

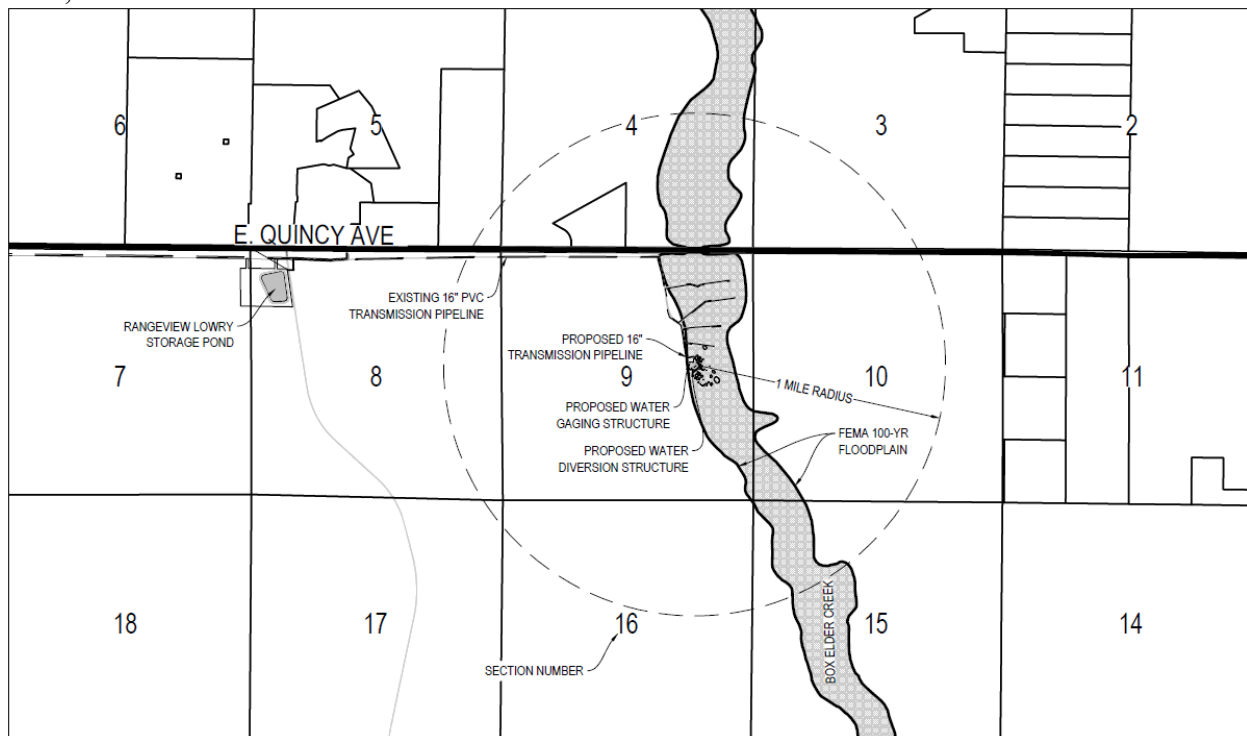
ARAPAHOE COUNTY PLANNING COMMISSION
PUBLIC HEARING
JUNE 2, 2026
6:30 P.M.

SUBJECT: CASE NO. LE25-005 BOX ELDER DIVERSION DAM - LOCATION AND EXTENT

KAT HAMMER, SENIOR PLANNER

LOCATION AND VICINITY MAP

The proposed project is located in the Northeast quarter of Section 9, Township 5 South, Range 64 West, of the 6th Principal Meridian, Parcel Id No. 2069-00-0-00-014. The location is approximately 2.3 miles southwest of the intersection of East Quincy Avenue and South Manila Road, in Commissioner District 3.

