal Impact
The fiscal impact to Arapahoe County will be minimal if any with this building code modification.

Concurrence
The Public Works and Development Department concurs with the proposal for the Building Division to adopt Appendix M, with modification, thereby modifying the current County Building Code. Staff has also coordinated this building code modification with the South Metro Fire Rescue Authority and the Arapahoe County Human Service Department and they both support adoption of Appendix M, with modification, to the County’s building code.

Attorney Review
The County Attorney’s Department has reviewed this document.

Reviewed By
This Board Summary Report has been reviewed by the following:

Joe Richards, Building Division Manager - PWD
Jan Yeckes, Planning Division Manager - PWD
Caitlyn Cahill, Zoning and Animal Control Manager - PWD
Robert Hill, Assistant County - Attorney Department
Cheryl Ternes, Director – Human Services
Appendix M:  
Home Day Care—R-3 Occupancy

(The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.)

General Comments
This appendix provides means of egress and smoke detection requirements for a Group R-3 Occupancy that is to be used as a home day care for more than five children who receive custodial care for less than 24 hours.

This appendix sets forth the means of egress requirements that are unique to a home day care, such as two exits required, fenced yards, type of fencing, guards for decks and type of locks and latches for exits. This appendix also requires installation of smoke detectors.

Section AM101 describes a home day care operated within a dwelling and defines the limitation of the occupancy. Section AM102 addresses definitions. Section AM103 establishes the specific provisions for the means of egress unique to a home day care. Section AM104 contains the provisions for smoke detectors.

Purpose
This appendix is strictly for guidance and/or adoption by those jurisdictions that have Licensed Home Care Providers that will allow more than five children to be cared for in a person’s home.

Several states have laws for Licensed Home Care Providers that will allow more than five children to be cared for in a person’s home. Many state jurisdictions require documentation from the local jurisdictions stating that the applicant has complied with the local planning and building department zoning and building codes. Typically, a state jurisdiction will allow six full-time children and two or more part-time children. The part-time child care is usually before and after school hours. The International Building Code® (IBC®) regulates Group I-4 day care facilities in Section 308.5 and states, “A facility such as the above with five or fewer persons shall be classified as a Group R-3,” Section 308.5.2 child care facility works with more than five children. When directed to the code, one finds that there are no requirements for day care operations in a Group R-3. When a jurisdiction adopts this appendix, the provisions in IBC Sections 308.5 and 308.5.2 should be considered also.

SECTION AM101 
GENERAL
AM101.1 General. This appendix shall apply to a home day care operated within a dwelling. It is to include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians or relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for.

SECTION AM102 
DEFINITION
EXIT ACCESS. That portion of a means-of-egress system that leads from any occupied point in a building or structure to an exit.

SECTION AM103 
MEANS OF EGRESS
AM103.1 Exits required. If the occupant load of the residence is more than nine, including those who are residents, during the time of operation of the day care, two exits are required from the ground-level story. Two exits are required from a home day care operated in a manufactured home regardless of the occupant load. Exits shall comply with Section R311.

AM103.1.1 Exit access prohibited. An exit access from the area of day care operation shall not pass through bathrooms, bedrooms, closets, garages, fenced rear yards or similar areas.

Exception: An exit may discharge into a fenced yard if the gate or gates remain unlocked during day care hours. The gates may be locked if there is an area of refuge located within the fenced yard and more than 50 feet (15240 mm) from the dwelling. The area of refuge shall be large enough to allow 5 square feet (0.5 m²) per occupant.

AM103.1.2 Basements. If the basement of a dwelling is to be used in the day care operation, two exits are required from the basement regardless of the occupant load. One of the exits may pass through the dwelling and the other must lead directly to the exterior of the dwelling.

Exception: An emergency and escape window complying with Section R310 and which does not conflict with Section AM103.1.1 may be used as the second means of egress from a basement.

AM103.1.3 Yards. If the yard is to be used as part of the day care operation it shall be fenced.

AM103.1.3.1 Type of fence and hardware. The fence shall be of durable materials and be at least 6 feet (1829 mm) in height, completely enclosing the area used for the day care opera-
APPENDIX M

CTIONS. Each opening shall be a gate or door equipped with a self-closing and self-latching device to be installed at a minimum of 5 feet (1528 mm) above the ground.

Exception: The door of any dwelling which forms part of the enclosure need not be equipped with self-closing and self-latching devices.

