

**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
TUESDAY, DECEMBER 17, 2024**

ATTENDANCE	A regular meeting of the Arapahoe County Planning Commission (PC) 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: Rodney Brockelman; Brooke Howe; Kathryn Latsis; Randall Miller; Dave Mohrhaus, Chair Pro-Tem; Richard Sall; Lynn Sauve, Chair. Also, present were Robert Hill, Senior Assistant County Attorney (attending by phone); Jason Reynolds, Planning Division Manager (moderator); Ceila Rethamel, Engineering Services Division Manager (attending by phone); Molly Orkild-Larson, Principal Planner; Ernie Rose, Senior Planner; Emily Gonzalez (attending by phone), Engineer; Kat Hammer, Senior Planner; Sue Liu, Engineer; and Kim Lynch, Planning Technician.
CALL TO ORDER	Ms. Sauve called the meeting to order at 6:30 p.m. and roll was called. The meeting was held in person and through the Granicus Live Manager platform with telephone call-in for staff members and public.
GENERAL BUSINESS ITEMS:	
APPROVAL OF THE MINUTES	The motion was made by Mr. Mohrhaus and duly seconded by Ms. Latsis to accept the minutes from the <u>December 3, 2024</u>, Planning Commission meeting, as submitted. The vote was: Mr. Brockelman, Yes; Ms. Howe, Yes; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Yes; and Ms. Sauve, Yes.
APPROVAL OF THE MEETING CALENDAR FOR 2025	The motion was then made by Mr. Brockelman and duly seconded by Mr. Mohrhaus to accept the Meeting Calendar for 2025, as stated. The vote was: Mr. Brockelman, Yes; Ms. Howe, Yes; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Yes; and Ms. Sauve, Yes.
ADOPTION OF THE RESOLUTION FOR AGENDA POSTING	The motion was then made by Mr. Mohrhaus and duly seconded by Mr. Brockelman to adopt the Resolution for Agenda Posting Locations for 2025, as submitted.

LOCATIONS FOR 2025	The vote was: Mr. Brockelman, Yes; Ms. Howe, Yes; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Yes; and Ms. Sauve, Yes.
PUBLIC HEARING ITEMS	
ITEM 1	CASE NO. LE24-001, SOUTH PLATTE REPEATER INSTALLATION / LOCATION AND EXTENT (LE) – ERNIE ROSE, SENIOR PLANNER; EMILY GONZALEZ, ENGINEER – PUBLIC WORKS AND DEVELOPMENT (PWD) Ms. Sauve asked the County Attorney if the PC had jurisdiction to proceed. Mr. Hill said that LE24-001 had been properly noticed and the PC had jurisdiction to proceed. Mr. Rose stated the applicant and owner, South Platte Renew (SPR), sought approval of an LE application for the construction of a two-way radio repeater tower to provide continuous communication between staff working at the SPR farm and the SPR headquarters in the City of Englewood. He said SPR was a wastewater treatment provider for the cities of Englewood and Littleton and the farm was in a remote location where employees operated heavy equipment, were exposed to numerous risks (i.e. car accidents, equipment malfunction, injuries, animal bites, or inclement weather) and there were no direct communications to emergency services. He affirmed the proposed repeater tower would provide continuous coverage, and SPR employees would be able to communicate from any location on the property thereby reducing response time in the event of an emergency. He stated the SPR headquarters in Englewood cleaned 20 million gallons of wastewater from 300,000 residences located in Englewood, Littleton, and 19 other communities situated along the South Platte River. He described how the treatment process separated liquid and solid waste and converted the solid waste into nutrient-rich biosolids, and staff hauled truckloads of biosolids to the subject property (farm) near Deer Trail where the biosolids were applied to its fields. He added the farm was owned jointly by the cities of Englewood and Littleton on land used for dryland farming and grazing. He reported Staff had reviewed the application and based upon the review of applicable policies and goals in the Comprehensive Plan, review of the development regulations, and analysis of referral comments Staff recommended approval of this application. Mr. Dan DeLaughter, project engineer from SPR, described how the project would promote more safety, logistic support, and emergency preparedness for SPR. He affirmed that driver safety was their highest priority considering the 10 trips per week made in support of this operation. He reported that aside from vehicle safety, local wildlife, and weather also contributed to potential hazards. He concluded this tower project would also enhance the emergency communication capability of residents in this community. Ms. Sauve opened the public hearing. There were no members of the public present and no callers on the phone who spoke. Ms. Sauve closed the public hearing.