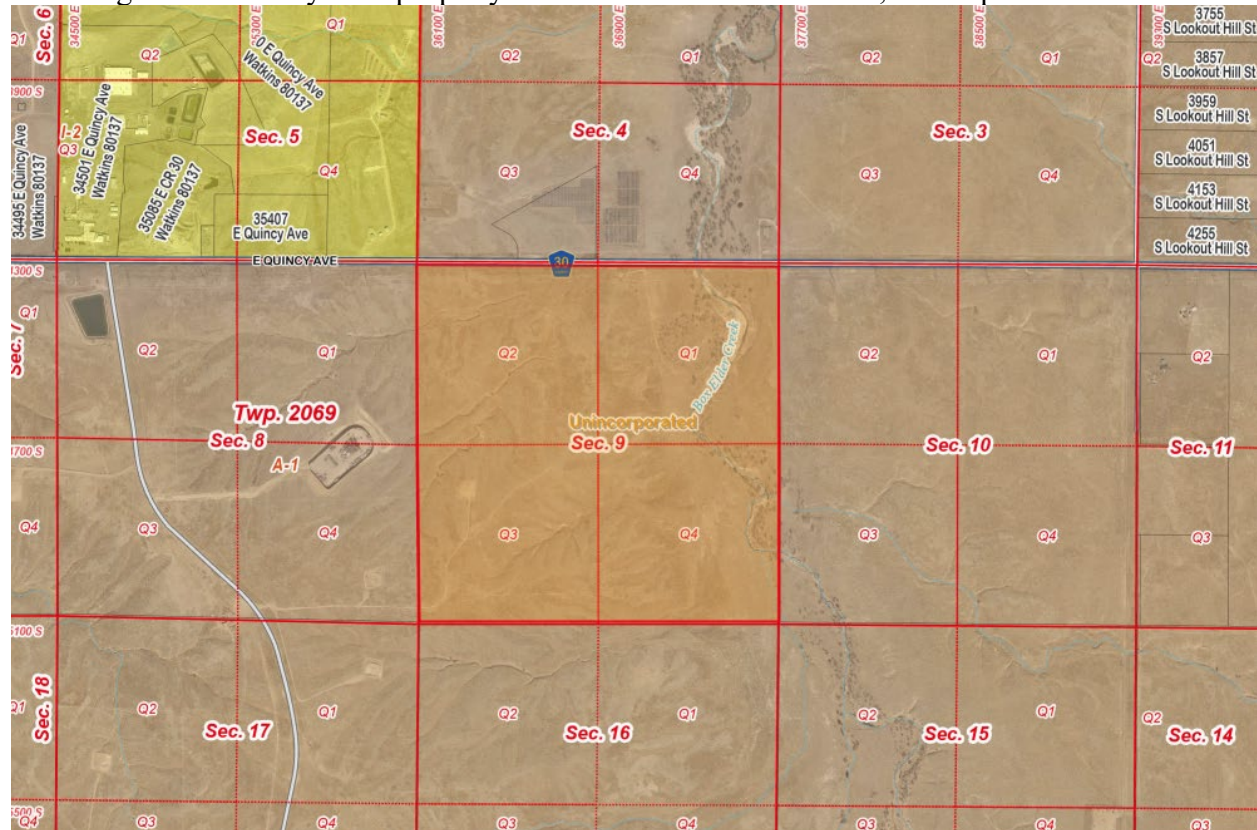


Vicinity Map

ADJACENT SUBDIVISIONS, ZONING, AND LAND USE

The properties to the east, south, and west of the subject property are zoned A-1, unplatted, and owned by the State of Colorado (Colorado State Land Board). The property to the north is zoned A-1, unplatted, not owned by the Colorado State Land Board, and is currently agricultural,

including a solar facility. The property to the northwest is zoned I-2, and unplatted.