AMI03.1.3.2 Construction of fence. Openings in the fence, wall or enclosure required by this section shall have intermediate rails or an ornamental pattern that do not allow a sphere 4 inches (102 mm) in diameter to pass through. In addition, the following criteria must be met:

1. The maximum vertical clearance between grade and the bottom of the fence, wall or enclosure shall be 2 inches (51 mm).
2. Solid walls or enclosures that do not have openings, such as masonry or stone walls, shall not contain indentations or protrusions, except for tooled masonry joints.
3. Maximum mesh size for chain link fences shall be $1\frac{1}{4}$ inches (32 mm) square, unless the fence has slats at the top or bottom which reduce the opening to no more than $1\frac{3}{4}$ inches (44 mm). The wire shall be not less than 9 gage (0.148 inch (3.8 mm)).

AMI03.1.3.3 Decks. Decks that are more than 12 inches (305 mm) above grade shall have a guard in compliance with Section R312.

AMI03.2 Width and height of an exit. The minimum width of a required exit is 36 inches (914 mm) with a net clear width of 32 inches (813 mm). The minimum height of a required exit is 6 feet, 8 inches (2032 mm).

AMI03.3 Type of lock and latches for exits. Regardless of the occupant load served, exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. When the occupant load is 10 or less, a night latch, dead bolt or security chain may be used, provided such devices are openable from the inside without the use of a key or tool, and mounted at a height not to exceed 48 inches (1219 mm) above the finished floor.

AMI03.4 Landings. Landings for stairways and doors shall comply with Section R311, except that landings shall be required for the exterior side of a sliding door when a home day care is being operated in a Group R-3 occupancy.

SECTION AM104

SMOKE DETECTION

AMI04.1 General. Smoke detectors shall be installed in dwelling units used for home day care operations. Detectors shall be installed in accordance with the approved manufacturer’s instructions. If the current smoke detection system in the dwelling is not in compliance with the currently adopted code for smoke detection, it shall be upgraded to meet the currently adopted code requirements and Section AM103 before day care operations commence.

AMI04.2 Power source. Required smoke detectors shall receive their primary power from the building wiring when that wiring is served from a commercial source and shall be equipped with a battery backup. The detector shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Required smoke detectors shall be interconnected so if one detector is activated, all detectors are activated.

AMI04.3 Location. A detector shall be located in each bedroom and any room that is to be used as a sleeping room, and centrally located in the corridor, hallway or area providing access to each separate sleeping area. When the dwelling unit has more than one story, and in dwellings with basements, a detector shall be installed on each story and in the basement. In dwelling units where a story or basement is split into two or more levels, the smoke detector shall be installed on the upper level, except that when the lower level contains a sleeping area, a detector shall be installed on each level. When sleeping rooms are on the upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. In dwelling units where the ceiling height of a room open to the hallway serving the bedrooms or sleeping areas exceeds that of the hallway by 24 inches (610 mm) or more, smoke detectors shall be installed in the hallway and the adjacent room. Detectors shall sound an alarm audible in all sleeping areas of the dwelling unit in which they are located.

2015 INTERNATIONAL RESIDENTIAL CODE® COMMENTARY
RESOLUTION NO. 160536  It was moved by Commissioner ______ and duly seconded by Commissioner __________ to adopt the following resolution:

WHEREAS, the Board of County Commissioners has the power to adopt, revise, alter and amend the Arapahoe County Building Code from time to time, after published notice of the Board’s intention to consider amendments, as set forth in Section 30-28-204, C.R.S., as amended; and

WHEREAS, the Building Code now in effect includes, among other Codes, the 2015 edition of the International Building Code (IBC), including the 2015 International Residential Code (IRC), except that Arapahoe County has not previously adopted Appendix M to the IRC; and

WHEREAS, said Appendix M provides specific building requirements for family childcare homes in which day care services are provided in residential dwelling units pursuant to a State of Colorado license by the home owners and residents of those homes; and

WHEREAS, there exist within Arapahoe County residential properties that are licensed through the State of Colorado as family child care homes for providing day care services in accordance with the State license, and where applicable under the Arapahoe County Land Development Code, have obtained local Special Exception Use permits under said Land Development Code; and

WHEREAS, there is a demand for licensed family child care homes to provide day care services in unincorporated Arapahoe County and it is expected that additional family child care homes will seek licensure within unincorporated Arapahoe County; and

WHEREAS, under the existing provisions of the provisions of the IBC and IRC, adopted under the Arapahoe County Building Code, any home daycare service that provides daycare services for six (6) or more children cannot be classified as residential use and instead would be classified under either the E, I4 or R4 use group; and