	There was discussion regarding the need for 10 additional feet above the 50-foot regulation. Mr. DeLaughter explained that due to the remoteness of the farm and distance from the treatment facility, a tower height of 60 feet was required to provide adequate service. The motion was made by Ms. Latsis and duly seconded by Mr. Brockelman, in the case of LE24-001, South Platte Renew Repeater Tower Location and Extent, I have reviewed the staff report, including all exhibits and attachments, and have listened to the applicant's presentation and any public comment as presented at the hearing and hereby move to APPROVE this application based on the findings in the staff report, subject to the following condition: 1. Prior to the signature of the final copy of these plans the applicant must address Public Works and Development Staff comments and concerns. The vote was: Mr. Brockelman, Yes; Ms. Howe, Yes; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Yes; and Ms. Sauve, Yes.
ITEM 2	CASE NOS. GDP23-003, ASI24-001, & SD24-002, EASTGATE / GENERAL DEVELOPMENT PLAN (GDP), 1041 PERMIT, AND SPECIAL DISTRICT SERVICE PLAN – KAT HAMMER, SENIOR PLANNER, SUE LIU, ENGINEER - PUBLIC WORKS AND DEVELOPMENT (PWD) Ms. Sauve asked the County Attorney if the PC had jurisdiction to proceed. Mr. Hill said that GDP23-003, ASI24-001, and SD24-002 had been properly noticed and the PC had jurisdiction to proceed. Ms. Hammer stated the property owner, Property 292, LLC in conjunction with Plan West Inc., was requesting approval of a General Development Plan (GDP), known as Eastgate, located at the southwest corner of Interstate 70 and N. Monaghan Road, at 27500 and 27450 E. Colfax Avenue. She reported the GDP proposed zoning for approximately 405,000 square feet of commercial, retail, and light industrial property and approximately 1,000 single-family attached and multi-family residential uses and established broad zoning parameters like allowed uses, maximum and minimum limits for dimensional controls like building height and setbacks, allowed density, and possible design guidelines or standards. She affirmed if this GDP was approved, the Planning Commission must approve a subsequent Specific Development Plan (SDP), Preliminary Plat, a detailed Administrative Site Plan (ASP), and Final Plat before any construction could proceed. She stated Staff had reviewed the plans, supporting documentation, and referral comments in response to this application and based upon a review of applicable policies and goals in the Comprehensive Plan, review of the development regulations, and analysis of referral comments had recommended approval of the GDP application. She explained the applicant, Property 292, LLC, in conjunction with JMC Consulting Services, LLC, was also requesting approval of a 1041 permit for a Major Water and

Sewer Project (Case No. ASI24-001) to serve the Eastgate development. She added Staff was also recommending approval of the 1041 application.

Service Plan

She introduced Jeffrey Erb, Erb Law, LLC, who was proposing to establish six metropolitan districts to serve the proposed Eastgate development and was seeking approval of its proposed service plan for the districts. She said it was estimated the metropolitan districts would serve the commercial, retail, and light industrial properties and the proposed population of 2,610 persons (based on an estimate of 2.61 persons per household). Mr. Erb explained the service plan limited the total amount of debt that could be issued by the district to \$70.0 million and required that any debt issued by the district must not have a maturity longer than 40 years from the date of issuance, however, there was no limit on how long the debt service mill levy may be imposed. Ms. Hammer reported staff had reviewed the plans and supporting documentation and the referral comments in response to this application and based upon review of applicable policies and goals in the Comprehensive Plan, the development ordinances, C.R.S. criteria, and analysis of referral comments, findings included:

1. C.R.S. 32-1-203(2) provided that the Board of County Commissioners SHALL disapprove the service plan unless evidence satisfactory to the Board of each of the (criteria) wisps presented. She said the applicant appears to have provided sufficient documentation to support the District service plan in accordance with this Statute's criteria.
2. There were existing and projected needs for infrastructure and organized services in the area of the proposed district.
3. C.R.S 32-1-203(2.5) provided that the Board of County Commissioners MAY disapprove the service plan unless evidence satisfactory to the Board of any of the other criteria, at the discretion of the Board, was not presented. She reported the applicant appeared to have provided sufficient documentation to support the proposed district service plan in accordance with this Statute criteria.
4. Adequate service was not available through Arapahoe County or other special districts for the proposed development.
5. The proposed special districts appeared to be in the best interest of those who would be served.
6. The applicant appeared to have met the procedural requirements for the service plan and associated special district.

She concluded considering these findings Staff recommended approval of the Eastgate Service Plan.