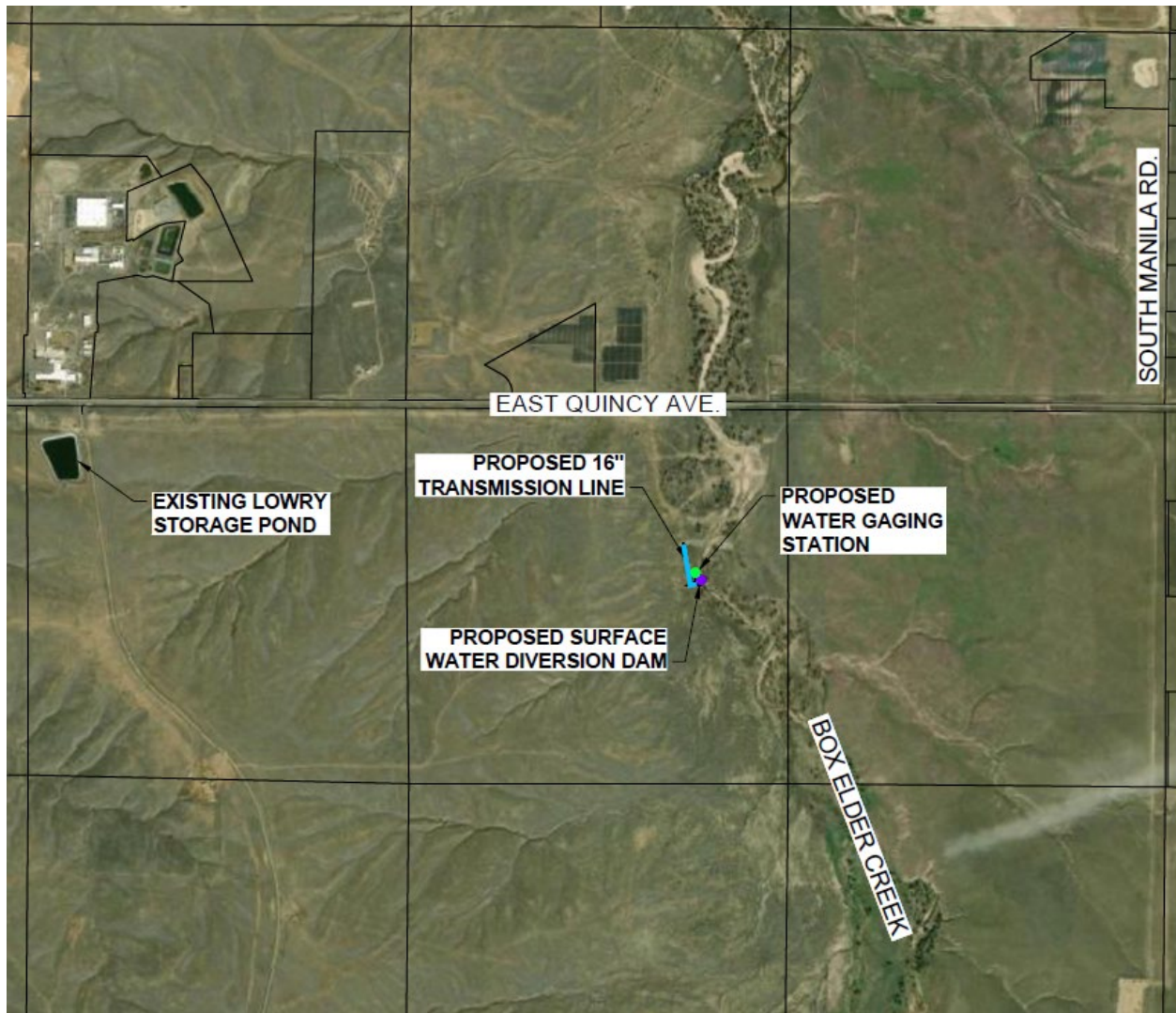


*Zoning Map
(Subject property shown in orange)*

PURPOSE AND REQUEST

Rangeview Metropolitan District (Rangeview) is requesting approval of a Location and Extent application to construct a diversion dam and stream gauge on Box Elder Creek. The project is proposed on Colorado State Land Board property within a 1.5-acre easement granted to Rangeview. Construction is projected to begin in the summer of 2026 and is estimated to take three months to complete.

The proposal includes the construction of an inflatable bladder dam to divert Rangeview's surface water rights on Box Elder Creek. The dam would function by inflating a 3-foot-tall bladder that spans the creek, allowing water to flow by gravity into a proposed buried pumping vault. Approximately 600 feet of new 16-inch transmission line, buried at a minimum depth of 4.5 feet below grade, is also proposed, which will be extended from the pump vault to Rangeview's existing transmission lines. Together, these facilities will allow diverted water to be sent to the existing Lowry Ridge Storage Pond, the location of Rangeview's proposed water treatment complex. From there, the water will be distributed to Rangeview's customers. During dry stream conditions or when Rangeview is not accepting surface water diversions, the dam will be deflated, allowing surface water to continue flowing downstream. A stream gauging station is also proposed to be constructed downstream of the diversion dam to measure surface water flow rates in the creek.



