



AGENDA

Planning and Economic Development Policy Committee

July 12, 2023

8:30 am

VIRTUAL MEETING

City of Aurora

15151 E Alameda Parkway

Public Participation Dialing Instructions

Call in Number: 1(408)418-9388

Access Code: 2490 219 6157

[Click here to join the WebEx meeting](#)

This meeting will be live-streamed on the city's YouTube channel. Watch at [YouTube.com/TheAuroraChannel](https://www.youtube.com/TheAuroraChannel)

Council Member Francoise Bergan, Chair
Council Member Steve Sundberg, Vice Chair
Council Member Angela Lawson, Member

Council Goal: Be a great place to locate, expand and operate a business and provide for well-planned growth and development.

Pages

1. **Call to Order**

2. **Approval of Minutes**

June 14, 2023 Draft Subject to Approval Councilmember Bergan

3. **General Business**

1

- 3.a Amendment to Chapter 98 of Ordinance Regarding Authority of the PROS Director** 7
- FOR AN ORDINANCE OF THE CITY COUNCIL, OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 98 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO TO ADD NEW SECTIONS TO BE NUMBERED 98-1 AND 98-2 AUTHORIZING THE DIRECTOR OF PARKS, RECREATION AND OPEN SPACE TO ESTABLISH DEDICATION AND DEVELOPMENT CRITERIA THROUGH ADOPTED RULES AND REGULATIONS
Nicole Ankeney, PROS Planning, Design and Construction Manager
10 min./5 min.
- 3.b Ordinance Amending the UDO to Clarify Parks and Open Space Provisions** 14
- FOR AN ORDINANCE OF THE CITY COUNCIL, OF THE CITY OF AURORA, COLORADO, AMENDING VARIOUS SECTIONS OF CHAPTER 146 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO TO PROVIDE CORRECTIONS, CLARIFICATIONS AND UPDATES TO THE LAND USE REGULATIONS OF THE UNIFIED DEVELOPMENT ORDINANCE (UDO).
Nicole Ankeney, PROS Planning, Design and Construction Manager
10 min./5 min.
- 3.c UDO Text Amendment, which includes simplification to rear setback along alleys, other clarifications** 30
- UDO Text Amendment, which includes simplification to rear setback along alleys, other clarifications
Staff Source: Brandon Cammarata, Planning Manager
Estimated Time: 10 minutes
- 3.d Ordinance Clarifying the Designation of the Floodplain Manager** 50
- An ordinance amending Section 70-20 of the City Code of the City of Aurora, Colorado, regarding designation of Floodplain Administrator.
Staff Source: Steve Durian, Deputy Public Works Director
Estimated Time: 5 minutes
- 3.e Ordinance Amending and Clarifying Drainage Approval Authority** 55
- ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS OF CHAPTER 138 OF THE CITY CODE PERTAINING TO DRAINAGE APPROVAL AUTHORITY
Staff Source: Steve Durian, Deputy Public Works Director
Estimated Time: 5 minutes

3.f Revisions to the Axis Exploration LLC Operator Agreement 70

PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF REVISIONS TO EXHIBITS A AND D OF THE AXIS EXPLORATION LLC OPERATOR AGREEMENT

Staff Source/Legal Source: Jeffrey S. Moore, Manager Energy & Environment Division / Dave Scott Assistant City Attorney

Outside Speaker: Dan Harrington, Asset Development Lead, Civitas Resources

Estimated time: 10 minutes/5 minutes

3.g Small Business Event Update 87

Small Business Event Update – Small Business Development Center (SBDC)

Staff & Legal Source Name & Title: Marcia McGilley, Executive Director, Aurora-South Metro SBDC / Rachel Allen, City Attorney

Estimated Presentation / discussion time: 15 / 5 minutes

4. Miscellaneous Matters for Consideration

4.a Aurora Economic Development Council

Yuriy Gorlov

4.b Havana Business Improvement District 105

Chance Horiuchi

Please see the HBID updates in the agenda packet.

4.c Aurora Chamber of Commerce

4.d Planning Commission 107

Becky Hogan

Please see the Planning Commission updates in the agenda packet.

4.e Oil and Gas Committee 108

Brad Pierce

Please see the Oil and Gas Committee updates in the agenda packet.

4.f Business Advisory Board

NO REPORT

4.g Retail

NO REPORT

4.h Small Business

NO REPORT

4.i Visit Aurora

NO REPORT

5. Confirm Next Meeting Date

Tentatively scheduled for August 2, 2023, at 8:30 AM MT

6. Adjournment

PLANNING AND ECONOMIC DEVELOPMENT POLICY COMMITTEE MEETING

MINUTES

Date: June 14, 2023

Time: 8:30 am

Members Present Chair: Council Member Francoise Bergan, Council Member Angela Lawson

Others Present Adrian Botham, Alicia Montoya, Andrea Amonick, Andrea Barnes, Becky Hogan, Bob Gaiser, Brad Pierce, Brian Rulla, Bruce Dalton, Cathy DeWolf, Crystal Vigil, Daniel Brotzman, Daniel Money, Darcy Dodd, David Schoonmaker, Gregg Johnson, Ian Best, Jacob Cox, Jason Batchelor, Jeffrey Moore, Jennifer Orozco, Jessica Prosser, Julie Patterson, Kelly Bish, Laura Perry, Laurie Womer, Marcia McGilley, Marisa Noble, Mark Smith, Michelle Gardner, Mindy Parnes, Morgan Cullen, Rachel Allen, Robert Oliva, Scott Berg, Stephen E Rodriguez, Steve Timms, Steven Durian, Sunny Banka, Timothy York, Tod Kuntzelman, Tom Oldenburg, Yuriy Gorlov

1. CALL TO ORDER

2. APPROVAL OF May 10, 2023, DRAFT MINUTES–COUNCIL MEMBER BERGAN

2.a. The minutes were approved.

3. GENERAL BUSINESS

3.a. UNIFIED DEVELOPMENT ORDINANCE AMENDMENT– RELATING TO TURF AND ORNAMENTAL WATER FEATURES

Summary of Issue and Discussion:

Kelly Bish, Senior Planner II and landscape architect in the Planning Department, presented the proposed amendments to the Unified Development Ordinance (UDO) which aim to align it with the Non-functional Turf and Ornamental Water Features Ordinance, passed in 2022. K. Bish explained the reasons for the amendment, including addressing the inconsistencies between the UDO and the turf ordinance. The changes proposed included limiting the use of turf to the rear lots of residential homes, eliminating the use of turf in curbside landscape areas within medians and buffer zones around developments, refining terminology used in plant species references, and clarifying front yard landscape requirements.

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K. Bish further elaborated that projects submitted before the Non-Functional Turf Ordinance came into effect on October 1st, 2022, are grandfathered under the UDO provisions and any master plans that were applicable at the time. Thus, these projects may still have sod in front yards or curbside areas. K. Bish raised a question of whether the Committee supported moving these proposed changes through the planning process, which would necessitate the Planning Commission's recommendation before final consideration by the City Council. K. Bish also mentioned that Tim York from the Water Conservation Division was available for any questions regarding the turf ordinance.

- CM Lawson expressed her support for the proposed amendments to align the UDO with the Non-functional Turf and Ornamental Water Features Ordinance. She asked if there were plans to review other city ordinances for alignment with the UDO. J Batchelor responded by stating that they are in the process of going through the entire UDO. The Planning Department is collaborating with other departments to perform an overall assessment of the UDO, and the review will be done in phases or "trunks". The aim of this effort is to fine-tune the UDO based on staff observations or input from the community and the city was undertaking the review and it would be divided into three segments. CM Lawson gave her approval for moving the amendment forward.
- CM Bergan mentioned that she was trying to expedite the UDO amendment process, aiming to bypass Study Session and directly move it to a July council meeting. She brought up a case involving a constituent who wanted a water-wise landscape instead of turf. However, the developer insisted on installing turf, citing adherence to the old code. CM Bergan wondered about situations where construction on homes might not start until a year after the plan's submission, in which the old code would still apply. T. York stated he is still working with the residents and the builder to find a resolution. He explained that while the city doesn't mandate the installation of turf in order to obtain a Certificate of Occupancy, it cannot force the builder to follow the customer's preference if the builder is grandfathered in under the old code. T. York said he offered solutions to the builder, including the option to compensate them if they chose to comply voluntarily with the new ordinance. He acknowledged the challenges in communication and education regarding the effective dates and application of new ordinances.
- CM Bergan expressed her concern about the difficulty of communicating this to metro districts and new residents. Mr. York agreed, pointing out that it is always challenging to communicate changes when a new ordinance is introduced or when existing rules are altered. CM Lawson gave her approval for moving the amendment forward.

Outcome:

CM Bergan and CM Lawson approved this item to move forward to Planning Commission.

Follow-up Action:

Staff will add this item to the July 12th Planning Commission Meeting.