Mr. Erb described why six districts were needed in the Service Plan. He said in addition to residential and commercial property infrastructure needs there would be parks and trails, and regional traffic improvements requiring multiple entities to manage taxes to specific use districts. He added these districts would provide ongoing services to parks and other public improvements, covenant enforcement and design review services. He suggested this would eliminate the need for an HOA. He estimated that \$70 million in infrastructure was required for all district improvements, which would be paid for primarily by mill levy and development fees. He stated all must be in place by May 2025.

General Development Plan

Ms. Allison Hibbs, of Plan West, described the planned development that was generally proposed here in the GDP phase, provided site analysis, and gave an explanation of plans for traffic connectivity. She suggested the proposed maximum of 1,000 units was not so likely but had been proposed as potentially feasible.

1041

Jeff Keeley, of JMC, explained the 1041 application would guarantee adequate services for the generally proposed development. He stated there was a need for a major extension of existing domestic water and sewage treatment systems and that Aurora Water was the best source, as well as an established infrastructure provider. He affirmed that no new treatment facility would be built on this site. He described the plan of tapping into existing water and sewer mains. He explained that any environmental impacts would only be seen in the beginning with initial construction. He added there was no surface water available so there were no wetlands on the property and predominantly used for agriculture. Due to the farming, there is minimal wildlife on-site and no prairie dogs were observed. Mr. Rick Moore, of Manhart Consulting Engineers, stated there was an expectation for the need for gravity system development and a lift station maybe needed in the future. He explained that neighboring developments would share in the cost and discussions had been initiated. Ms. Sauve opened the public hearing. There were no members of the public present and no callers. Ms. Sauve closed the public hearing.

There was discussion regarding the following:

- Was there any Open Space conceptual plan with adjacent developments or connectivity to existing trails?
- What was meant by the Television Relay and Translation as described in the application?
- What was the timeline for the proposed regional traffic improvements?
- What was the plan for schools?

Ms. Hibbs responded that the developer would make a commitment to multi-modal development to include open space trails and connections but at this time there was little existing trail development in the area. Mr. Keeley said the Television Relay and Translation was for retransmitting TV signals and this could be taken out of the report as it was outside the Districts' authority. He added that small cell signals were already a part of allowed uses. Ms. Slade, of Foxhill, confirmed the Powhatan and Harvest expansion was proposed and coming in the next 3 years. Mr. Keeley said that the Aurora school district would absorb school needs and they had requested cash in lieu rather than land for new schools.

The motion was made by Ms. Latsis and duly seconded by Mr. Miller, in the case of GDP23-003, Eastgate General Development Plan, I have reviewed the staff report, including all exhibits and attachments, and have listened to the applicant's presentation and any public comment as presented at the hearing and hereby move to recommend approval of this application based on the findings in the staff report, subject to the following conditions:

1. Prior to signature of the final copy of these plans the applicant must address Public Works and Development Staff comments and concerns.
2. Prior to the signature of the final copy of these plans, the applicant must provide proof that Aurora Water can adequately serve the site with water and wastewater treatment.
3. The applicant must submit a Transportation Demand Management Plan for review and approval with the Specific Development Plan.
4. The applicant agrees to contribute a pro-rata share of the cost of necessary improvements to the I-70 and Monaghan/Airpark Rds. interchange as are determined through the 1601 Process.
5. Approval of this GDP is contingent upon approval of the associated Special District application, SD24-002, and 1041 (Regulations Governing Areas and Activities of State Interest) application for extension of domestic water and sewage treatment systems, ASI24-001.

The vote was:

Mr. Brockelman, Yes; Ms. Howe, Yes; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Yes; and Ms. Sauve, Yes.

The motion was made by Mr. Mohrhaus and duly seconded by Mr. Brockelman, in the case of ASI24-001, Eastgate 1041 Permit, I have reviewed the staff report, including all exhibits and attachments, and have listened to the applicant's presentation and any public comment as presented at the public hearing. I hereby move to recommend approval of this application based on the findings in the staff report, subject to the following conditions:

1. The applicant will make changes or modifications to the 1041 Narrative as recommended by the Public Works and Development Staff.
2. Prior to the approval of this application the applicant shall provide proof that Aurora Water can adequately serve the site with water and wastewater.
3. The applicant shall provide a spill prevention plan and response plan with all Final Plat and Administrative Site Plan applications.
4. The applicant shall contact the County if any paleontological, historic, or archaeological attributes are identified during the time of construction.
5. Prior to the any site disturbance, the applicant shall secure all necessary easements for the lines.