WHEREAS, building code requirements are more restrictive under the use groups E, I4, and R4, and these restrictions make it more difficult and expensive for family child care homes licensed for six or more children under the State License or as may be or have been approved through the County’s SEU process, to comply with Building Code requirements for such use group classifications; and

WHEREAS, Appendix M would allow issuance of a building permit for a family childcare home that is licensed for six or more children to operate under the requirements of the IRC for residential properties provided that the dwelling meets the criteria specified in the Appendix M; and

WHEREAS, the Arapahoe County Building Division and the Building Official recommend that the Arapahoe County Building Code be amended to adopt Appendix M to allow for a residential use group classification for dwellings that are used as family childcare homes, so
long as the property and operator are properly licensed under applicable State and County regulations and provided that the license is for twelve (12) or less children: and

WHEREAS, the Arapahoe County Board of Review has reviewed and provided comments regarding the proposed amendment to the Building Code and has recommended that the Board [adopt/not adopt] Appendix M; and

WHEREAS, the Board of County Commissioners finds that the compliance with the Appendix M criteria will provide a safe environment for such family child care homes so long as such homes are licensed and inspected by the State of Colorado in accordance with the applicable State regulations and provided that the State license is not for more than twelve (12) children; and

WHEREAS, the Board of County Commissioners finds that the provision of child care services within a residential dwelling for more than twelve (12) children at any one time is beyond the scope of residential use of the dwelling and as such should not be considered a residential use under the IBC or the IRC, and instead should be considered under and subject to the requirements of a more appropriate use group; and

WHEREAS, the Board of County Commissioners finds that it is in the public interest to amend the Arapahoe County Building Code to adopt Appendix M to the IRC to allow for residential family child care homes that are licensed and inspected by the State of Colorado in accordance with applicable State regulations for up to twelve (12) children so that the dwelling can retain its residential use category under the Building Code; and

WHEREAS, Section 30-28-204, C.R.S., as amended, provides that the Board may adopt amendments to the Building Code at a public hearing held no sooner than fourteen days after a notice of public hearing has been published in a qualifying newspaper; and

WHEREAS, a Notice of Public Hearing to be held on _____, 2019 before the Board of County Commissioners on the question of amending the Arapahoe County Building Code to adopt Appendix M was published in The Villager, a newspaper of general circulation, on ____________ and

WHEREAS, on __________________________ at 9:30 A.M., the date and time set forth in the Notice of Public Hearing, the Board of County Commissioners held a Public Hearing concerning the proposed amendment to the Arapahoe County Building Code; and

WHEREAS, evidence was received showing that the notice, publication and referral procedures required by law for amending the building code were followed; and

WHEREAS, at the public hearing, County staff presented and explained the proposed amendment; and

WHEREAS, following the presentation by County staff, the Chair asked members of the public for comments about the proposed amendment; and
NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners makes the following findings in support of the proposed amendment:

1. That the statutory jurisdictional requirements have been met and that the Board has jurisdiction to consider and act upon the proposed amendments to the Building Code.

2. That adequate opportunity for public input and comments has been provided.

3. That the Board has fully considered the proposed amendments in light of the public health, safety, morals and general welfare, and the safety, protections, and sanitation of dwellings, buildings and structures subject to the Building Code, and finds that the proposed amendments will support, advance and encourage such standards.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners to adopt the proposed amendment to the Arapahoe County Building Code as follows:

1. That the Arapahoe County Building Code, including the the 2015 editions of the International Building Code and the International Residential Code, is hereby amended to adopt Appendix M to the IRC, providing for family child care homes licensed and inspected under the applicable State of Colorado regulations.

2. That the adopted Appendix M is as follows:

APPENDIX M

HOME DAY CARE—R-3 OCCUPANCY

SECTION AM101 GENERAL

AM101.1 General. This appendix shall apply to a home day care operated within a dwelling. It is to include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians or relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for.

SECTION AM102 DEFINITION

EXIT ACCESS. That portion of a means-of-egress system that leads from any occupied point in a building or structure to an exit.

SECTION AM103 MEANS OF EGRESS

AM103.1 Exits required. If the occupant load of the residence is more than nine, including those who are residents, during the time of operation of the day care, two
exits are required from the ground-level story. Two exits are required from a home day care operated in a manufactured home regardless of the occupant load. Exits shall comply with Section R311.

**AM103.1.1 Exit access prohibited.** An exit access from the area of day care operation shall not pass through bath-rooms, bedrooms, closets, garages, fenced rear yards or similar areas.

**Exception:** An exit may discharge into a fenced yard if the gate or gates remain unlocked during day care hours. The gates may be locked if there is an area of refuge located within the fenced yard and more than 50 feet (15 240 mm) from the dwelling. The area of refuge shall be large enough to allow 5 square feet (0.5 m²) per occupant.