4. MISCELLANEOUS MATTERS FOR CONSIDERATION

4. a. Aurora Economic Development Council

- Yuri Gorlov
NO REPORT

4.b. Havana Business Improvement District

- Chance Horiuchi
NO REPORT

4.c. Aurora Chamber of Commerce

- Kevin Hougen:
NO REPORT

4.d. Planning Commission

- Becky Hogan
NO REPORT

4.e. Oil and Gas Committee

- Brad Pierce:
NO REPORT

4.f. Business Advisory Board

- Garrett Walls
NO REPORT

4.g. Retail

Summary of Issue and Discussion:

Bob Oliva reported on their recent visit to ICSC, where he, CM Bergan, and J. Batchelor attended 35 meetings and secured three new major projects, the details of which will be shared when they become more concrete. B. Oliva then provided an update on small business growth since February, with 1,274 new businesses opening and hiring about 1,300 employees. He reminded the council that approximately one third of new businesses are sole proprietorships. Since September, there have been 3,600 new businesses launched with an estimated 4,417

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employees. B. Oliva mentioned that a more detailed update on their ICSC visit would be given in a future PED.

- B. Oliva invited Council Members to share their experiences at ICSC and addressed CM Bergan's question about the ratio of new businesses to businesses that have closed. B. Oliva explained that the city has struggled to track closed businesses due to inconsistent license renewals.
- CM Lawson's inquired about the locations of the new businesses. B. Oliva mentioned they could potentially use business addresses to determine their wards, though the data is not currently formatted in that way. Tom Oldenburg added that sorting by zip code would be an easier method. He also noted that some of the "new" businesses were just existing businesses that had changed names or owners.
- CM Lawson showed interest in seeing a breakdown of businesses by ward, suggesting it could reveal gaps or trends. Both B. Oliva and T. Oldenburg acknowledged the limitations of their data, explaining that they could only track new employees, not those who were lost.
- CM Bergan suggested might have more detailed data on Chamber of Commerce business openings and closures. Oliva affirmed that they do work closely with the Chamber and could potentially obtain this data from them. CM Bergan also inquired about the new Executive Director of the Chamber, to which Andrea Amonick responded that a selection has not yet been made.
- CM Bergan shared her experience at ICSC, describing it as very productive and busy with constant meetings. She found the conversations with brokers enlightening and affirmed a positive perspective of Aurora. CM Bergan appreciated the booth's placement, the walk-in traffic, and the networking opportunities that occurred during the event's evening activities. B. Oliva agreed with CM Bergan's sentiments, noting the conference's vast size yet familiar feel due to the small industry where everyone seems to know each other.
- CM Bergan praised Cesarina, whose presence at the conference was helpful for addressing detailed planning inquiries. She found Cesarina's ability to answer specific project-related questions invaluable. B. Oliva echoed CM Bergan's praise for Cesarina, acknowledging her fantastic performance at the conference for the second year.
- A. Amonick emphasized the importance of the Office of Development Assistance (ODA) and their role in handling ongoing issues at ICSC. She shared that they make sure developers feel secure with the city of Aurora and have the information they need.

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- CM Bergan acknowledged the effectiveness of having tools like iPads and TVs at the ICSC, as they helped show interested parties various developments in Aurora, which could lead to new opportunities.
- B. Oliva reinforced the value of having someone from the ODA, specifically Cesarina, at ICSC meetings. When someone raises a complaint about a process they aren't directly involved in, Cesarina can quickly look up the actual status of the situation, thus shifting the dynamics of the meeting and reaffirming control. Both B. Oliva and CM Bergan recalled a situation where they could help a businessman with an issue regarding homelessness in his area. This act underscored the ICSC meetings' importance in addressing specific needs, facilitating further investment in Aurora.
- CM Bergan congratulated the team for a successful ICSC meeting, and Oliva expressed gratitude for the opportunity to discuss their experiences, noting that a more detailed update would be given in a future PED.

4.h. Small Business

- Marcia McGilley
NO REPORT

- Marcia McGilley informed the Committee that she'd be giving a presentation at the next meeting about the 16th Annual Small Business Veterans Conference. This conference, sponsored by the City of Aurora and AURA, is scheduled to take place on September 18th, with an opening reception for VIPs the night before.

4.i. Visit Aurora

- Bruce Dalton
NO REPORT

- CM Bergan inquired when the ICSC follow-up presentation would take place, to which A. Amonick replied that they were targeting August after having recently held a debriefing. CM Bergan also expressed a desire to have an update from the Denver Airport. She suggested reaching out to Rachel Gruber, who recently gave a presentation to the Denver City Council. CM Bergan specifically wanted an update on Plan 100 and its potential impact on Aurora from an economic development perspective. J. Batchelor interjected that Gruber had made a presentation at a TAPS meeting and they were trying to organize a briefing for the whole Council at a Study Session.
- CM Bergan emphasized that her interest was more on the economic development aspect than transportation, prompting J. Batchelor to say he would relay the request. CM Bergan suggested that even if it isn't directly presented to

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them, they would like to know how they're planning for the Denver Airport expansion and how they can capitalize on it for the city.

- CM Bergan asked for updates on new developments throughout the city in future meetings, emphasizing the importance of keeping the Committee briefed on developments related to retail, commercial, or housing. A. Amonick acknowledged these requests and agreed to work on them.

5. CONFIRM NEXT MEETING DATE

Scheduled for July 12, 2023, at 8:30 AM MT.

6. ADJOURNMENT

APPROVED: _____
Francoise Bergan, Committee Chair



CITY OF AURORA

Council Agenda Commentary

Item Title: Amendment to Chapter 98 of Ordinance Regarding Authority of the PROS Director
Item Initiator: Nicole Ankeney, PROS Planning, Design & Construction Manager
Staff Source/Legal Source: Nicole Ankeney, PROS Planning, Design & Construction Manager /Michelle Gardner, Sr. Assistant City Attorney
Outside Speaker: None
Council Goal: 2012: 4.0--Create a superior quality of life for residents making the city a desirable place to live and work

COUNCIL MEETING DATES:

Study Session: TBD

Regular Meeting: TBD

2nd Regular Meeting (if applicable): TBD

Item requires a Public Hearing: Yes No

ITEM DETAILS *(Click in highlighted area below bullet point list to enter applicable information.)*

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time for Study Session

FOR AN ORDINANCE OF THE CITY COUNCIL, OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 98 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO TO ADD NEW SECTIONS TO BE NUMBERED 98-1 AND 98-2 AUTHORIZING THE DIRECTOR OF PARKS, RECREATION AND OPEN SPACE TO ESTABLISH DEDICATION AND DEVELOPMENT CRITERIA THROUGH ADOPTED RULES AND REGULATIONS
 Nicole Ankeney, PROS Planning, Design and Construction Manager
 10 min./5 min.

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session Approve Item as proposed at Study Session
- Approve Item and Move Forward to Regular Meeting Approve Item as proposed at Regular Meeting
- Information Only
- Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field above.

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: (Check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
| <input type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Minutes Not Available |
| <input type="checkbox"/> Minutes Attached | |

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

The Unified Development Ordinance (UDO) was originally approved by City Council in 2019 and serves as the city's codified zoning and subdivision regulations. Several of the twelve purpose statements in Chapter 146 are related to tasks of the Parks, Recreation and Open Space Department:

1.3.2. Ensure that all development in the City is consistent with the spirit and intent of any other plans and policies adopted by City Council.

1.3.7. Encourage the conservation and efficient use of water and other natural resources.

1.3.8. Ensure the provision of adequate public facilities and services for new development and redevelopment.

1.3.9. Provide for the consistent, predictable, and equitable administration of City land use and development regulations.

1.3.10. Implement a connected system of parks, trails, and open spaces that promote improved outdoor activity and public health.

In addition to the UDO, development is regulated through the Parks, Recreation and Open Space (PROS) Dedication and Development Criteria Manual, which was first adopted in 2004. The PROS Dedication & Development Criteria Manual is a guide for the planning, design, construction, management and operation of parks, recreation sites and open space areas provided under the authorities granted to the Parks, Recreation & Open Space Department. As such, this manual establishes minimum criteria to be followed by PROS and non-city entities, such as the development community (i.e., developers and builders and their consultants and contractors) to ensure that goals, policies, procedures and standards for a quality parks, recreation and open space system are implemented as the city continues to grow and develop.

To ensure the consistent, predictable and equitable administration of City land use and development regulations, the UDO and the PROS Dedication and Development Criteria Manual must be reviewed regularly and amended as per City code and policy.

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

Over the last few months, the City's Parks, Recreation and Open Space Department and the Planning and Development Services Department have identified several sections of the Unified Development Ordinance (UDO) needing amendment based upon clarifications, administrative errors and omissions, and recommendations from the development community.

Additional evaluation of the PROS Dedication and Development Criteria Manual will occur over the next year. The following revisions to the UDO are intended to be a first step toward ensuring alignment between the two codes.

Section 146-4.3.18 Schools, Parks, and Other Lands for Public Facilities

- Clarifies language for consistency and reduces redundancies by removing the specifics of the methodology for land dedication standards from the UDO, since they are already stated in the PROS Dedication and Development Criteria Manual.

Section 146-4.7.5 Required Landscape

- Revises language, at the request of the development community, to allow and regulate sidewalks for primary entry into residences within public park, open space and trail buffers.

Section 146-4.7.9 Fence and Wall Regulations

- Revises language, at the request of the development community, to allow privacy fencing in lieu of the three-rail fence to screen view into side and rear yards on residential lots that abut public open space which are adjacent to a street, alley or shared drive.

Section 146-5.3.20 Park Development Fees

- Amends an administrative error by adding Park Development Fees back into city code which were inadvertently omitted at the time of UDO adoption.

Additionally, the attached revisions to Chapter 98 are needed to clarify the authority of the PROS Director to adopt the PROS Dedication and Development Criteria Manual which is referenced in the UDO.

