

**ARAPAHOE COUNTY PLANNING COMMISSION**  
**PUBLIC HEARING**  
December 17, 2024  
6:30 P.M.

**SUBJECT: ASI24-001 EASTGATE 1041 (REGULATIONS GOVERNING AREAS AND ACTIVITIES OF STATE INTEREST) APPLICATION FOR EXTENSION OF DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS**

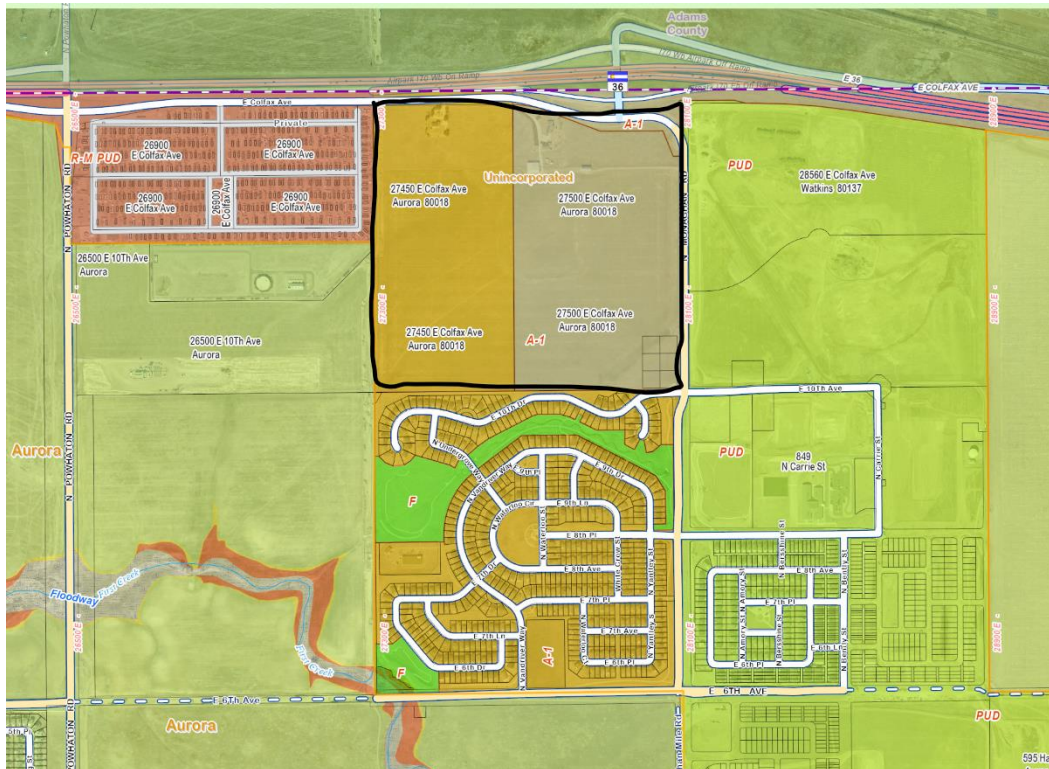
**KAT HAMMER, SENIOR PLANNER**

**PURPOSE AND REQUEST**

The applicant, Property 292, LLC, in conjunction with JMC Consulting Services, LLC, are requesting approval of a 1041 permit for a Major Water and Sewer Project to serve the development known as Eastgate, located at the southwest corner of Interstate 70 and N. Monaghan Road, at 27500 and 27450 E. Colfax Avenue. The proposed water and sewer extension would serve the associated General Development Plan (Case No. GDP23-003), which includes approximately 405,000 square-feet of commercial, retail, and light industrial property and approximately 1,000 single-family attached and multi-family residential units.

**BACKGROUND**

The approximately 144-acre site is located at the southwest corner of Interstate 70 and N. Monaghan Road.



*Location & Zoning (site outlined in black)*

**ADJACENT SUBDIVISIONS, ZONING, AND LAND USE:**

	<b>Zoning</b>	<b>Land Use</b>	<b>Subdivision</b>
<b>North</b>	N/A	Interstate 70	N/A
<b>East</b>	Sky Ranch PUD	Agricultural	N/A
<b>South</b>	Sky Ranch PUD	Single-Family Residential	Sky Ranch Filing No. 1
<b>West</b>	R-M PUD and City of Aurora	Mobile Home Park, Aurora pumping station and vacant land	Aetna Estates, Aurora Pumping Station No. 3 Sub 1 <sup>st</sup> Filing and unplatted.

**DISCUSSION AND PROPOSED CHANGES**

The applicant is proposing to extend water and sewage treatment from Aurora Water. There is an existing gravity main along E. 6<sup>th</sup> Avenue. The applicant intends to connect the sewer line at the intersection of E. 6<sup>th</sup> Avenue and N. Powhatan Road. The City of Aurora installed a water main on the western border of the site that the applicant intends to tap into. Final design has not been completed but easements might be required. Staff has included a condition of approval requiring the applicant secure all necessary easements for water and sewer prior to any site disturbance.