The vote was:

Mr. Brockelman, Yes; Ms. Howe, Yes; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Yes; and Ms. Sauve, Yes.

The motion was made by Mr. Mohrhaus and duly seconded by Mr. Brockelman, in the case of SD24-002 Eastgate Special District Service Plan, the Planning Commissioners have reviewed the staff report, including all exhibits and attachments, and have listened to the applicant's presentation and any public comment as presented at the public hearing. I hereby move to

	recommend approval of this application based on the findings in the staff report. The vote was: Mr. Brockelman, Yes; Ms. Howe, Yes; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Yes; and Ms. Sauve, Yes.
ITEM 3	CASE NO. UASI23-001, FRONT RANGE ENERGY STORAGE / USR WITH 1041 PERMIT – MOLLY ORKILD-LARSON, PRINCIPAL PLANNER; SUE LIU, ENGINEER – PUBLIC WORKS AND DEVELOPMENT (PWD) Ms. Sauve asked the County Attorney if the PC had jurisdiction to proceed. Mr. Hill said that UASI23-001, Front Range Energy Storage Use by Special Review with 1041 Permit had been properly noticed and the PC had jurisdiction to proceed. Ms., Orkild-Larson stated the applicant, Front Range Energy Storage, LLC, on behalf of the property owner, Lowry Environmental Protection Cleanup Trust Fund, was seeking approval of a USR/1041 application on 19.10 acres to build a battery energy storage system that was proposed to be connected to Xcel Energy’s Harvest Mile Substation located adjacent and south of the subject property. She said the facility was to provide Xcel Energy with the ability to balance electric grid services by providing energy reserves, frequency regulation, and renewable energy balancing. She described how the battery system would charge directly from the existing electrical grid (via the electricity provided by connecting to the substation during periods when energy demand was low) and discharge electricity through the same path (through the Harvest Mile Substation and into the grid) when energy demand was high. She asserted the applicant’s goal was to enhance the reliability of the electrical grid, improve the state’s ability to continue to diversify its energy mix and help the state meet its objectives for electrical infrastructure modernization. She said that approximately 16.5 acres of the 19.10-acre site would be enclosed by a seven-foot-tall chain-link fence and contain battery storage containers and transformers, an on-site project-specific substation, and a detention pond. She said the unfenced portion of the site contained an existing gas easement and was located along the west portion of the property. She explained the battery containers and transformers would be in three areas on-site and separated from each other by 25-foot-wide drives, located on concrete pad foundations and not be more than 16 feet in height. She added there would be light poles 32 feet in height dispersed throughout the site and another seven-foot-tall chain-link fence would enclose the proposed project substation. She described the electrical step-up transformer and switchgear/control unit that would be situated on concrete pad foundations with an electrical transmission line to be installed to connect to the Harvest Mile Substation within this fenced area. She reported the subject site would obtain access from S. Harvest Road through an access easement and water, sanitary sewer, phone, cable, and gas services were not proposed for this project. She said it was anticipated that there would be 19 vehicle trips on an average weekday, with half entering and half exiting during a 24-hour period with maintenance and operations professionals visiting the site as needed for inspections and maintenance activities. She stated the applicant had

expressed an interest in placing a structure in the future for their employees working on-site, but this would only be allowed if it could meet Arapahoe County's building code and an additional review by County staff could be required. She explained the project would also include a review of a minor subdivision plat application (PM23-001) and, if approved, the applicant had applied for a development agreement (DA24-003) to vest those approvals for a period of seven years, which would be considered in a separate proceeding. She explained the site was managed by the Lowry Environmental Protection Cleanup Trust (Lowry Trust) which oversaw the implement the Lowry Trust Master Plan and identified the subject site as being located in Section 7 which allowed retail warehouse/distribution, flex, and utility services. She added this application was being reviewed by the Regulations Governing Areas and Activities of State Interest – 1041 Regulations as a Major Electrical Facilities of a Private Company and by a Use by Special Review application as per Section 5-3.4 of the Land Development Code (LDC).

She introduced Steve Ladelpha, of Power Plus. He described his company as a battery energy source expert with many projects operating around the US and the world with more underway and in the pipeline. He described the sleek battery storage containers to be used in the project as 10 feet tall and looking much like regular shipping containers in size and shape. He said this project was needed due to current and expected growth in the region and explained this site was optimal as it was adjacent to the Harvest Mile substation which supplied critical power to the area. He described the construction schedule and detailed the project team who would be installing the lithium-ion batteries in the containers and maintaining the operation of the facility.