FISCAL IMPACT

Select all that apply. (If no fiscal impact, click that box and skip to "Questions for Council")

- Revenue Impact
 Budgeted Expenditure Impact
 Non-Budgeted Expenditure Impact
 Workload Impact
 No Fiscal Impact

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

N/A

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

N/A

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

N/A

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

N/A

QUESTIONS FOR COUNCIL

Does the Policy Committee approve of forwarding the ordinance amending Chapter 98 to Study Session?

LEGAL COMMENTS

Aurora has the power and authority to adopt any rules or regulations save and except by and under the authority of specific provisions of statutes or ordinances of the City, setting forth the area and scope of rules and regulations permitted and specifying the person authorized to make rules and regulations. (City Code Section 2-3(c)). Any rules and regulations adopted shall be enforced pursuant to the requirements of Aurora City Code. (City Code Section 2-

3 and City Charter Section 7-4(a)). Council shall act only by ordinance, resolution, or motion. (City Charter Section 5-1). (M. Gardner)

ORDINANCE NO. 2023- _____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL, OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 98 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO TO ADD NEW SECTIONS TO BE NUMBERED 98-1 AND 98-2 AUTHORIZING THE DIRECTOR OF PARKS, RECREATION AND OPEN SPACE TO ESTABLISH DEDICATION AND DEVELOPMENT CRITERIA THROUGH ADOPTED RULES AND REGULATIONS

WHEREAS, pursuant to Aurora City Code 2-3(c), Aurora has the power and authority to adopt any rules or regulations save and except by and under the authority of specific provisions of statutes or ordinances of the City, setting forth the area and scope of rules and regulations permitted and specifying the person authorized to make rules and regulations; and

WHEREAS, pursuant to Aurora City Code 2-3(e), any rules and regulations adopted shall be enforced pursuant to the requirements of Aurora City Code Section 2-3 and pursuant to the authority established in Aurora Charter 7-4(a); and

WHEREAS, pursuant to City Code Section 2-147, each department head may, subject to the approval of the city manager or the manager's designee, promulgate departmental rules and regulations pursuant to the procedures in Aurora City Code Section 2-3; and

WHEREAS, the Parks, Recreation and Open Space Department, through its' Director or authorized designee, has created the Parks, Recreation and Open Space Dedication and Development Criteria Manual ("Manual") to address Aurora's need for consistent and proper administration of the dedication and development of park land and open space; and

WHEREAS, adopting, implementing, and enforcing consistent standards and requirements in the Manual for planning, developing, constructing, maintaining, and operating park land and open space in Aurora is necessary for the proper administration of such criteria by Aurora staff; and

WHEREAS, applicants for development and redevelopment encompassing residential land uses may be required to pay park development fees for improvement of parks and recreation facilities, which are established in the Manual and further recognized under UDO 146-4.3.3, 146-4.3.18 and 146-5.3.20; and

WHEREAS, the Director of Parks, Recreation and Open Space desires to adopt such rules and regulations known as the Parks, Recreation and Open Space Dedication and Development Criteria Manual, which shall establish land dedication, including cash-in-lieu of land dedication, and development criteria for parks and open space in Aurora; and

WHEREAS, the City Council of the City of Aurora does hereby determine it to be in the best interest of City and its residents to adopt such ordinances as proposed by the city manager or the manager's designee, and in compliance with City Code Section 2-3.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. That the City Code of the City of Aurora, Colorado, is hereby amended to add a new designation of authority section, to be numbered 98-1, which section shall read as follows:

Sec. 98-1. Authority to Adopt Rules and Regulations.

The Director of Parks, Recreation and Open Space shall have the authority to promulgate rules and regulations known as the “Parks, Recreation and Open Space Dedication and Development Criteria Manual”, which shall include dedication and development criteria for park land and open space, the establishment of land dedication and cash-in-lieu of land dedication requirements, park development fees and other fees required for the proper administration of the department and to facilitate the services performed by the department.

Section 2. That the City Code of the City of Aurora, Colorado, is hereby amended to add a new definitions section, to be number 98-2, which section shall read as follows:

Sec. 98-2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***Director of Parks, Recreation and Open Space* means the director of Parks, Recreation and Open Space Department or designee.**

***Park Development Fees* means fees required by developments which are unable to construct a neighborhood park, community park or both as set forth in the Parks, Recreation and Open Space Dedication and Development Criteria Manual. The fees are intended to enable the Parks, Recreation and Open Space department to construct the required park facilities.**

***Land Dedication* means land dedicated to the city of Aurora for public parks, open space, trails and greenways to serve residents in new neighborhoods and address the impacts of additional residents within existing neighborhoods as set forth in the Parks, Recreation and Open Space Dedication and Development Criteria Manual.**

***Cash-In-Lieu of Land Dedication* means a fee required by developments unable to provide the required physical land dedication per the standards set forth in the Parks, Recreation and Open Space Dedication and Development Criteria Manual.**

***Parks, Recreation and Open Space Dedication and Development Criteria Manual* means the dedication, development and design criteria standards adopted by the Director of Parks, Recreation and Open Space for which such standards shall apply to all park land and open space developed or redeveloped and regulate the planning, design, construction, management and operation of parks, recreation sites and open space areas.**

Section 3. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 4. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 5. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this _____ day of _____, 2023.

PASSED AND ORDERED PUBLISHED this _____ day of _____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

RLA

Michelle Gardner
MICHELLE GARDNER, Sr. Assistant City Attorney



CITY OF AURORA

Council Agenda Commentary

Item Title: Ordinance Amending the UDO to Clarify Parks and Open Space Provisions
Item Initiator: Nicole Ankeney, PROS Planning, Design & Construction Manager
Staff Source/Legal Source: Nicole Ankeney, PROS Planning, Design & Construction Manager /Michelle Gardner, Sr. Assistant City Attorney
Outside Speaker: None
Council Goal: 2012: 4.0--Create a superior quality of life for residents making the city a desirable place to live and work

COUNCIL MEETING DATES:

Study Session: TBD

Regular Meeting: TBD

2nd Regular Meeting (if applicable): TBD

Item requires a Public Hearing: Yes No

ITEM DETAILS *(Click in highlighted area below bullet point list to enter applicable information.)*

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time for Study Session

FOR AN ORDINANCE OF THE CITY COUNCIL, OF THE CITY OF AURORA, COLORADO, AMENDING VARIOUS SECTIONS OF CHAPTER 146 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO TO PROVIDE CORRECTIONS, CLARIFICATIONS AND UPDATES TO THE LAND USE REGULATIONS OF THE UNIFIED DEVELOPMENT ORDINANCE (UDO).

Nicole Ankeney, PROS Planning, Design and Construction Manager
10 min./5 min.

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

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- Information Only
- Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field above.

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: (Check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
| <input type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Minutes Not Available |
| <input type="checkbox"/> Minutes Attached | |

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

The Unified Development Ordinance (UDO) was originally approved by City Council in 2019 and serves as the city's codified zoning and subdivision regulations. Several of the twelve purpose statements in Chapter 146 are related to the work of the Parks, Recreation and Open Space department:

1.3.2. Ensure that all development in the City is consistent with the spirit and intent of any other plans and policies adopted by City Council.

1.3.7. Encourage the conservation and efficient use of water and other natural resources.

1.3.8. Ensure the provision of adequate public facilities and services for new development and redevelopment.

1.3.9. Provide for the consistent, predictable, and equitable administration of City land use and development regulations.

1.3.10. Implement a connected system of parks, trails, and open spaces that promote improved outdoor activity and public health.

In addition to the UDO, development is regulated through the Parks, Recreation and Open Space (PROS) Dedication and Development Criteria Manual, which was first adopted in 2004. The PROS Dedication & Development Criteria Manual is a guide for the planning, design, construction, management and operation of parks, recreation sites and open space areas provided under the authorities granted to the Parks, Recreation & Open Space Department. As such, this manual establishes minimum criteria to be followed by PROS and non-city entities, such as the development community (i.e., developers and builders and their consultants and contractors) to ensure that goals, policies, procedures and standards for a quality parks, recreation and open space system are implemented as the city continues to grow and develop.

To ensure the consistent, predictable and equitable administration of City land use and development regulations, the UDO and the PROS Dedication and Development Criteria Manual must be reviewed regularly and amended as per City code and policy.

Changes to the UDO require a public hearing and recommendation from the Planning and Zoning Commission and adoption by the City Council at a public hearing ([UDO Section 146-5.4.1.C](#)).

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

Over the last few months, the City's Parks, Recreation and Open Space Department, and the Planning and Development Services Department have identified several sections of the Unified Development Ordinance (UDO) needing amendment based upon clarifications, administrative errors and omissions, and recommendations from the development community.

Additional evaluation the PROS Dedication and Development Criteria Manual will occur over the next year. The following revisions to the UDO are intended to be a first step toward ensuring alignment between the two codes.

Section 146-4.3.18 Schools, Parks, and Other Lands for Public Facilities

- Clarifies language for consistency and reduces redundancies by removing the specifics of the methodology for land dedication standards from the UDO, since they are already stated in the PROS Dedication and Development Criteria Manual.

Section 146-4.7.5 Required Landscape

- Revises language, at the request of the development community, to allow and regulate sidewalks for primary entry into residences within public park, open space and trail buffers.

Section 146-4.7.9 Fence and Wall Regulations

- Revises language, at the request of the development community, to allow privacy fencing in lieu of the three-rail fence to screen view into side and rear yards on residential lots that abut public open space which are adjacent to a street, alley or shared drive.