**ANALYSIS OF THE PROPOSED 1041 APPLICATION**

Staff review of this application included a comparison of the project to policies and goals outlined in the Comprehensive Plan, a review of pertinent State Statutes, an analysis of referral comments.

**Comprehensive Plan**

The Comprehensive Plan designates this area as Employment and within the Urban Area.

Primary allowable land uses in the Employment Center category include research and development offices, general offices, warehousing and light industrial uses, and major educational facilities. Allowable secondary uses in the Employment Center category include uses that complement the primary uses, such as restaurants, hotels, convenience shopping, childcare, and residential uses if part of an overall Planned Unit Development. The proposed development associated with this Special District application includes 405,000 square-feet of commercial, retail, and light industrial uses and approximately 1,000 single-family attached and multi-family residential units, within a Planned Unit Development.

The Urban Area is predominantly within or adjacent to areas of existing urban-level development in the western portion of the County. This is the place of the most intense urban activity and where annexations will likely occur. The undeveloped portion of the Urban Area is a priority growth area consistent with the Denver Regional Council of Governments (DRCOG) Metro Vision outcome to create an Efficient and Predictable Development Pattern.

This proposal complies with the Comprehensive Plan as follows:

*Policy GM 3.1 – Direct Future Development to Areas with Low Risks from Natural and Man-made Hazards*

The proposal is located within areas of low-risk natural and man-made hazards with the exception of noise associated with airplane traffic from Denver International Airport (DEN). The GDP

includes a note, “All property within the 55 day/night average sound level (DNL) is expected to be exposed to daily aircraft noise levels that equal or exceed an average of 55 decibels (DNL), a level of aircraft noise that the Arapahoe County Board of County Commissioners has determined is the maximum acceptable level for residential use. Because of this, Arapahoe County has required that all residences in this area and within Eastgate be constructed in ways that lessen the effects of the aircraft noise on the residents of Eastgate DEN requested an Avigation Easement during the referral process. The recorded easement can be found in attachment 2.

*GOAL PSF 1 – Ensure an Adequate Water Supply in Terms of Quantity and Quality for Existing and Future Development*

The existing two farmhouses receive water from a well, and wastewater is treated in a septic tank. The development is proposed to receive water and wastewater treatment services from the City of Aurora. The Contingent Willingness to Serve letter (attachment 4) indicates a Water and Sewer Service Agreement between Property 292, LLC is being negotiated between City staff and Property 292, LLC, and must be approved by the Aurora City Council. The Contingent Willingness to Serve letter indicates all water and wastewater infrastructure necessary to serve the development shall be built to the standards and requirements of the City of Aurora and will be conveyed to the City upon completion and acceptance. The Contingent Willingness to Serve letter also indicates the limitations of master-planned water use for this area. The agreement is expected to be presented to the Aurora City Council in January for consideration. A condition of approval requiring proof of approval from the Aurora City Council has been set by staff.

*Policy PFS 4.3 - Require Adequate Wastewater Treatment*

As mentioned above, the City of Aurora is expected to serve the development and ensure adequate wastewater treatment.

*GOAL PFS 7 – Ensure Existing and New Development have Adequate Police and Fire Protection Utilities in Existing and New Development*

The Arapahoe County Sheriff had no comments on this application. Sable Altura Fire District provided a referral response indicating the district fully commits and expects to continue to serve this area and development for the long term.

*GOAL PFS 9 – Ensure that the Educational Needs of Existing and New Developments Are Met*

The Aurora Public Schools provided a referral response indicating the school district has capacity to serve this development and they are requesting cash-in-lieu of land dedication at the time of subdivision. The school district is requesting the value of the cash-in-lieu be based on the Appraisal Method of determining fair market value outlined in the Arapahoe County Land Development Code.

*Comprehensive Plan - GOAL NL 1 – Create Livable Mixed-Use Neighborhoods in Designated Growth Areas*

The proposed development includes a diversity of land uses, such as employment, housing,

leisure time, and retail centers in close proximity to one another. The proposed plan includes opportunities for growth, job creation, and providing diverse housing options that would support those jobs.

*Comprehensive Plan - Policy NL 1.2 - Encourage Mixed Use Neighborhoods that Are Served by a Multi-modal Transportation System*

The General Development Plan (GDP) illustrates the location of the internal circulation and points of access. The applicant will be required to submit a Transportation Demand Management Plan for review and approval with the Specific Development Plan (SDP), sidewalk and pedestrian circulation will be reviewed with that application and the subsequent Administrative Site Plans (ASPs). The GDP plan includes a note indicating trails will be provided to provide multi-modal connectivity to be defined with future SDP and ASP submittals. There is an existing 12-foot Public Use Easement (P.U.E) which includes a trail on the northeast portion of the adjacent Sky Ranch Filing 1 that could allow for trail connectivity, this connection will be reviewed with future site plan submittals.

1041 Regulations Governing Areas and Activities of State Interest:

A permit may be approved if the proposed activity complies with the following general criteria. In determining whether the proposed activity complies with the criteria, the Planning Commission and Board of County Commissioners may take into consideration, the construction, operation and cumulative impacts of the proposed activity.