Vicinity Map Showing the Existing and Proposed Infrastructure

BACKGROUND

The Sky Ranch 1041 for Water and Wastewater (Case No. ASI16-005) was approved by the Board of County Commissioners on October 3, 2017 (Resolution No. 170516). An associated Technical Review Amendment (Case No. AA24-014), approved administratively in May of 2025, and was required for the construction of additional infrastructure to access Rangeview's water rights on Box Elder Creek and transfer that water to a proposed water treatment plant, which is illustrated in the original 1041 permit (Case No. ASI16-005). This application includes some of the additional infrastructure identified in the Technical Review Amendment (Case No. AA24-014).

Significant infrastructure has been constructed by Rangeview across the central portion of Arapahoe County, roughly between S. Gun Club Road and S. Manila Road to help support the water needs of the Sky Ranch Planned Unit Development (PUD). These facilities include the Sky Ranch Water Reclamation Facility, Sky Ranch Water Supply Facility, Box Elder Creek Well Field 1 and 2, Sky Ranch and Lowry Storage Ponds, and numerous groundwater wells and pipelines. These facilities have met the water needs for the initial phases of Sky Ranch;

however, as the community expands, additional infrastructure must be constructed to meet the associated water and wastewater demands.

While Rangeview purchases significant renewable water supplies from its regional partnership in Water Infrastructure and Supply Efficiency (WISE), this will be the first surface water diversion infrastructure it will independently own and operate. This will help further diversify Rangeview's water supplies, be a new source of renewable water in Arapahoe County, and is required for future phases of Sky Ranch. It will also alleviate some of Rangeview's demand on groundwater, allowing that source to be conserved for seasonal uses or periods of drought. This is a water right that has been part of Rangeview's water right portfolio since the mid-1980's. Specifically, this diversion was approved in Rangeview's water decree by the Colorado Division 1 Water Court judge. Once a diversion is approved in a decree, it is lawfully allowed to be constructed to divert water right for beneficial use according to the decree (pending other construction permits, i.e. nationwide permit, easement etc.). According to the applicant, "all construction permits have been granted for this project, and all major water right holders are aware of this proposed diversion."

ANALYSIS OF THE LOCATION AND EXTENT APPLICATION

Staff review of this application included a comparison of the proposal to: 1) applicable policies and goals outlined in the Comprehensive Plan; 2) review of pertinent Land Development Code regulations; and 3) analysis of referral comments.

1. The Comprehensive Plan/ Lowry Sub-Area Plan

The Lowry Sub-Area Plan designates this area as a Conservation Area, which allows a mix of resource-based and conservation-oriented activities and water resource improvements. The proposed Location and Extent is compatible with the Arapahoe County Comprehensive Plan and Lowry Sub-Area Plan.

This application complies with the following Goals, Policies, and Strategies of the Lowry Sub-Area Plan:

Policy LUI.1 Conservation Area South of Quincy Avenue.

Conservation uses, and limited recreation or resource-based improvements should occur in this area. Appropriate activities in areas designated for conservation include recreation, water resource development, resource-based commercial activities, and other resource-based activities. The proposed project is a water resource development.

Policy PFS 1.1 Explore Options to Obtain an Adequate Long-Term Water Supply for Communities in the County.

The proposed project will provide necessary water services to the Sky Ranch Development and the surrounding area. This proposal will add additional renewable water supplies to Rangeview's water portfolio and diversify Rangeview's water sources.

Policy PFS 1.2 Reduce Dependence on Aquifers for Long Term Water Supply

The proposed project adds additional renewable water supplies to Rangeview's water portfolio and should help to reduce dependence on aquifers.

Policy PFS 1.2 (c) Promoting renewable water supplies.

The proposed project adds additional renewable water supplies to Rangeview's water portfolio.

2. Land Development Code Review

Section 5-7.3 of the Land Development Code covers the policy and regulatory aspects of a Location and Extent. This includes specific review, general requirements, and procedure for Location and Extent applications. A Location and Extent does not have specific approval criteria but may be approved upon the finding that:

5-7.3.B.1.a. No road, park, public way, ground, or space, no public building or structure, and no major facility of a public utility shall be constructed or authorized in the unincorporated areas of Arapahoe County unless and until the proposed location and extent thereof has been submitted to and approved by the Arapahoe County Planning Commission.