Section 146-5.3.20 Park Development Fees

- Amends an administrative error by adding Park Development Fees back into city code which were inadvertently omitted at the time of UDO adoption.

FISCAL IMPACT

Select all that apply. (If no fiscal impact, click that box and skip to "Questions for Council")

- Revenue Impact
 Budgeted Expenditure Impact
 Non-Budgeted Expenditure Impact
 Workload Impact
 No Fiscal Impact

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

N/A

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

N/A

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

N/A

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

N/A

QUESTIONS FOR COUNCIL

Does the Planned and Economic Development Policy Committee wish to approve the ordinance amending the Unified Development Ordinance (UDO) and forward to Study Session?

LEGAL COMMENTS

An application for an amendment to the text of the UDO or a legislative rezoning of a large area shall only be recommended if the Planning Director and the Planning and Zoning Commission find that the following criteria have been met, and shall only be approved if City Council finds that the following criteria have been met. i. The applicant has demonstrated that the proposed Ordinance amendment is consistent with the spirit and intent of the Comprehensive Plan and with other policies and plans adopted by the City Council; and a. The change to the Ordinance text is required because of changed conditions or circumstances in all or a portion of the city; or b. The change to the Ordinance text is required to address a new or unforeseen threat to the public health, safety, and welfare; or c. The change to the Ordinance text is required to promote economic growth and investment that will

not create material risks to the public health, safety, and welfare. (City Code § 146-5.4.1.C.3.B). Council shall act only by ordinance, resolution, or motion. (City Charter § 5-1). (M. Gardner)

ORDINANCE NO. 2023- _____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL, OF THE CITY OF AURORA, COLORADO, AMENDING VARIOUS SECTIONS OF CHAPTER 146 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO TO PROVIDE CORRECTIONS, CLARIFICATIONS AND UPDATES TO THE LAND USE REGULATIONS OF THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

WHEREAS, when the Unified Development Code (UDO) was enacted into Chapter 146 of the City Code some of the previous provisions of Chapter 146 relevant to development of parks and open spaces were omitted or need to be clarified; and

WHEREAS, the omitted provisions of Chapter 146 need to be included into the UDO for the proper administration of the dedication and development of parks and open spaces; and

WHEREAS, the Director of Parks, Recreation and Open Space (PROS) has authority to establish dedication and development criteria for parks and open spaces; and

WHEREAS, the Parks, Recreation and Open Space Dedication and Development Criteria Manual establishes minimum criteria to ensure that goals, policies, procedures and standards are met so that a quality parks, recreation and open space system can be implemented.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. That section 146-4.3.18.B of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.3.18. Schools, Parks, and Other Lands for Public Facilities.

B. Park and Open Space Land **Dedication** and Cash-in-Lieu.

1. *Requirement.* Public land shall be dedicated to provide for parks and open space to serve the future residents of the development, **and address the impacts of additional residents within existing neighborhoods.** The dedication of such land shall be as required by an annexation agreement, if one has been approved for the property. If land uses change from those approved at the time of annexation or no annexation agreement exists for the subdivision, park **land** dedication shall be required **as set forth in the Parks, Recreation and Open Space Dedication and Development Criteria Manual.**

2. *Dedication Timing.* The dedication of land for parks and open space purposes shall occur, by plat or separate document at the discretion of the City, at the time that the first plat for property adjacent to such land is submitted to the City. *Standards.* The amount of land dedicated for parks and open space purposes shall comply with the **methodology, population-based standards in Table 4.3 3, housing unit types, average household sizes, and other criteria, such as cash-in-lieu, as set forth in the Parks, Recreation and Open Space Dedication and Development Criteria Manual.**

Standard Acres per 1,000 Population	
Facility Type	Requirement
Neighborhood Parks	3 ac. per 1,000 residents
Community Parks	1.1 ac per 1,000 residents
Open Space, Other Park Uses and Trails	7.8 ac per 1,000 residents

4. *Average Household Size.*

a. For purposes of applying the population based standards, population projections shall be calculated based on the following average household sizes:

- i. 2.65 persons per single family dwelling unit;
- ii. 2.50 persons per multifamily dwelling unit;
- iii. 2.02 persons per dwelling unit in a transit station area; and
- iv. 1.58 persons per active adult dwelling unit in a residential community:
 - (a) In which occupancy is limited by deed or title to residents over 55 years of age, or
 - (b) That qualifies as “housing for older persons” as defined and regulated under the federal Fair Housing Act, as amended.
- v. Assisted living, continuing care retirement, skilled nursing and convalescent communities or facilities shall be exempt from the land dedication requirements unless the use includes a mix of dwelling unit types for active adults or persons under age 55, in which case land dedication requirements may be imposed upon the number of

~~units intended to be occupied by persons without the age limitation or residents not in need of personal care or health services.~~

~~b. These numbers may be modified as determined by the City Council based upon census data.~~

~~4.5. Cash-in-Lieu of Land Dedication Payments.~~

a. Developments unable to provide the required land dedication per the standards set forth in the Parks, Recreation and Open Space Dedication and Development Criteria Manual shall be required to pay a cash-in-lieu of land dedication fee. The timing of any required cash-in-lieu of land dedication payments, land value calculations and payment tracking are set forth in the Parks, Recreation and Open Space Dedication and Development Criteria Manual.

~~3. Land Dedication~~

~~For subdivisions that are not large enough to generate a minimum of five acres for neighborhood parks and 40 acres for community parks, the City Manager may, at the City Manager's sole discretion, require a cash payment in lieu of land dedication.~~

~~i. The amount of such payment shall be based upon the market value of property within the subdivision as fully developed, with all attendant infrastructure, in accordance with the land uses approved for the subdivision. This approach to valuing cash in lieu shall also be used if cash in lieu is accepted for dedication of park lands outside of the subdivision approval process.~~

~~ii. Cash in lieu of land shall only be used to provide park and open space facilities to serve the future residents of the subdivision.~~

~~iii. Cash in lieu payment shall occur at the time that the first plat for the subdivision is submitted to the City.~~

~~b. For infill developments in Subareas A and B and for development within transit station areas that are required to provide cash in lieu of land dedication, the amount of such payment shall be based upon a per-acre value derived from a case study analysis of the market value of property acquired by the City for community-based park, recreation, and open space purposes. Such per-acre value shall be determined annually by the Director of Parks, Recreation, and Open Space in accordance with the provisions of Section 2-587 of the Aurora City Code.~~

~~5. 6.~~ *Dedication and Development Criteria Manual.* Park and open space land dedication, **development** and design criteria, which govern the eligibility of land and areas to receive land dedication credit, shall be as set forth in the Parks, Recreation and Open Space Dedication and Development Criteria Manual.

Section 2. That section 146-4.7.5.H.1.c. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.7.5. Required Landscape.

H. *Special Landscape Buffers for Development Adjacent to I-70, I-225, E-470, Public Parks, Open Space, and Trails.*

1. General.

c. The encroachment of buildings or portions of buildings including porches and patios, trash enclosures, dumpsters, parking lots and internal vehicular drives, sidewalks and detention and water quality pond infrastructure into landscape buffers is prohibited. Exceptions to this rule in the case of public parks, open space and trail buffers including the provision of trail connections **and sidewalks**, may be made on a case-by-case basis by the Parks, Recreation and Open Space Department based on unique site conditions and alternatives to those impacts, including any proposed mitigation measures.

i. The provision of trail connections through **public park, open space and trail** buffers is generally permitted, but at those locations approved by the Parks, Recreation and Open Space Department based on trail connectivity, public safety, and appearance.

ii. **Sidewalks which provide access to the primary entry to residential uses may be permitted in public park, open space and trail buffers, provided the sidewalk is set back a minimum of 10 feet from the property line of the adjacent park, open space or trail.**

Section 3. That section 146-4.7.9.K. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.7.9. Fence and Wall Regulations.

K. *Fences and Walls Along Open Space Tracts, Parks, Reservoirs, Golf Courses, Trails, and Drainage Ways.*

1. **For proposed development and new construction, Fences fences adjacent to ~~open space tracts~~, public parks, open space, trails, and drainage ways shall meet the design standards shown in Figure 4.7-37 and the screening requirements of Section 146-4.7.5.H.2 (Buffer Standards for Areas Adjacent to Public Parks, Open Space, and Trails) shall also apply.**

a. Within a master-planned development, residential lots that abut public open space where the open space also abuts a street, alley or shared drive may use a privacy fence in lieu of a three-rail fence to screen views into side and rear yards located across from the street, alley or shared drive. The fence design and material shall be included in the approved master plan and shall not exceed 6 feet in height. Additional landscaping may be required adjacent to the privacy fence depending on the context of it and will be reviewed with each site plan.

2. **Existing fences adjacent to public parks, open space, trails, and drainage ways not within a master planned development shall be maintained and repaired in accordance with the location, height, design, and materials as shown on approved Site Plans.**

a. For replacement fences, the Director of Parks, Recreation, and Open Space shall determine the location, height, design, and materials of fences adjacent to city-owned property taking into consideration consistency in the appearance and treatment along neighboring properties and the screening and access control needs relative to abutting land uses if no Master Plan or Site Plan exists for a property.