A. General Approval Criteria

- 1) *Documentation that prior to site disturbance associated with the Proposed Project, the applicant can and will obtain all necessary property rights, permits, and approvals. The Applicant is the contract purchaser of the subject property and is pursuing this application with the consent of the property owner. The Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits, and approvals are obtained.*

Before initiating any site disturbance, the applicant will be required to secure all requisite rights, permits, and approvals. The list found on page four of the narrative outlines the necessary permits and approvals to be acquired. Presently, the project is undergoing review for the GDP, 1041 Permit, and Metro District Service plans. Subsequent approvals are contingent upon the successful approval of the current applications.

- 2) *The Project considers the relevant provisions of the regional water quality plans.*

Eastgate lies within the First Creek Watershed, encompassing sections of the Monaghan Tributary and Riverwood Tributary, both feeding into First Creek. In line with Arapahoe County and SEMSWA regulations, the applicant provided a Phase 1 Drainage Report. This report ensures adherence to the Master Drainageway Plan for First Creek Tributaries. The site design features three detention and water quality facilities to manage stormwater and enhance water quality, all compliant with relevant regulations. Additionally, the master drainage plan aligns with the standards of the Mile High Flood District, Arapahoe County, and SEMSWA, prioritizing environmental stewardship and regulatory compliance. Phase

2 and 3 Drainage Reports will be prepared and reviewed by Arapahoe County, at subsequent stages of the entitlement process.

- 3) *The applicant has the necessary expertise and financial capability to develop and operate the Proposed Project consistent with all requirements and conditions.*

The applicant has engaged with land development consultants to guide the project through the entitlement process.

JMC Consulting Services serves as the owner representative and co-leads the entitlement process with Plan West. This consultant has experience in Colorado's jurisdictions, including the Denver metro front range. This company has a background in sustainable development practices, and entitlement of lots and the development of master-planned communities.

Plan West has been in business for 50 years, and specializes in land planning, site design, land development, and landscape architecture. Their approach focuses on creating financially successful projects while building long-term community assets.

Manhard Consulting, a full-service civil and surveying firm with over 50 years of experience, has expertise in conceptual design through construction closeout, supported by 13 office locations nationwide.

The Fox Tuttle Transportation Group, founded in 2001, provides transportation consulting services with a focus on safe streets for all modes of travel. Their staff includes Professional Traffic Operations Engineers (PTOE) with experience in applying federal "complete streets" standards to transportation projects across Colorado.

Property 292, LLC is financing the entitlement process. This company will self-fund and indicates that they have the financial capability to bring the project through the GDP, SDP, ASP, Preliminary Plat and Final Plats in Arapahoe County. This firm has also indicated that they may contract with certain developers and home builders prior to a final plat is achieved and request that they bring financial commitments for their planning areas and entitlements. Property 292, LLC will be responsible for the remaining costs associated with the entitlements.

When deemed suitable, Property 292, LLC will initiate negotiations with prospective home builders and developers for the acquisition of specific development pads, enhancing its revenue streams. Subsequently, site plans and final plats will undergo processing with the County, culminating in the approval of construction drawings and site plans. Upon reaching the development phase and commencing infrastructure installation, the purchasers of each development pad will assume responsibility for a designated portion of infrastructure costs. These developers will possess the financial capacity to execute the necessary improvements outlined in our Purchase and Sale Agreement.

For any development undertaken by Property 292, LLC or the metro district, the applicant will adhere to the following procedures. The responsible party will solicit 2-3 proposals for each development section. This approach enables thorough analysis of different

contractors, considering their experience and financial capacities. As part of the bidding process, they will require information on their insurance coverage and their overall approach to the project. This ensures that the applicant will select the contractor and proposal that align best with the fiscal responsibilities of the responsible party.

4) *The project is technically and financially feasible.*

The applicant plans to sell platted lots and/or planning areas to developers and builders before development begins, allowing flexibility to accommodate their interests and requirements. This dynamic approach ensures that agreements align with evolving project needs. Property 292, LLC will negotiate with prospective home builders and developers for specific development pads to enhance revenue streams. Upon approval of construction drawings and site plans by the County, infrastructure installation will commence, with developers and/or builders assuming responsibility for designated infrastructure costs. Property 292, LLC or the metro district will adhere to a procedure of soliciting 2-3 proposals for each development section, enabling thorough analysis of contractors' experience and financial capacities to select the best fit for the project's fiscal responsibilities.

5) *The Proposed Project is not subject to significant risk from natural hazards.*

The project is not subject to significant risk from natural hazards due to careful planning and mitigation measures. Extensive assessments and planning have been conducted to ensure the project's resilience to potential natural hazards. This includes considerations for factors such as flood zones, and other environmental risks. Additionally, the project's design incorporates measures to mitigate these risks, such as strategic site placement and the implementation of appropriate infrastructure. Through thorough analysis and proactive measures, the project aims to minimize any potential impact from natural hazards, ensuring the safety and security of the development and its occupants.