**AM103.1.2 Basements.** If the basement of a dwelling is to be used in the day care operation, two exits are required from the basement regardless of the occupant load. One of the exits may pass through the dwelling and the other must lead directly to the exterior of the dwelling.

**Exception:** An emergency and escape window complying with Section R310 and which does not conflict with Section AM103.1.1 may be used as the second means of egress from a basement.

**AM103.1.3 Yards.** If the yard is to be used as part of the day care operation it shall be fenced.

**AM103.1.3.1 Type of fence and hardware.** The fence shall be of durable materials and be at least 6 feet (1529 mm) tall, completely enclosing the area used for the day care operations. Each opening shall be a gate or door equipped with a self-closing and self-latching device to be installed at a minimum of 5 feet (1528 mm) above the ground.

**Exception:** The door of any dwelling which forms part of the enclosure need not be equipped with self-closing and self-latching devices.

**AM103.1.3.2 Construction of fence.** Openings in the fence, wall or enclosure required by this section shall have intermediate rails or an ornamental pattern that do not allow a sphere 4 inches (102 mm) in diameter to pass through. In addition, the following criteria must be met:

1. The maximum vertical clearance between grade and the bottom of the fence, wall or enclosure shall be 2 inches (51 mm).
2. Solid walls or enclosures that do not have openings, such as masonry or stone walls, shall not contain indentations or protrusions, except for tooled masonry joints.
3. Maximum mesh size for chain link fences shall be $1^{1/4}$ inches (32 mm) square, unless the fence has slats at the top or bottom which reduce the opening to no more than $1^{3/4}$ inches (44 mm). The wire shall be not less than 9 gage [0.148 inch (3.8 mm)].
AM103.1.3.3 Decks. Decks that are more than 12 inches (305 mm) above grade shall have a guard in compliance with Section R312.

AM103.2 Width and height of an exit. The minimum width of a required exit is 36 inches (914 mm) with a net clear width of 32 inches (813 mm). The minimum height of a required exit is 6 feet, 8 inches (2032 mm).

AM103.3 Type of lock and latches for exits. Regardless of the occupant load served, exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. When the occupant load is 10 or less, a night latch, dead bolt or security chain may be used, provided such devices are openable from the inside without the use of a key or tool, and mounted at a height not to exceed 48 inches (1219 mm) above the finished floor.

AM103.4 Landings. Landings for stairways and doors shall comply with Section R311, except that landings shall be required for the exterior side of a sliding door when a home day care is being operated in a Group R-3 occupancy.

Section AM104 Smoke Detection

AM104.1 General. Smoke detectors shall be installed in dwelling units used for home day care operations. Detectors shall be installed in accordance with the approved manufacturer’s instructions. If the current smoke detection system in the dwelling is not in compliance with the currently adopted code for smoke detection, it shall be upgraded to meet the currently adopted code requirements and Section AM103 before day care operations commence.

AM104.2 Power source. Required smoke detectors shall receive their primary power from the building wiring when that wiring is served from a commercial source and shall be equipped with a battery backup. The detector shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Required smoke detectors shall be interconnected so if one detector is activated, all detectors are activated.

AM104.3 Location. A detector shall be located in each bed- room and any room that is to be used as a sleeping room, and centrally located in the corridor, hallway or area giving access to each separate sleeping area. When the dwelling unit has more than one story, and in dwellings with basements, a detector shall be installed on each story and in the basement. In dwelling units where a story or basement is split into two or more levels, the smoke detector shall be installed on the upper level, except that when the lower level contains a sleeping area, a detector shall be installed on each level. When sleeping rooms are on the upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. In dwelling units where the ceiling height of a room open to the hallway serving the bedrooms or sleeping areas exceeds that of the hallway by 24 inches (610 mm) or more, smoke detectors shall be installed in the hallway and the adjacent room. Detectors shall sound an alarm audible in all sleeping areas of the dwelling unit in which they are located.
3. That smoke and carbon monoxide detection shall be monitored by a third party monitoring service for all family child care homes that are subject to this Appendix M and that such Appendix M as provide above shall be amended or supplemented as appropriate with this third party monitoring service requirement.

4. That Appendix M as adopted hereby shall only apply to those family child care homes that are licensed and inspected by the State of Colorado in accordance with applicable State regulations and are not licensed for more than twelve (12) children.

5. That the effective date for this Resolution shall be __________, 2019 and shall relate to building permit applications submitted on or after said date.