3. 2. Fences adjacent to public golf courses or reservoirs shall be an open wrought iron style with masonry columns, or other styles or column spacing as may be specified by the Director of Parks, Recreation, and Open Space. Screening requirements of Section 146-4.7.5.H.2 (Buffer Standards for Areas Adjacent to Public Parks, Open Space, and Trails) shall also apply.

4. 3. Fences may be up to four feet in height for parks and open space, and up to nine feet for athletic courts and fields and may exceed those maximum heights if the Parks, Recreation and Open Space Department determines that the additional height is needed and will not create a traffic hazard.

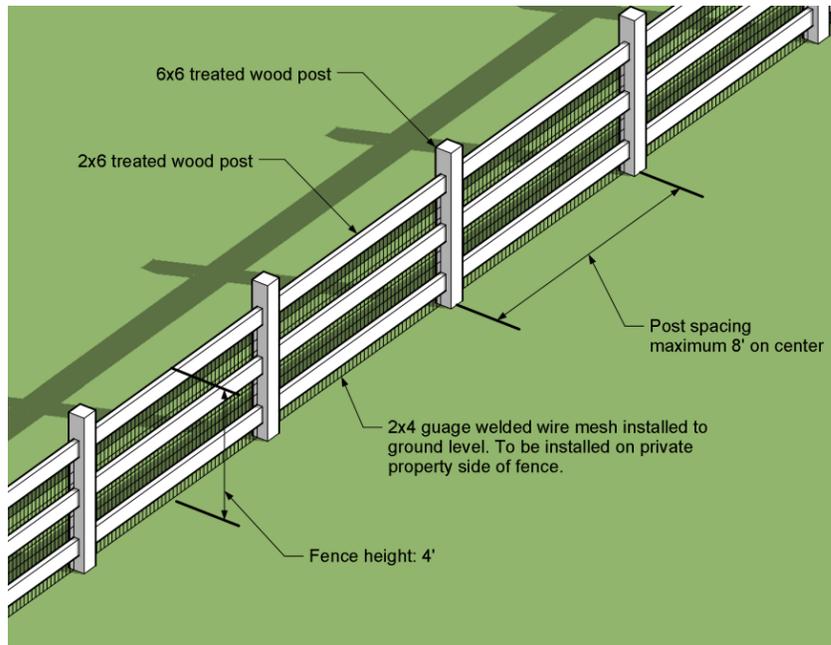


Figure 4.7-37: Fencing Along Open Areas

Section 4. That the City Code of the City of Aurora, Colorado, is hereby amended to add a new subsection, to be numbered 146-5.3.20, which subsection shall read as follows:

5.3.20. Park Development Fees.

A. In addition to other fees required by this UDO, applicants for development and redevelopment containing residential land uses are required to pay park development fees for development and improvement of parks and recreation facilities.

B. The methodology and criteria which govern the computation of the fees, including any policies which exempt certain types of residential projects from fees, shall be as set forth in the Parks, Recreation and Open Space Dedication and Development Criteria Manual.

C. Park development fees shall be payable at time of issuance of building permit.

Section 5. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 6. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 7. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this _____ day of _____, 2023.

PASSED AND ORDERED PUBLISHED this _____ day of _____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

Michelle Gardner

MICHELLE GARDNER, Sr. Assistant City Attorney

Planning and Economic Development Committee

July 14,
2023

City Code Amendments
Clarifying the Director's Authority
&
UDO Amendments
Addressing Minor UDO Clarifications

Parks, Recreation and Open Space



Why Amend The City Code, Chapter 98 ?

- Create more consistency within city code and address department authority similarly to other departments involved in the development review process.

Section 98-1 Authority to Adopt Rules and Regulations

- Adds a new section giving the Director the authority to promulgate rules and regulations known as the Parks, Recreation and Open Space Dedication and Development Criteria Manual.

Section 98-2 Definitions

- Adds a new section with definitions for:
 - Director of Parks, Recreation and Open Space
 - Park Development Fees
 - Land Dedication
 - Cash-in-lieu of Land Dedication

Parks, Recreation and Open Space

Why Amend The UDO ?

Section 146-4.3.18 Schools, Parks, and Other Lands for Public Facilities

- Removes redundancies and duplications between the UDO and the Parks, Recreation and Open Space Dedication and Development Criteria Manual.
- States that the requirements for park and open space land dedication standards, criteria, methodology, etc. shall be set forth in the Parks, Recreation and Open Space Dedication and Development Criteria Manual.

Section 146-5.3.20. Park Development Fees

- Amends an administrative error by adding Park Development Fees back into city code which were inadvertently omitted at the time of UDO adoption.

Parks, Recreation and Open Space

Why Amend The UDO ?

Section 146-4.7. Landscape, Water Conservation, Stormwater Management

- Allow privacy fencing to be installed adjacent to public open space tracts in order to screen views into residential rear and side yards from nearby streets, alleys and shared drives.
- Allow sidewalks serving the primary entry of residential uses to extend into the 25' Special Landscape Buffer adjacent to public parks, open space and trails.

Parks, Recreation and Open Space



Questions?

1. Does the Planning & Economic Development Committee support moving the **City Code, Chapter 98 amendments** item forward and bringing this through the planning process which requires Planning Commission recommendation prior to final consideration before City Council?
2. Does the Planning & Economic Development Committee support moving the **UDO Amendments** item forward and bringing this through the planning process which requires Planning Commission recommendation prior to final consideration before City Council?

Parks, Recreation and Open Space



CITY OF AURORA

Council Agenda Commentary

Item Title: UDO Text Amendment, which includes simplification to rear setback along alleys, other clarifications
Item Initiator: Brandon Cammarata, Planning Manager
Staff Source/Legal Source: Brandon Cammarata, Planning Manager/Rachel Allen, City Attorney Manager
Outside Speaker: None
Council Goal: 2012: 4.0--Create a superior quality of life for residents making the city a desirable place to live and work

COUNCIL MEETING DATES:

Study Session: TBD

Regular Meeting: TBD

2nd Regular Meeting (if applicable): TBD

Item requires a Public Hearing: Yes No

ITEM DETAILS *(Click in highlighted area below bullet point list to enter applicable information.)*

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time for Study Session

An Ordinance...

Staff Source: Brandon Cammarata, Planning Manager
Estimated Time: 10 minutes

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session Approve Item as proposed at Study Session
- Approve Item and Move Forward to Regular Meeting Approve Item as proposed at Regular Meeting
- Information Only
- Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field above.

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: (Check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
| <input type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Minutes Not Available |
| <input type="checkbox"/> Minutes Attached | |

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

The Unified Development Ordinance (UDO) is the city's zoning and subdivision regulations. They include the various zone districts across the city and the "uses" permitted in those districts. The UDO also has design standards for different uses. Design standards include setbacks, maximum building height, landscape, and parking requirements.

Changes to the UDO require a public hearing and recommendation from the Planning and Zoning Commission and adoption by the City Council at a public hearing ([UDO Section 146-5.4.1.C](#)).

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

This proposed ordinance includes changes that add options for flexibility, correct discrepancies, and clarify specific allowances.

Highlighting flexibility includes simplifying rear setbacks along alleys and allowances of pedestrian sidewalks and related facilities within landscape buffers.

Other changes include the removal of duplicative or outdated sections of code and minor clarifications regarding landscape materials.

A summary of the ordinance topics is as follows:

Section 146-4.7. Landscape, Water Conservation, Stormwater Management

- Clarify and expand the use of artificial turf
- Expand the use of rock mulch
- Remove the non-applicable visibility sight triangle graphic
- Refine allowable encroachments within street and non-street buffers
- Clarify how building perimeter landscape measurements are calculated
- Remove duplicative language
- Pool Fences

Section 146-4.2.2 General Dimensional Standards

- Clarification and correction to Table 4.2-3 to remove reference to an Infill Handbook and provide minimum and maximum building heights within the MU-C zoning district

Section 146-4.6.3 Required Off-Street Parking

- Clarification regarding the number of bicycle parking spaces required for multi-family developments within Subarea A

Section 146-4.6.5 Parking Design and Location

- Simplification of alley setbacks for residential products

FISCAL IMPACT

Select all that apply. (If no fiscal impact, click that box and skip to "Questions for Council")

- Revenue Impact Budgeted Expenditure Impact Non-Budgeted Expenditure Impact
 Workload Impact No Fiscal Impact

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

N/A

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

N/A

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

N/A

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

N/A

QUESTIONS FOR COUNCIL

Does Council wish to approve the ordinance amending the Unified Development Ordinance (UDO)?

LEGAL COMMENTS

An application for an amendment to the text of this UDO or a legislative rezoning of a large area shall only be recommended if the Planning Director and the Planning and Zoning Commission find that the following criteria have been met, and shall only be approved if City Council finds that the following criteria have been met. i. The applicant has demonstrated that the proposed Ordinance amendment is consistent with the spirit and intent of the Comprehensive Plan and with other policies and plans adopted by the City Council; and a. The change to the Ordinance text is required because of changed conditions or circumstances in all or a portion of the city; or b. The change to the Ordinance text is required to address a new or unforeseen threat to the public health, safety, and welfare; or c. The change to the Ordinance text is required to promote economic growth and investment that will not create material risks to the public health, safety, and welfare. (City Code § 146-5.4.1.C.3.B) (Money)

Planning and Economic Development Committee

July 12,
2023

UDO Amendments to Address Minor UDO
Clarifications

Planning & Development Services
Department

Why Amend The UDO ?