6) *The Proposed Project is in general conformity with the applicable comprehensive plans.*

The site is designated as an Employment District within the Comprehensive Plan's Urban Area, tailored to accommodate diverse land uses such as industrial, commercial/retail, or residential developments intended to serve a denser population. The proposed Planned Unit Development (PUD) aligns with the Comprehensive Plan's objectives, fostering growth, job opportunities, and offering varied housing options to support these roles. Situated adjacent to existing development, the site shares borders with Sky Ranch to the south and east, ensuring continuity with surrounding urban landscapes. Furthermore, the PUD facilitates essential connections between 12th Avenue, N. Monaghan Road, and the CDOT intersection at I-70 and Monaghan. The applicant indicates that the development will feature a robust network of trails and pocket parks dispersed throughout the community, fostering a vibrant and walkable community atmosphere.

7) *The Proposed Project will not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery system.*

Public Services: The installation of public infrastructure is the responsibility of the applicant, Metro District, and third-party developers, adhering strictly to approved construction drawings reviewed by Arapahoe County and other relevant authorities. Following the warranty period, ownership of public road and certain other public improvements will transfer to the County or another jurisdiction to assume ongoing repair and maintenance responsibilities.

Schools: The site falls under the jurisdiction of Aurora School District #28J. Aurora Public Schools provided staff with an email stating the school district has capacity to serve the proposed 1,000 residential units and requests cash-in-lieu of school land dedication at the time of final plat.

Water and Wastewater Treatment and Water Supply: An Exterritorial Agreement with Aurora Water is negotiated to service the project for both water and wastewater treatment. Attachment 4.

Emergency Services: Sable Altura Fire Protection District is the designated fire district for the development and is willing and capable of service per the letter submitted with the GDP.

Transportation and Infrastructure: Improvements will align with Transportation Impact Studies (TIS) and approved construction drawings, undertaken by the applicant, other developers, and homebuilders. A referral response was received from Arapahoe County Road and Bridge Division indicating the Division has no objection to the County maintain the roads if they are built to County standards.

- 8) *The Proposed Project will not create an undue financial burden on existing or future residents of the County.*

The development of the community relies on financial investments made by the applicant and builder/developer partners. Metro District bond issuance plays a crucial role in facilitating this investment by issuing bonds. These bonds are subsequently repaid through property taxes and fees paid by residents and developers, respectively. By allowing specific projects to be self-sustaining, Metro Districts shift the financial burden onto the residents and businesses within the community boundaries. This responsibility solely falls on the shoulders of residents and developers who own and operate assets within the district boundaries, alleviating the financial burden from county residents who do not reside within the district boundaries.

- 9) *The Proposed Project will not significantly degrade any substantial sector of the local economy.*

Approximately 114 acres of the current site are utilized for agricultural purposes, representing a small fraction of Colorado's overall agricultural value. Introducing open space, trails, and park areas will expand recreational opportunities for both residents and the broader regional population. Furthermore, the inclusion of commercial and retail uses will generate new property and sales tax revenue, as well as job opportunities. The applicant estimates that at full build-out, the applicant has indicated the site will create

approximately 750 jobs at full build out, contributing to local economic growth and employment.

*10) The Proposed Project will not unduly degrade the quality or quantity of recreational opportunities and experiences.*

In compliance with the County's Land Development Code, open space dedications within the project must meet specified minimum percentages based on the type of planning area. Commercial Planning Areas, Single-Family Attached Parcels, and Multifamily Parcels are required to dedicate a minimum of 20%, 25%, and 30% of their space to open space, respectively. Parks within the development are strategically located within Residential Planning Areas and sized appropriately to accommodate projected residents. Trail systems are designed to create an interconnected network, with provisions for tie-ins to adjacent properties where feasible. Local parks are to be owned and maintained by either the Homeowners Association (HOA) or the Metro District, ensuring continuous upkeep and accessibility for residents.

The proposed recreational facilities are not intended for revenue generation but rather serve as amenities for the local community and broader region. Despite the site's current use for agricultural activities with limited public recreational amenities, the proposed project aims to transform the landscape by introducing open space corridors, trail systems, and parks. These amenities will enhance the quality of life for residents and provide opportunities for outdoor activities and leisure for the broader public. The focus remains on community well-being rather than revenue generation from recreational facilities.

*11) The planning, design, and operation of the Proposed Project will reflect principles of resource conservation, energy efficiency, and recycling or reuse.*

The project prioritizes resource conservation, energy efficiency, and recycling/reuse throughout its planning, design, and operation phases. In the planning stage, the applicant assessed resource availability and potential environmental impacts, integrating sustainable practices into the project's framework. During the design process, the applicant incorporated energy-efficient technologies and materials, aiming to minimize energy consumption and reduce environmental footprint. Additionally, the applicant prioritizes recycling and reuse by implementing waste management strategies and utilizing recycled materials wherever feasible. In operation, the applicant will maintain a commitment to resource conservation through efficient resource management practices, such as water conservation measures and energy-efficient operations. By integrating these principles into every aspect of the project, the applicant strives to create a sustainable development that minimizes environmental impact while maximizing resource efficiency. The applicant will further enhance the sustainable practices within the design guidelines and requirements in subsequent applications and site plans.