The proposed public utility requires approval of a Location and Extent application.

5-7.3.B.1.b. Routine extensions of public utility lines and minor modifications to existing utility lines and/or facilities shall not be subject to this procedure.

The proposed project is more than a routine extension and is not a minor modification to an existing utility line, and is therefore not exempt from the Location and Extent procedure.

3. Referral Comments

Comments received during the referral process are summarized in Attachment A. All referral comments, with the exception of Colorado Parks and Wildlife (CPW), have been addressed. Staff is recommending three conditions of approval to address CPW's comments.

CPW provided a referral letter dated December 3, 2025 (Attachment B) that included several areas of concern, summarized below.

1. Aquatic Native Species Conservation Waters High Priority Habitat (HBH)
 - a. A diversion dam could negatively impact the native fish community by altering hydrology and reducing available habitat, and by acting as a barrier to movement and interrupting the colonization process. CPW recognizes that avoiding the creek will not be feasible due to the nature of the project. CPW recommends boring under Box Elder Creek for the water line and recommends disinfecting equipment that was previously used in a river, stream, lake pond, or wetland prior to moving the equipment to another water body.
2. Northern Leopard Frog Habitat

- a. The proposed project occurs within the mapped potential Northern Leopard Frog habitat. The stream area identified by the applicant is a suitable habitat. CPW recommends that Northern Leopard Frog surveys be conducted during the appropriate season prior to construction. If Northern Leopard Frogs are found in the proposed project area, CPW recommends avoiding construction (including discharge of fill) within 300 feet of breeding sites during the breeding season (March-May). The applicant's response letter dated January 27, 2026, indicates that previous environmental studies have not identified Northern Leopard Frogs in the vicinity of the project and that work is not anticipated during the breeding season (March-May).
3. Mule Deer Winter Concentration Area HPH, Severe Winter Range HPH and Migration Corridor HPH
 - a. The entire project area is mapped as Mule Deer Winter Concentration Area, Mule Deer Severe Winter Range and Mule Deer Migration Corridor HPHs. CPW recommends construction in these areas outside of the winter season, which falls between December 1st to April 30th. If this cannot be achieved, CPW recommends starting construction outside of the winter timing to reduce impacts to Mule Deer during this crucial time of year. The applicant's response letter indicates that construction is proposed for late summer and fall, when surface flows are typically absent from the creek. This construction timing will eliminate conflicts with the Mule Deer HBHs. Staff has included a condition of approval to address CPW's concerns of Mule Deer HBHs, restricting the start of construction from December 1st to April 30th.
4. Pronghorn Winter Concentration Area HPH
 - a. This HPH is present within the entirety of the project area. CPW recommends completing construction outside of the winter season, which is January 1st to April 30th. If this cannot be achieved, CPW recommends starting construction outside of the winter timing to reduce impacts to Pronghorn during this crucial time of year. Staff has included a condition of approval to address CPW's concerns of Pronghorn HBH, restricting the start of construction from December 1st to April 30th.
5. Wetlands
 - a. CPW recommends conducting an appropriate wetland delineation (dependent on the type of wetland) to define the boundary of any potential wetlands located within the project area. CPW recommends minimizing activities and operations within 300 feet of the ordinary high water mark of any reservoir, lake, wetland, or natural perennial or seasonally flowing stream or river, and implementing best management practices to prevent sedimentation or contamination to those resources. The applicant provided a wetland delineation conducted in September of 2025, and a follow-up survey was conducted in April of 2026, Attachment D. The applicant's response letter to CPW comments indicates that all work will be limited to times when Box Elder Creek is not flowing to limit disturbances to wetlands. Additionally, A Nationwide Permit has already been granted by the Army Corps of Engineers for work within the floodplain for this project.
6. Raptors and Migratory Birds
 - a. The project area contains suitable habitat for nesting raptors and migratory birds. CPW recommends conducting raptor nest surveys prior to construction, but no more than one month prior to the start of construction during nesting season. The applicant

has agreed to complete a nest survey, and staff has included a condition of approval to address this concern.