Section 146-4.7. Landscape, Water Conservation, Stormwater Management

- Clarify and expand the use of artificial turf
- Expand the use of rock mulch
- Remove the non-applicable visibility sight triangle graphic
- Refine allowable encroachments within street and non-street buffers
- Clarify how building perimeter landscape measurements are calculated
- Remove duplicative language

Why Amend The UDO ?

Section 146-4.2.2 General Dimensional Standards

- Clarification and correction to Table 4.2-3 to remove reference to an Infill Handbook and provide minimum and maximum building heights within the MU-C zoning district

Section 146-4.6.3 Required Off-Street Parking

- Clarification regarding the number of bicycle parking spaces required for multi-family developments within Subarea A

Section 146-4.6.5 Parking Design and Location

- Simplification of alley setbacks for residential products

Question?

- Does the Planning & Economic Development Committee support moving this item forward and bringing this through the planning process which requires Planning Commission recommendation prior to final consideration before City Council?

ORDINANCE NO. 2023- ____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING VARIOUS SECTIONS OF CHAPTER 146 OF THE CITY CODE, TO ADDRESS LANDSCAPING AND FENCING STANDARDS WITHIN THE CITY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. That Section 146-4.2.2.B. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.2.2. General Dimensional Standards Summary Tables.

B. Mixed Use Districts. Dimensional standards for mixed-use districts are shown in Table 4.2.3.

Table 4.2-3								
Summary of Mixed-Use Districts Dimensional Standards								
See additional standards in Section 146-2.4 (Mixed-Use Districts)								
Zone District	MU-N	MU-OI	MU-C	MU-OA	MU-FB	MU-TOD	MU-R	MU-A
Building Standards								
General	Subarea A: See Aurora Infill Handbook; Subareas B & C: 2 stories max.	75 ft. max.	Subarea A: See Aurora Infill Handbook; Subareas B & C: 75 ft. max. 75 ft max	See Table 2.4-5	19 ft. min. on arterials	Core: No max. 3 story min. Edge: No max. No min.	Max for Focal Point: N/A Max General: No building taller than Focal Point; If no Focal	Single-family and duplex: 38 ft. max.; Multifamily or mixed-use: 100 ft.; Non-residential: 100 ft.

Table 4.2-3

Summary of Mixed-Use Districts Dimensional Standards

See additional standards in Section [146-2.4](#) (Mixed-Use Districts)

Zone District	MU-N	MU-OI	MU-C	MU-OA	MU-FB	MU-TOD	MU-R	MU-A
							Point yet constructed: 100 ft.	

Section 2. That Section 146-4.6.3.F. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.6.3. Required Off-Street Parking.

F. Bicycle Parking

1. *Bicycle Parking Spaces Required.*

a. Multifamily and non-residential development in Subarea A shall provide bicycle parking spaces equal to at least 10 percent of required automobile parking spaces, and multifamily and non-residential development in Subareas B and C, shall provide bicycle parking spaces equal to at least five percent of the required automobile parking spaces; provided, that each multifamily and non-residential use shall install a minimum of two U-racks or other similar bicycle storage, and no multifamily or non-residential use shall be required to install more than 15 U-racks or other similar bicycle storage.

b. The requirements of Subsection F.1 above also apply to the non-residential component of each mixed-use development.

c. Each inverted-U bicycle rack counts as two bicycle parking spaces.

~~d. Multifamily development shall provide at least one bicycle parking space per five dwelling units in Subarea A and at least one bicycle parking space per 10 dwelling units in Subareas B and C.~~

Section 3. That Section 146-4.6.5.C.8. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.6.5. Parking Design and Location.

C. *Single Family Detached and Two-Family Lots*

8. *Garage Variation Required.*

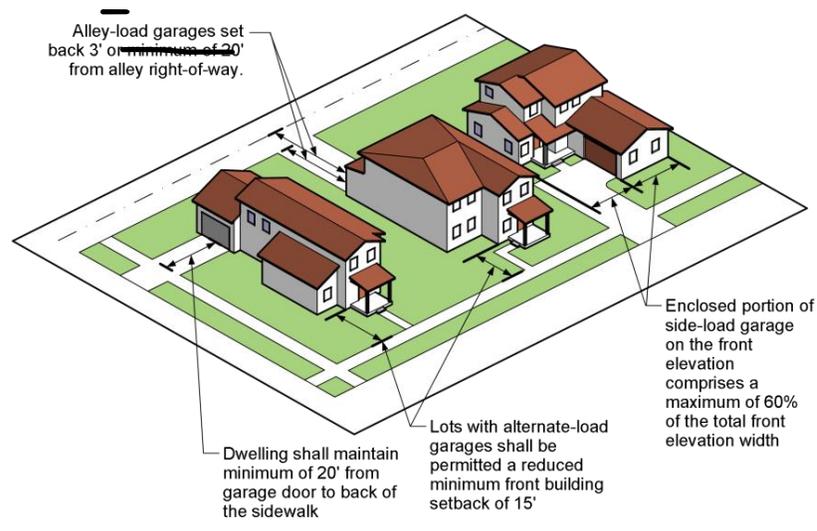


Figure 4.6-3: Alternate-load Garage

Section 4. That Section 146-4.7.3.B. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.7.3. General Landscaping Standards

B. Plant Material Requirements.

8. Plant Beds

d. Where rock is the chosen mulch treatment and no plant material will be installed, weed barrier fabric shall be used to block weed growth and conserve moisture. **Crusher fines may not be used as a mulch treatment unless specified as permitted in another section of the UDO.**

11. Artificial Turf Standards

Where this UDO permits the use of artificial turf, it shall comply with the following standards.

a. *Allowed Use.*

- i. Artificial turf may be used in sports field applications.
- ii. Artificial turf may be used in front yards to replace sod or native seed areas of single-family residential lots if approved by a homeowners' association and/or Title 32 District, ~~but may not be used in the Water Wise landscape option in which no turf is allowed.~~ Homeowners shall meet the Residential Yard Landscape Requirements per Table 4.7-3 in addition to providing artificial turf.
- iii. Artificial turf may be used in commercial developments.
- iv. Artificial turf may be used in street frontage buffers.**
- v. Artificial turf may be used in dog parks.**
- vi. Artificial turf may be used in back yards.**

f. *Specific Prohibited Uses.*

- i. Artificial turf may not be used within curbside planting areas in any zone district.
- ii. ~~Artificial turf may not be used in street frontage buffers.~~
- iii. ~~Artificial turf may not be used in dog parks.~~

Section 5. That Section 146-4.7.5.C.2. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.7.5. Required Landscaping

C. Curbside Landscaping

2. Detached Walks.

- i. Curbside landscape areas that are less than ~~three~~ **four** feet in width shall be mulched with rock mulch **or wood mulch**, no white rock. Rock shall be a minimum of 2.5 inch diameter.

ii. Curbside landscape areas that are between ~~three~~ **four** and ~~seven and half~~ **six** feet in width shall be planted a ~~minimum~~ with shrubs **meeting the minimum quantity requirements as defined by this section**. Ornamental grasses may also be provided.

v. ~~When shrub and ornamental grasses are used,~~ **Curbside landscapes shall provide** no less than one shrub per 40 square feet **of curbside landscape area**. ~~or Shrub equivalents may be installed within the curbside landscape area and~~ **but may not account for** ~~no more than 40 percent of the total shrub count~~ **provided as shrub equivalents** ~~can be ornamental grasses provided as shrub equivalents~~. Shrubs are assumed to be an average of four feet wide at maturity. No more than five percent of perennials may be provided as shrub equivalents.

vii. When located within a sight distance triangle, plant materials shall comply with the provisions of Section 146-4.2.3.I. Refer to the Aurora Roadway Design and Construction Specifications Manual for sight distance triangle design parameters.

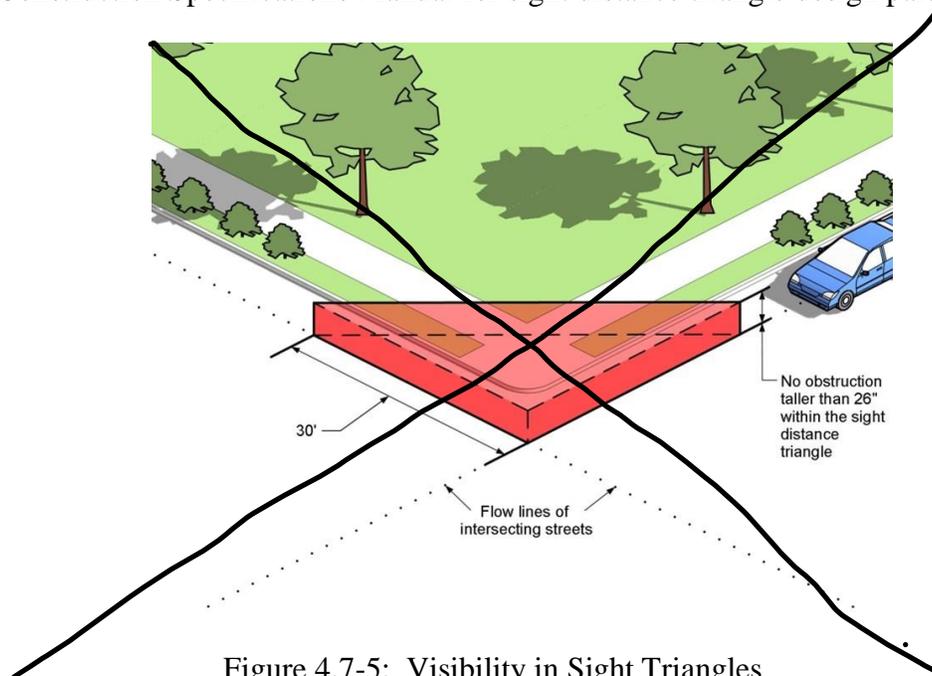


Figure 4.7-5: Visibility in Sight Triangles

c. *Use of Living and Non-Living Materials*. The following standards apply to sites with detached sidewalks.

i. In addition to the required street trees, curbside landscaping within the right-of-way may consist of both living and non-living landscape materials.

iii. Non-living landscape materials may consist of wood mulch and rock mulch in combination with living plant material consistent with Section 146-4.7.5.C.2.a.ii. **Crusher fines may not be used as a mulch treatment. Crusher fines may be installed to support limited areas of high pedestrian traffic**

generated by adjacent land uses or as step out areas supporting on-street parking within the curbside landscapes as a means to access adjoining sidewalks.