*12) The Proposed Project will not significantly degrade the environment.*

*a. Air quality.*



The project's impact on air quality during construction and operation, under both average and worst-case scenarios, must be carefully assessed. Construction activities typically introduce temporary increases in air pollution due to dust, emissions from machinery, and vehicular traffic. However, with proper mitigation measures in place, such as dust control measures and the use of low-emission equipment, these impacts can be minimized. Overall, by prioritizing environmental considerations and adhering to regulatory standards, the project can aim to minimize its impact on air quality and contribute to a healthier local environment.

*b. Visual quality.*

The current site comprises two residential structures alongside ancillary outbuildings and barns. Should the site retain its residential and agricultural character, alterations to the views would likely occur, especially as industrial-zoned land to the north in Adams County undergoes development. The extension of sewer and water services will not significantly affect visual quality as the proposed sewer and water line will be underground.

*c. Surface water quality.*

There is no surface water on the property. Drainage from our project will abide with the stormwater management plan which will be finalized and approved by Arapahoe County and other stakeholders. Aurora Water will be the water provider and their water analysis can be found in Section 4.c. of the narrative.

*d. Groundwater quality.*

The domestic wells will be plugged and abandoned, and the water rights will be deeded to the provider. Water and sewer service will be from Aurora Water.

*e. Wetlands, flood plains, streambed meander limits, recharging areas, and riparian areas.*

The site has been thoroughly surveyed via the Colorado Energy & Carbon Management Commission website and their mapping abilities. Per their mapping it has been confirmed that there are no wetlands present on the property, nor are there any surface water bodies. A map of the site via their mapping can be found in Exhibit B of the narrative. The development does not impact any critical recharge zones or riparian areas. This absence of wetlands and surface water not only simplifies the development process but also eliminates the need for extensive mitigation measures typically required in areas with such environmental features. By avoiding disturbance to these sensitive ecosystems, the project maintains a minimal ecological footprint, ensuring the preservation of natural habitats and contributing to the overall environmental sustainability of the region.

Eastgate is located within the First Creek Watershed. Portions of the site are a part of the drainageway known as the Monaghan Tributary and the Riverwood Tributary

which both convey flows to First Creek. A Phase 1 Drainage Report has been prepared for the Eastgate development following the rules and regulations of Arapahoe County and SEMSWA. The design of the site incorporates three separate detention basins which provide stormwater attenuation and water quality. These detention basins will be designed within the site and will discharge into maintainable outfalls before discharging into First Creek.

The master drainage plan for the development will be implemented and maintained in compliance, to the maximum extent practical, with the standards and practices of the Mile High Flood District (MHFD), Arapahoe County, and SEMSWA.

*f. Terrestrial and aquatic animal life.*

The site is located near a major highway and existing development and harbors minimal wildlife and animal habitat. Development of this property is unlikely to significantly impact existing wildlife populations. The site does not contain any prairie dogs. If the applicant encounters prairie dogs, they will properly remove and/or mitigate.

*g. Terrestrial and aquatic plant life.*

The project area is entirely cultivated with dryland wheat and no native vegetation remains.

The development of the site is not expected to impact terrestrial or aquatic plant life. Currently, the property is utilized for cultivating natural grasses and wheat, which hold minimal monetary value. The transition from agricultural to developed land is unlikely to significantly affect the existing plant species or ecosystems. Colorado Parks and Wildlife received a referral but no formal letter was provided to staff. Staff spoke on the phone with CPW and CPW indicated there was not significant threat to terrestrial and aquatic plant life on this site if it were to be developed.

*h. Soils and geologic conditions.*

Subsurface conditions at the site generally consisted of about 6 inches of topsoil underlain by clay soils with varying amounts of sand and silt or sand soils with varying amount of clay to depths of about 4 to 17 feet. The native soils were underlain by claystone and sandstone bedrock to the maximum depths explored of about 30 to 35 feet. The claystone bedrock has low to high expansive potential. Engineered civil construction plans will ensure the design is appropriate for the soil conditions.

Groundwater was not encountered to a depth of 35 feet in the exploratory borings at the time of the applicant's exploration and is not anticipated to affect development.

*13) The Proposed Project will not cause a nuisance.*

The applicant and project team are committed to ensuring that it does not cause a nuisance to the surrounding community. Upon completion of construction, measures have been implemented to minimize environmental impact, including the control of dust, fumes, odors, vibration, and noise. During the construction phase, temporary disturbances such as fumes and dust are anticipated, but strict adherence to county construction standards and industry norms will be upheld to mitigate these effects. Additionally, specific nuisances such as noise associated with airplane traffic have been addressed through engagement with Denver International Airport (DEN). Noise levels are carefully managed, with residential developments excluded from designated noise zones and commercial and retail uses strategically placed to minimize disruption. The GDP includes a note, "All property within the 55 day/night average sound level (DNL) is expected to be exposed to daily aircraft noise levels that equal or exceed an average of 55 decibels (DNL), a level of aircraft noise that the Arapahoe County Board of County Commissioners has determined is the maximum acceptable level for residential use. Because of this, Arapahoe County has required that all residences in this area and within Eastgate be constructed in ways that lessen the effects of the aircraft noise on the residents of Eastgate. These construction techniques require but are not limited to, air conditioning, additional insulation, insulated fenestration, and similar techniques intended to achieve an expected interior noise level of 45 decibels (DNL) in the exposure area." Furthermore, measures have been taken to mitigate noise from Interstate 70, with residential developments positioned further south within the project boundaries. Air quality impacts, primarily from fugitive dust during construction, are anticipated to be intermittent and are managed through the implementation of a Fugitive Dust Control Plan. These measures underscore our commitment to responsible and considerate development practices, ensuring that Eastgate does not unduly affect the quality of life for the surrounding community.