The vote was:

Commissioner Baker, ___; Commissioner Conti, ___; Commissioner Holen, ___; Commissioner Jackson, ___; Commissioner Sharpe, ___. 
CCAP Licensed Day Care Providers

Day Care Providers
Capacity
- Unknown
- 6
- 9
- 12

Day Care Providers
Capacity
- Unknown
- 6
- 9
- 12
Date: March 1, 2019

To: Board of County Commissioners

Through: Chuck Haskins, Engineering Division Manager, PWD  
         Bryan Weimer, Director, PWD

From: Jason Reynolds, Current Planning Program Manager, PWD

Subject: Design Standards for Small Cell Facilities in the Right-of-Way

Direction/Information
The Public Works and Development Department (PWD) is requesting direction from the Board of County Commissioners (BOCC) regarding design standards for small cell facilities in the public right-of-way.

Request and Recommendation
This study session will provide an update on Federal Communications Commission (FCC) mandates that affect Arapahoe County’s ability to manage small cell facilities in the public right-of-way. The FCC mandate includes a deadline of April 15, 2019 for the adoption of design guidelines. Staff seeks direction from the BOCC to prepare design standards, location requirements, and fees for the placement of small cell facilities in the public right-of-ways for adoption by April 15, 2019.

Background
Small cellular facilities are supplement the larger cellular towers and antennas installed in previous years. Small cell equipment tends to be about the size of a small backpack. These types of facilities will be used to supplement existing networks and to provide 5G service, which will require a higher density of antennas than previous generations of wireless service.

In September 2018, the FCC issued a declaratory ruling and order (FCC18-133) clarifying a number of small cell requirements and limiting local governments’ ability to restrict small cell facilities. The order essentially requires local governments to allow small cell facilities in the public right-of-way. It also limits fees/rents that can be charged, establishes maximum review times, and requires local governments to adopt design requirements within 180 days of the order (April 15, 2019).

The order has been challenged by a number of municipalities and that challenge is currently with the United States Court of Appeals for the Ninth Circuit; however, the courts denied the
municipalities’ request for a stay of the FCC order. Without a stay, the FCC order remains in effect during the court proceedings.

**Links to Align Arapahoe**

Quality of Life – Creating design standards for small cell facilities in the right-of-way would promote public safety by requiring designs that are compatible with traffic and pedestrian uses.

**Discussion**

Both the State of Colorado and the FCC have authorized the use of public right-of-way for small cell wireless facilities. Per those regulations and rulings, Arapahoe County must accommodate small cell facilities in the right-of-way. Adopting design standards for these facilities will provide for small cell facilities in an efficient and economical manner without negatively impacting the County’s control, use, operation, and maintenance of the right-of-ways.

Staff proposes an initial step of updating the Infrastructure Design and Construction Standards manual to provide location and design standards for small cellular facilities. The standards will identify location standards, separation requirements, height limits, and aesthetic design requirements for structures in the public right-of-way. The standards will also clarify the permitting requirements for these sorts of facilities. This can be accomplished before the April 15, 2019 FCC deadline.

Staff has reviewed other jurisdictions’ small cell programs and they typically include standards for different applications: new freestanding poles, attachments to/replacement of existing utility or light poles, and attachments to traffic signal facilities. Our draft standards will include similar standards, modeled after Denver and Centennial.

**Alternatives**

1. **Direct staff to prepare standards before the April 15, 2019 FCC deadline.** Proceed with updates to the Infrastructure Design and Construction Standards manual to clarify small cell requirements. Staff will reach out to wireless providers for feedback and prepare updates for the April 9, 2019 BOCC meeting.
2. **Do not prepare standards before the April 15, 2019 FCC deadline.** Staff could use existing infrastructure design standards to ensure safe installations in the public right-of-way. However; without adopted standards, small cell providers could propose poles that might not be compatible in certain neighborhoods: a 45’ pole would stand out in a residential area or a new wooden pole with an antenna affixed might not match the aesthetic in a neighborhood without other vertical infrastructure.

**Fiscal Impact**

The FCC order specifies acceptable fees for these types of right-of-way installations. Our goal is to create a set of standards that will allow Arapahoe County to issue permits for these sorts of facilities without incurring costs beyond what we can collect.
Concurrence
Public Works and Development staff, including Engineering Services, Planning, and Transportation recommend drafting small cell standards before the April 15, 2019 FCC deadline.

Reviewed By
Jason Reynolds, Current Planning Program Manager
Chuck Haskins, Engineering Division Manager
Bryan Weimer, PWD Department Director
Todd Weaver, Finance Department
Robert Hill, County Attorney