7. Noxious Weed Management and Native Vegetation Re-seeding

- a. The revegetation of disturbed areas and control of invasive weed species are important components of this project, and it is critically important that temporarily disturbed areas of the site be restored to the native plant community that currently exists on the site. The applicant's response letter indicates that any disturbed areas within the limits of construction will be reseeded using native seed mixes designated for use by the Colorado State Land Board. Additionally, typical re-establishment practices will be employed in accordance with the Arapahoe County Grading, Erosion, and Sediment Control standards and best practices to prevent the spread of noxious weeds.

STAFF FINDINGS

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

1. The proposed LE25-005, Box Elder Diversion Dam - Location and Extent, generally conforms to the Arapahoe County Comprehensive Plan and the Lowry Sub-Area Plan.
2. The proposed LE25-005, Box Elder Diversion Dam - Location and Extent, meets the Arapahoe County Land Development Code, zoning regulations, and procedures stated in Section 5-7.3 for consideration and approval of a Location and Extent application under the Land Development Code.

STAFF RECOMMENDATION

Considering the findings and other information provided herein, Staff recommends approval of Case No. LE25-005, Box Elder Diversion Dam - Location and Extent, subject to the following conditions of approval:

1. The start of construction should not occur between December 1st and April 30th, to protect Mule Deer and Pronghorn High Priority Habitats as described in the Colorado Parks and Wildlife letter dated December 3, 2025.
2. The applicant should complete raptor nest surveys prior to construction, but no more than one month prior to the start of construction during nesting season, as described in the Colorado Parks and Wildlife letter dated December 3, 2025. If nests are found, the applicant shall refer to Colorado Parks and Wildlife's Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors guidelines.

Alternatives

The Planning Commission has alternatives that include the following:

1. Approve the proposed Location and Extent.
2. Continue to a date certain for more information.

3. Deny the proposed Location and Extent.

CONCURRENCE

The Public Works and Development Planning and Engineering Services Divisions have reviewed the application, and the Arapahoe County Public Works Department is recommending conditional approval of this case.

PLANNING COMMISSION DRAFT MOTIONS

Conditional Approval

In the case LE25-005, Box Elder Diversion Dam - 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 conditions:

1. The start of construction should not occur between December 1st and April 30th, to protect Mule Deer and Pronghorn High Priority Habitats as described in the Colorado Parks and Wildlife letter dated December 3, 2025.
2. The applicant should complete raptor nest surveys prior to construction, but no more than one month prior to the start of construction during nesting season, as described in the Colorado Parks and Wildlife letter dated December 3, 2025. If nests are found, the applicant shall refer to Colorado Parks and Wildlife's Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors guidelines.

Staff provides the following Draft Motions listed below as general guidance in preparing an alternative motion if the Planning Commission reaches a different determination:

Denial

In the case of LE25-005, Box Elder Diversion Dam - 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 deny this application based on the following findings:

1. *State new findings in support of denial as part of the motion.*

Continue to Date Certain:

In the case LE25-005, Box Elder Diversion Dam - Location and Extent, I move to continue the hearing to [*date certain*], 6:30 p.m., to obtain additional information and to further consider the information presented.



Planning Commission's Summary Report

Date: May 15, 2026

To: Arapahoe County Planning Commissioners

Through: Kathleen Hammer, Planning Division

From: Joseph Boateng, PE
Engineering Services Division

Case name: **LE25-004 Location and Extent**
Quincy Flow Diversion at Box Elder Box

Purpose and Recommendation

The purpose of this report is to communicate the Engineering Services Staff findings, comments, and recommendations regarding the land use application(s) identified above.

Scope/Location:

The project is in parcel # 2069-00-0-00-014 in Unincorporated Arapahoe County. The proposed development includes the Installation of pressurized 16" water line, a 20" gravity line, a manhole, a pump station, an air inflated rubber bladder with a concrete foundation, and sheet piles.

Engineering Services Staff has reviewed the land use application(s) and has the following findings and comments:

1. This development lies within the boundaries of the jurisdiction:
 - Mile High Flood District
 - Bennett Fire District
2. The Engineering Certification of No impact letter, Gesc Plans and Report were reviewed and there are no outstanding comments.