*14) The Proposed Project will not significantly degrade areas of paleontological, historic, or archaeological importance.*

The Office of Archaeology and Historical Preservation conducted an examination of the Colorado Inventory of Cultural Resources concerning the site. Their search revealed two sites and six surveys within the area. The first site, identified as Resource No. 5AH2914.1, is situated on the site's border and is described as a segment of Colfax Ave/Highway 40. The second site, designated as Resource No. 5AH3884, is described as a Residential site on the property. Both sites have been officially assessed as not eligible for historical status. Additionally, the Colorado University Museum of Natural History and the Department of Earth Sciences conducted a paleontological search and did not find any results. Consequently, as there is no historical, archaeological, or paleontological significance attributed to these sites, the applicant does not foresee the need for any mitigation measures, and the project is not expected to impact any historical sites. If any paleontological, historic, or archaeological attributes are identified during the time of construction, work will be immediately halted, and the appropriate authorities will be notified. The applicant indicated depending on what is found on site, they would notify the County, State and if necessary, the Federal Government. The applicant will work with museums, university and experts on the necessary and correct steps. Staff has included a condition of approval requiring the applicant contact the County if any paleontological, historic, or archaeological attributes are identified during the time of construction

15) *The Proposed Project will not result in an unreasonable risk of releases of hazardous materials.*

a. *Plans for compliance with federal and State handling, storage, disposal, and transportation requirements.*

Other than utilizing diesel fuel for machinery, the project does not foresee the need for explosives. Comprehensive safety protocols will be implemented to ensure that all aspects of the project, including machinery operation and fuel usage, adhere to industry standards and regulatory guidelines, fostering a secure and controlled working environment throughout the development process. No hazardous or dangerous materials will be stored or released as a result of the development. During construction, appropriate measures will be taken to control or contain any spills, and in the unlikely event of a spill, the appropriate steps will be followed in accordance with federal, state, and local requirements.

b. *Use of waste minimization techniques. This section isn't talking about stormwater management but hazardous materials.*

The applicant has indicated that if the project involves hazardous materials, minimizing waste would be essential to reduce risks and environmental impact. Key strategies the applicant would use include source reduction, such as buying only what's needed, using less harmful alternatives, and optimizing processes. Reuse and recycling, like on-site solvent recovery or material exchange programs, also help cut waste. Maintaining equipment, optimizing production, and training staff improve efficiency, while proper labeling and storage prevent contamination. For non-reusable materials, safe disposal methods like neutralization, energy recovery, or certified disposal are critical. Regular audits can identify waste reduction opportunities and ensure safer, compliant operations.

c. *Adequacy of spill prevention and response plans.*

The applicant has indicated that if the project involves hazardous materials, an effective spill prevention and response plan minimizes risks by addressing key areas. The plan will identify potential spill scenarios and risks, implement preventive measures like containment systems and proper storage, and provide clear response procedures for cleanup and disposal. Emergency resources, such as absorbents, protective gear, and cleanup tools, must be readily available, and employees should be trained regularly with drills to ensure preparedness. The plan will include steps for documenting and reporting spills to meet legal requirements and be reviewed and updated regularly to reflect changes or lessons learned. A strong plan ensures quick, efficient prevention and response to spills. Staff has included a condition of approval requiring the spill prevention plan and response plan be submitted to the County at the time of Final Plat and ASP applications.

No hazardous or dangerous materials will be stored or released as a result of the development. During construction, appropriate measures will be taken to control or contain any spills, and in the unlikely event of a spill, the appropriate steps will be followed in accordance with federal, state, and local requirements

- 16) *The benefits accruing to the County and its citizens from the proposed activity outweigh the losses of any resources within the County or the losses of opportunities to develop such resources.*

Approximately 114 acres of arable land are dedicated to dry land wheat farming activities on the site. Additionally, the oil and gas rights have been leased and already undergone development. The applicant's narrative says, "With these existing land uses in place, our property does not host any additional natural resources requiring special consideration. However, the introduction of our community will significantly contribute to the local economy. By establishing a new property tax base and generating sales tax revenue within the county, our development will bolster economic growth and provide essential funding for public services and infrastructure. The incorporation of expansive open space and trail systems into our project design ensures the creation of enduring recreational amenities for both the local community and regional residents., Arapahoe County is experiencing substantial population growth, coinciding with a statewide housing shortage. Situated within the Urban Growth Area, the development presents an opportunity to address these pressing needs by offering job opportunities and a variety of housing options to accommodate the expanding population." Based on the applicant's statements, the proposal meets this criterion.