Mr. Todd Messenger, of Fairfield & Woods, representing Front Range Energy Storage, LLC, discussed the specific approval criteria of the LDC and the 1041 application. He affirmed this project was net positive as it had minimal environment impacts and was proven to be safe as well as environmentally responsible. He reiterated the location as ideal and discussed the many positive economic impacts of using 19.1 acres to supply 150,000 homes worth of power. He concluded this project fit in with other land uses of the area, enhanced the power grid, and minimized impacts in an area where other uses would not be possible given the existing Lowry Land Fill use.

Ms. Sauve opened the public hearing. There was one member of the public present and one caller who spoke in favor of the project. Ms. Sauve closed the public hearing.

There was discussion regarding the following:

- What was the replacement cycle and process for lithium-ion batteries?
- How old was the company's oldest site?
- What was in place for tornados or other severe weather like lightening, hail or wind?
- Had there been any major failures or difficulties with any of these sites?
- What was the plan for battery fires and thermal runaway?
- What about stranded energy within the batteries?
- Was the local fire department ready to handle unforeseen issues?

Mr. Ladelpha explained the battery lifecycle was around 20-25 years when these would need augmentation or replacement, and a remediation plan was proposed to allow batteries to remain on the pad while new sources were placed. He said containers had specific setbacks and redundant levels of monitoring on individual battery units that were designed to detect, identify, and alert operators of any problems that could result in fire or explosion before they became uncontrolled and any major potential for battery fires and thermal runaway would be detected and corrected at the time of construction. He reported that the company's existing projects had been operational since 2021 so no long-term information on issues with the replacement or severe weather incidents was available but there had been no fires or explosions. He stated that stringent safety codes and weatherproofing considerations had been implemented in the facilities, so they were designed to operate safely and in extreme conditions. He described how the ion batteries used had been federally tested and had demonstrated that thermal runaway would not happen as each were grid dependent and each container had further isolation measures to ensure containment. He discussed the monitoring system within the facility to identify stranded energy and to assist in isolating potential problems. He concluded there had been discussions with the local fire district and they had indicated readiness to respond in an emergency.

The motion was made by Ms. Latsis and duly seconded by Mr. Brockelman, in the case of UASI23-001, Front Range Energy Storage / USR With 1041 Permit, I have reviewed the staff report, including all exhibits and attachments, and have listened to the applicant's presentation and any public comment as presented at the hearing and hereby move to recommend approval of this application based on the findings in the staff report, subject to the following conditions:

- 1. Prior to the signature of the final copy of these plans, the applicant must address Public Works and Development staff's comments and concerns.**
- 2. Prior to the signature of the final copy of these plans, the applicant shall provide an avigation and hazard easement.**
- 3. If site disturbance is to occur between February 15 and August 31, a nesting raptor study shall be conducted. If an active raptor nest is observed, appropriate buffers should be maintained until the young are no longer dependent on the nest. Contact the Colorado Parks and Wildlife (303) 291-7227 and Arapahoe County Planning Division if raptors are present.**
- 4. If there are prairie dogs present on the subject site when earthmoving occurs between March 15th and August 31st, a burrowing owl survey shall be conducted. Contact the Colorado Parks and Wildlife (303) 291-7227 and Arapahoe County Planning Division if burrowing owls are present.**
- 5. The Decommissioning Plan Agreement shall be signed and bonded before the issuance of a Certificate of Completion by the County. The Decommissioning Plan cost estimate shall be reviewed every five years by the Planning and Building Divisions commencing from the year of the**

	issuance of the Certificate of Completion. This cost estimate shall be submitted by December 31st every five years. 6. The Minor Subdivision Plat shall be approved and recorded before the signing of the final copy of the Use by Special Review final plans. 7. The applicant shall make a one-time payment to the County of \$50,000.00 for the purchase and installation of landscaping for a buffer at the Arapahoe County Fairgrounds. This payment shall be made at the time of issuance of the first building permit for the installation of foundations or vertical improvements on the subject property. The amount of the one-time payment shall be adjusted upward for inflation annually following the date of approval The vote was: Mr. Brockelman, Yes; Ms. Howe, Yes; Ms. Latsis, Yes; Mr. Miller, No; Mr. Mohrhaus, Yes; Mr. Sall, Yes; and Ms. Sauve, Yes.
ANNOUNCEMENTS	Ms. Orkild-Larson said the Affordable Housing study session would be the subject for the next PC meeting on 1-7-2025.
ADJOURNMENT	There being no further business to come before the Planning Commission, the meeting was adjourned.