Section 6. That Section 146-4.7.5.C.4. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.7.5. Required Landscaping

C. Curbside Landscaping

4. Urban Street Frontages.

b. Urban Street Trees. Refer to the Landscape Reference Manual regarding the City of Aurora Recommend Xeriscape and No-Water Plant List. ~~for a list of recommended street trees.~~

Section 7. That Section 146-4.7.5.D.2. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.7.5. Required Landscaping

D. Street Frontage Landscape Buffers

2. Exceptions

a. Landscape Street frontage buffers for single-family detached and multifamily developments facing an arterial and/or collector street shall measure their street frontage buffer from the **back of walk**. ~~flow line~~. Refer to Figures 4.7-14 through 4.7-17.

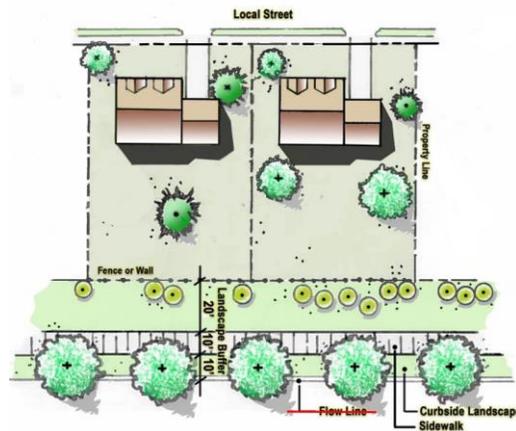


Figure 4.7-14: Arterial Street Frontage Buffer Measurement Detached Straight Walk

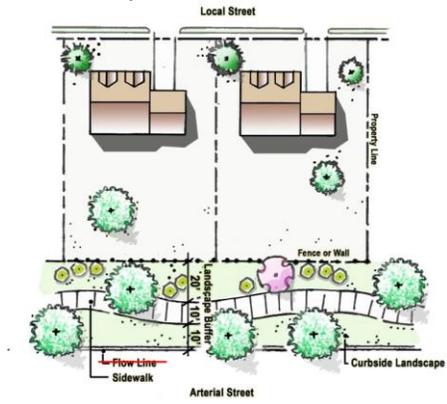


Figure 4.7-15: Arterial Street Frontage Buffer Measurement Detached Meandering Walk

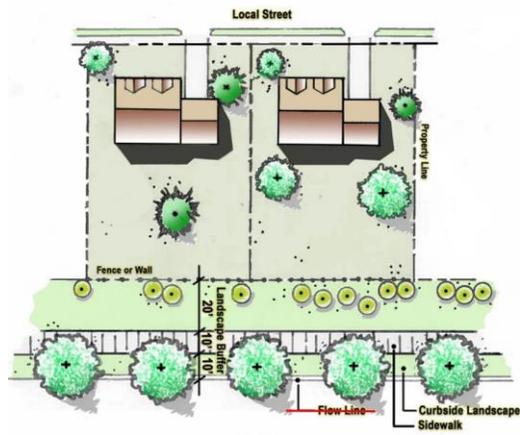


Figure 4.7-16: Arterial Street (Painted Median) Frontage Buffer Measurement Detached Straight Walk

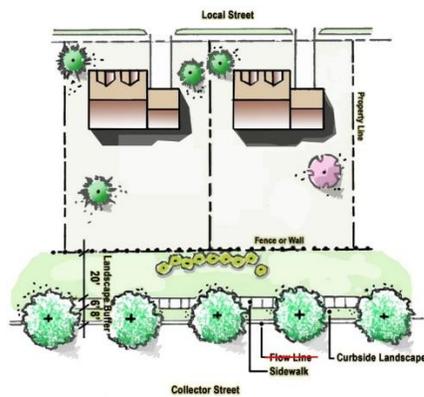


Figure 4.7-17: Collector Street Frontage Buffer Measurement Detached Straight Walk

Section 8. That Section 146-4.7.5.D.5. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.7.5. Required Landscaping

D. Street Frontage Landscape Buffers

5. *Encroachments into Buffers.* No buildings or portions of buildings including ~~porches or patios~~, drive lanes, ~~sidewalks~~, detention ponds, parking stalls, dumpsters or dumpster enclosures may intrude into the minimum required buffer.

Section 9. That Section 146-4.7.5.E.4. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.7.5. Required Landscaping

E. Non-Street Perimeter Buffers

4. *Encroachments into Buffers.* No buildings or portions of buildings including ~~porches or patios~~, drive lanes, ~~sidewalks~~, structured or unstructured detention ponds, parking stalls, dumpsters or dumpster enclosures may intrude into the minimum required buffer.

Section 10. That Section 146-4.7.5.G. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.7.5. Required Landscaping

G. Buffer Width and Allowed Reduction Table.

1. All development and redevelopment shall comply with the provisions of Table 4.7-2 unless an exception or alternative standard is included in this UDO.

	Residential [1]	Multifamily	Institutional [2]	Office, Commercial and Mixed-Use	Industrial
STANDARD DESIGN [3]					
Plant material quantities per code requirements.					
Standard design means without buffer reduction incentive features.					
[1] Includes all residential uses listed in Table 3.2-1 (Permitted Use Table) except multifamily dwellings.					
[2] Includes all institutional uses listed in Table 3.2-1 (Permitted Use Table) except parks and open spaces.					
[3] Standard design refers to the required plant material per linear foot of required buffer.					

	Residential [1]	Multifamily	Institutional [2]	Office, Commercial and Mixed-Use	Industrial
[4] Buffer reductions are not permitted for industrial developments along arterial streets.					
[5] When an Urban Street Frontage is proposed required by or approved under this UDO, with no intervening vehicular area between the building and street , no street frontage buffers are required.					
[6] Where the rear lots of single-family detached and multifamily abut an arterial or collector roadway, a 20-foot-wide landscape setback is required in accordance with Section 146-4.7.9.H . Buffer reductions are not permitted for multifamily dwelling units adjacent to arterial and collector streets.					
[7] Buffer reductions are not permitted adjacent to parks, trails, or open space.					
[8] Single-family residential developments are exempt from the 25-foot buffer except under those circumstances noted in Section 146-4.7.5.H(2)(b)(iii).					
[9] Landscape plant material quantities shall remain the same regardless of any approved reduction in buffer width.					
[10] For a tall landscape screen, deciduous trees and evergreen trees shall mature to a height of 15-25 feet tall, and shrubs shall mature to an average height of five feet tall. If option 2 in Table 4.7-2 is chosen, then 50 percent of the buffer trees shall be evergreen species.					
[11] Fences and masonry walls shall not be permitted as a buffer reduction feature installed along the rear lots of homes adjacent to arterial and collector streets.					
[12] Parallel fencing along adjoining properties shall be avoided to the maximum extent practicable to avoid inefficiencies in maintaining either fence. If two parallel fences are necessary, a minimum separation of 10 feet shall be maintained for maintenance purposes.					

Section 11. That Section 146-4.7.5.J.2.a. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.7.5 Required Landscape.

J. Building Perimeter Landscaping

2. *Non-residential and Mixed-Use Structures*

a. *Requirements.* Building perimeter landscaping is required for all non-residential buildings in Subareas A (excluding the MU-OA zone district), B and C when said building elevations face public streets, transportation corridors, public open space, residential neighborhoods, or whenever an entrance door is present. Applicants shall

provide one tree or tree equivalent for each 40 linear feet of elevation length. **Measurements are not cumulative but shall be measured per side of the building.**

i. Ornamental grasses may comprise up to 25% of the total shrub requirement.

Section 12. That Section 146-4.7.5.K.3.f. and g. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.7.5 Required Landscaping

K. Parking Lot Landscaping

3. Interior Parking Lot Landscaping.

f. In addition to trees, grasses (maximum 30 percent per island) and shrubs ~~with trees~~ shall be provided at a ratio of six plants per nine-by-19-foot island or 12 plants per nine-by-38-foot island. Plant materials shall be sited appropriately to not exceed the confines of the planting area. **Perennials may be provided as accents but may not be used to satisfy the parking lot island landscape requirements.**

g. Landscaped islands may be mulched with either wood or rock mulch. The use of white rock mulch **or cursher fines** is prohibited. **The use of crusher fines for pedestrian connectivity to an adjoining walk will be reviewed on a case-by-case basis.**

h. No portion of the required parking lot island landscaping maybe displaced by lighting, trach enclosures, recycling containers, transformers, fire hydrants, vacuum equipment or other mechanical equipment.