- 17) *The Proposed Project is the best alternative available based on consideration of need, existing technology, cost, impact, and these regulations.*

The proposed project is an extension of urban water and wastewater services intended to support commercial, industrial, and residential development on the site, which is located within the Urban Growth Area for Employment. The proposed PUD aligns with the Comprehensive Plan by including opportunities for growth, and job creation, and providing diverse housing options that could support those jobs.

- 18) *The Proposed Project will not unduly degrade the quality or quantity of agricultural activities.*

The Eastgate project assures that it will not unduly degrade the quality and quantity of agricultural uses in the surrounding area. With only 114 acres out of 144 currently designated for agricultural purposes, a significant portion of the land is already utilized for other purposes. Moreover, the project site is surrounded by existing residential and commercial developments, as well as planned future developments in adjacent parcels. This context indicates that the area is transitioning away from agricultural use, and the Eastgate project is aligned with this evolving landscape, minimizing any adverse impact on agricultural activities in the region.

- 19) *Cultural Resources. The Proposed Project will not significantly interfere with the preservation of cultural resources, including historical structures and sites, agricultural resources, the rural lifestyle, and the opportunity for solitude in the natural environment.*

The Office of Archaeology and Historical Preservation conducted an examination of the Colorado Inventory of Cultural Resources concerning the site. Their search revealed two

sites and six surveys within the area. The first site, identified as Resource No. 5AH2914.1, is situated on the site's border and is described as a segment of Colfax Ave/Highway 40. The second site, designated as Resource No. 5AH3884, is described as a Residential site on the property. Both sites have been officially assessed as not eligible for historical status. Additionally, the Colorado University Museum of Natural History and the Department of Earth Sciences conducted a paleontological search and did not return any results. There is no historical, archaeological or paleontological significance attributed to these sites, the applicant does not foresee the need for any mitigation measures, and the project is not expected to impact any historical sites. If any paleontological, historic or archaeological attributes are identified during the time of construction, work will be immediately halted, and the appropriate authorities will be notified. If any paleontological, historic, or archaeological attributes are identified during the time of construction, work will be immediately halted, and the appropriate authorities will be notified. The applicant indicated depending on what is found on site, they would notify the County, State and if necessary, the Federal Government. The applicant will work with museums, university and experts on the necessary and correct steps.

*20) Land Use. The Proposed Project will not cause significant degradation of land use patterns in the area around the Proposed Project.*

The land use patterns emanating from Aurora, situated directly to the west of the site, predominantly consist of residential developments. The applicant says, “this project is poised to seamlessly integrate with these residential areas, serving as a natural extension of the existing community fabric. The applicant envisions a centralized commercial corridor along our eastern border, strategically positioned to complement the residential landscape. The ongoing development of Sky Ranch to the south, southeast, and east underscores the area's growth trajectory. Adjacent to the project's eastern boundary lies a site zoned for commercial purposes, aligning with our planned commercial corridor along Monaghan. In essence, our community serves as an extension of Aurora's residential corridors, poised to accommodate, and contribute to the continued eastward expansion of growth in the region.”

*21) Compliance with Regulations and Fees. The applicant has complied with all applicable provisions of these regulations and has paid all applicable fees.*

The applicant has and will comply with all applicable provisions of these regulations and will pay for all applicable fees. A deposit of \$10,000 review fee in escrow was submitted and any additional fees for the County review will be paid as required.

#### **B. Additional Criteria Applicable to Major Water and Sewer Projects**

*1) To the extent practicable, Domestic Water and Wastewater Treatment Systems shall be consolidated with existing facilities within the area. The determination of whether consolidation is practicable shall include but not be limited to the following considerations:*

Eastgate is located adjacent to two water providers, Rangeview Metro District and Aurora Water. After thorough evaluation and consultation with both districts, the applicant has

determined that partnering with Aurora Water best serves their interests. The applicant negotiated an extraterritorial service agreement with Aurora Water. To formalize this agreement, the applicant will submit it to the City Council for approval, ensuring alignment with regulatory requirements and securing reliable water and sewer services for our project. It is expected that the agreement will be approved by Aurora City Council either before the approval of the GDP or shortly after the approval of the GDP. Staff has included a condition of approval requiring proof of approval.

Eastgate benefits from adjacency to Aurora Water, facilitated by the connection through the Jamaso Planned Unit Development (PUD) within Aurora city limits and directly adjacent and shares a border with this project. There is an existing 100-foot water main easement along the western border of the property. The easement enabled the installation of the water main in 2023/2024, positioning the project to tap into the system at this designated point. The designated point of contact is situated on N. Powhatan Road, ensuring efficient communication and coordination with Aurora Water throughout the project's development and operation phases.

The applicant holds a strong belief that Aurora Water has solidified its reputation as a state-of-the-art and dependable water provider. This perception instills a sense of confidence and assurance among the ownership and prospective developers, knowing that they are partnering with an entity equipped with advanced infrastructure and proficient personnel. The established track record of Aurora Water in delivering reliable services and maintaining high standards underscores the reliability and resilience of the water supply, which is essential for sustaining the envisioned development. This confidence in Aurora Water's capabilities not only mitigates concerns regarding water provision but also fosters a positive outlook on the project's feasibility and long-term sustainability.

2) *The Proposed Project will not result in duplicative services within the County.*

The proposed project is not proposing the construction of any new water and sewer treatment facilities. Instead, the project will connect to existing service providers. The applicant has engaged in discussions with both Aurora Water and has obtained a conditional will serve letter of service from Aurora for Aurora to provide water and wastewater service, provided Eastgate builds and dedicates the service lines to Aurora. Based on financial considerations, the applicant believes entering into an extraterritorial agreement with Aurora Water appears to be the most viable choice for this project.

3) *The Proposed Project will be constructed in areas that will result in the proper utilization of existing treatment plants and the orderly development of domestic water and sewage treatment systems of adjacent communities.*

As noted above, Aurora Water has agreed to serve the project and has capacity to do so.

4) *If the Proposed Project is designed to serve areas within the County, it is necessary that the Proposed Project meet community development and population demands in those areas.*

Based on the proposed zoning, Aurora Water has indicated that it can serve the project's projected demands. The applicant will be required to provide a statement documenting the amount of water that can be supplied without causing injury to existing water rights at the time of Preliminary Plat and SDP.

- 5) *The Proposed Project shall emphasize the most efficient use of water, including, to the extent permissible under existing law, the recycling, reuse and conservation of water.*

The applicant has indicated Aurora Water relies on a complex and cohesive system of conservation, reuse and storage to ensure our community has the water it needs today and tomorrow. The city implemented permanent water conservation measures nearly 20 years ago. Aurora was an early adopter of using reclaimed water for irrigating parks and golf courses and is the first city in Colorado to capture and treat reused water for drinking water. Aurora Water has water restrictions in place between 10 a.m. to 6 p.m. year-round and a three-day maximum per week from May 1 through Sept. 30. The applicant will be required to abide by Aurora Water's water-wise landscaping since they are proposing to annex into Aurora water and sewer systems. The proposed project will meet Aurora Water and Arapahoe County standards; Arapahoe County recently adopted landscape regulations promoting water conservation.

- 6) *The Applicant shall demonstrate sufficient managerial expertise and capacity to operate the facility.*

The proposed project is not proposing the construction of any new water and sewer treatment facilities. Instead, the project will connect to existing City of Aurora service who will be responsible for managing the water and waste water facilities, including the extension lines if approved for a 1041 permit.

- 7) *Major extensions of domestic water and sewage treatment systems shall be permitted in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the financial and environmental capacity of the area to sustain such growth and development.*

Aurora Water has expressed willingness to provide services to the site and project, a decision that aligns with the project's requirements and objectives. The development will generate the growth and need for the water and sewer line extensions.



### Referrals

Attachment 5 includes the agencies who were sent referrals and their comments, as well as the applicant's comments. There are no outstanding referral comments that need to be addressed.

### **STAFF FINDINGS**

Staff has reviewed the plans and supporting documentation and the referral comments in response to this application. Based upon review of applicable policies and goals in the Comprehensive Plan, development regulations, and analysis of referral comments, our findings include:

1. The proposed 1041 Permit application is in conformance with the Arapahoe County Comprehensive Plan, in that it provides for the development of public facilities and services within the Urban Area.
2. The proposed 1041 Permit application appears to be consistent with Arapahoe County 1041 Permit Regulations.
3. This application appears to meet all of the approval criteria for this 1041 Permit application, provided all of the conditions of approval are met.

### **STAFF RECOMMENDATION**

Considering the findings and other information provided herein, staff recommends APPROVAL of the 1041 permit, Case No. ASI24-001, Eastgate, subject to the following conditions of approval:

1. The applicant shall 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 sites of paleontological, historic, or archaeological interest are identified during the time of construction.
5. Prior to the any site disturbance, the applicant shall secure all necessary easements for the lines to extend sewer and water service from the City of Aurora to the proposed development.

Approval of this application is contingent upon approval of the associated Special District application, SD24-002, and General Development Plan, GDP23-003.

### **Add CONCURRENCE**

The Planning Commission has alternatives that include the following:

1. Recommend approval of the proposed XXXX.

2. Continue to a date certain for more information.
3. Recommend denial of the proposed XXXX.

## **PLANNING COMMISSION DRAFT MOTIONS**

### **Conditional Recommendation to Approve**

In the case of ASI24-001, Eastgate, 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.

### **Alternative Motions**

The following motions are provided as alternatives to the recommended motion for Approval.

### **Recommend Denial**

In the case of ASI24-001, Eastgate, 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 DENIAL of this application based on the findings:

1. *State new or amended findings in support of denial as part of the motion (note: findings will need to identify which of the CRS 32-1-203 criteria have not been met).*
- 2.

### **Continue to Date Certain**

In the case of ASI24-001, Eastgate, I move to continue the hearing to [date], 6:30 p.m., to obtain additional information and to further consider the information presented.

## **ATTACHMENTS**

1. 1041 Narrative
2. Engineering Services Division Staff Report
3. Avigation Easement
4. Contingent Willingness to Serve Letter

5. Referral Comments and Applicant's Response
6. Application and Letter of Intent