Section 13. That Section 146-4.7.5.K.5. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.7.5 Required Landscaping

K. Parking Lot Landscaping

5. Parking Lot Perimeter Screening.

a. Parking lots shall be visually screened **along from** ~~the~~ public rights-of-way, **private streets as well as from open** space and adjacent property. Such screening can be integrated into buffer requirements and is not in addition to such buffer requirements when the buffer and parking lot screening overlap with one another.

Section 14. That Section 146-4.7.5.O. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.7.5 Required Landscaping

O. Medians.

All medians in the public street rights-of-way that are to be maintained by the Parks, Recreation and Open Space Department (PROS) shall be landscaped in accordance with the PROS Dedication and Development Criteria Manual. A copy of the manual is available on the City's website. The applicant shall prepare median design and construction drawings for submission to PROS for review and approval independent of the required site plan submittal to the Planning and Development Services Department. A separate review fee is collected by PROS at time of submission. Coordinate with PROS on specific submittal requirements.

All medians in the public street rights-of-way that are to be privately owned and maintained by a homeowner's association or Title 32 District **may be landscaped in accordance with the PROS Dedication and Development Criteria Manual or** in accordance with the following requirements:

Trees: One deciduous canopy/shade tree (two and one-half inches) or ornamental tree (two inches) every 35 feet on average. At least half of the trees shall be canopy or shade trees. Evergreen trees are not permitted within medians unless a narrow species is selected and preapproved by Planning staff. Ornamental trees may be grouped closer together to achieve a specific aesthetic look.

Shrubs: Shrubs shall be provided at a ratio of six shrubs per 36 linear feet of median. Shrub installation size shall be five-gallon containers.

Ornamental Grasses: Ornamental grasses may be provided but may not count for more than 30 percent of the total shrub quantity. Ornamental grass installation shall be five-gallon containers.

Mulch: Mulch may be either organic or inorganic or a combination of both at the direction of the designer. Shredded cedar is the preferred mulch treatment as it has moisture retention qualities, unlike rock mulch that retains and radiates heat. No white rock **or crusher fines** is are permitted.

Section 15. That Section 146-4.7.6.D. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.7.6 Site Design For Low Impact Development

D. ~~Water Conservation and Irrigation.~~

~~1. Single Family, Two Family (Duplex), and Single Family Attached Dwellings. The design and installation of the all new turf areas for each lot shall comply with all of the~~

requirements listed in Section 146-4.7.5.P (Residential Yard Landscape) and the turf area limitations in Subsection 2 Below.

~~2. All Other Development Except Playfields and Golf Courses. In all development sites except playfields and golf courses, the use of cool season grass sod, seed and seed mixtures that contain cool season grass species shall be limited to not more than 33 percent of a site's total landscaped area. The area consisting of high water using species of cool season grasses, such as Kentucky Blue Grass, shall be contiguous and patches located throughout the site shall be avoided. For purposes of these standards "contiguous" shall mean all abutting areas and areas that may be separated by a pedestrian walk or trail. Areas separated by pavement used for vehicular circulation are not considered contiguous. A cool season grass species shall be considered a high water user if it requires one and one half inches of water or more per week to survive. Tot lots and recreational areas that will benefit from the durability of cool season grasses are exempt from contiguity requirements of this Section. All other requirements shall apply.~~

~~3. Z-Zone Program Option. Applicants may choose to temporarily water native seed areas for a three year period for establishment purposes under the Z-Zone Program administered by Aurora Water. The annual water allocation will be adjusted accordingly after three years or upon successful establishment of the z zone areas as determined by Aurora Water. The adjusted water allocation will be based upon the permanently irrigated areas. Contact Aurora Water, Water Conservation Division for details on the Z-Zone Program. (Ord. No. 2019-49 § 1, 08-19-2019)~~

Section 16. That Section 146-4.7.9.K. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.7.9. Fence and Wall Regulations.

~~N. *Swimming Pools.* The swimming pool area shall be completely enclosed by a fence not less than four feet in height with openings of not more than four inches. The fence shall be located not more than 100 feet from the edge of the pool. All gates shall be equipped with self latching and self closing devices placed on the inside top of the gate. See the International Building Code for additional restrictions on height, vertical member spacing, and access gates. Chain link and welded wire fences are prohibited.~~

N. *Reserved.*

Section 17. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 18. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent

of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

Section 19. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

INTRODUCED, READ AND ORDERED PUBLISHED this ____ day of _____, 2023.

PASSED AND ORDERED PUBLISHED this ____ day of _____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

Daniel L Money ^{RLA}

DANIEL L. MONEY, Senior Assistant City Attorney



CITY OF AURORA

Council Agenda Commentary

Item Title: Ordinance Clarifying the Designation of the Floodplain Manager
Item Initiator: Steve Durian, Deputy Public Works Director
Staff Source/Legal Source: Ian Best, Assistant City Attorney
Outside Speaker: None
Council Goal: 2012: 3.0--Ensure excellent infrastructure that is well maintained and operated.

COUNCIL MEETING DATES:

Study Session: N/A

Regular Meeting: N/A

2nd Regular Meeting (if applicable): N/A

Item requires a Public Hearing: Yes No

ITEM DETAILS

An ordinance amending Section 70-20 of the City Code of the City of Aurora, Colorado, regarding designation of Floodplain Administrator.

Staff Source: Steve Durian, Deputy Public Works Director
Estimated Time: 5 minutes

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session Approve Item as proposed at Study Session
- Approve Item and Move Forward to Regular Meeting Approve Item as proposed at Regular Meeting
- Information Only
- Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field above.

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval Does Not Recommend Approval
- Forwarded Without Recommendation Minutes Not Available

Minutes Attached

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

N/A

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

Over the last several months, the City’s Public Works Department and Aurora Water have reorganized their respective development review functions to create more direct accountability for staff and improve responsiveness and predictability in the development review process. One critical part of the reorganization is to clarify approval authority so that approvals are specific to the functions of the two departments. Previously this approval authority resided solely with the City Engineer. This ordinance would assign the following specific responsibility to the General Manager of Aurora Water:

- Assign designation of the floodplain administrator, including the responsibilities to administer, implement and enforce the provisions within Chapter 70 of City Code and all other appropriate sections of the National Flood Insurance Program (NFIP) Regulations pertaining to floodplain management.

In support of these changes, the title of Director of Water that is currently codified will be updated to General Manager of Aurora Water with a future ordinance.

FISCAL IMPACT

Select all that apply. (If no fiscal impact, click that box and skip to “Questions for Council”)

- Revenue Impact Budgeted Expenditure Impact Non-Budgeted Expenditure Impact
 Workload Impact No Fiscal Impact

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

N/A

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

N/A

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

N/A

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

N/A

QUESTIONS FOR COUNCIL

Does Council wish to approve the ordinance amending Section 70-20 of the City Code of the City of Aurora, Colorado, regarding designation of Floodplain Administrator?

LEGAL COMMENTS

Council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of ordinances; all other actions, except as herein provided, may be in the form of resolutions or motions. (Section 5-1, Aurora City Charter). The City's Utility Enterprise is authorized to acquire, construct, operate, maintain, improve and extend water, wastewater, and storm drainage facilities within or without the corporate boundaries of Aurora, and to make contracts, acquire lands, and do all things that are necessary or convenient therefore. (City Code §138-28) (Best).

ORDINANCE NO. 2023-_____

A BILL

FOR AN ORDINANCE AMENDING SECTION 70-20 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, REGARDING DESIGNATION OF FLOODPLAIN ADMINISTRATOR

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. That Section 70-20 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 70-20. - Designation of the floodplain administrator.

The **General Manager of Aurora Water** ~~city engineer~~ or his/her designee is hereby designated as **the** floodplain administrator to administer, implement and enforce the provisions of this article and other appropriate sections of the NFIP Regulations pertaining to floodplain management.

Section 2. That all ordinances, or parts of ordinances, of the city Code of the City of Aurora, Colorado, in conflict herewith are expressly repealed.

Section 3. That pursuant to section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this ordinance shall be by reference, utilizing the ordinance title. Copies of this ordinance are available at the Office of the City Clerk.

INTRODUCED, READ AND ORDERED PUBLISHED this _____ day of _____, 2023.

PASSED AND ORDERED PUBLISHED BY REFERENCE this _____ day of _____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM

Ian J Best

RLA

IAN BEST, Assistant City Attorney



CITY OF AURORA

Council Agenda Commentary

Item Title: Ordinance Amending and Clarifying Drainage Approval Authority
Item Initiator: Steve Durian, Deputy Public Works Director
Staff Source/Legal Source: Steve Durian, Deputy Director of Public Works/Ian Best, Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 3.0--Ensure excellent infrastructure that is well maintained and operated.

COUNCIL MEETING DATES:

Study Session: N/A

Regular Meeting: N/A

2nd Regular Meeting (if applicable): N/A

Item requires a Public Hearing: Yes No

ITEM DETAILS *(Click in highlighted area below bullet point list to enter applicable information.)*

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time for Study Session

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS OF CHAPTER 138 OF THE CITY CODE PERTAINING TO DRAINAGE APPROVAL AUTHORITY

Staff Source: Steve Durian, Deputy Public Works Director
Estimated Time: 5 minutes

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session Approve Item as proposed at Study Session
- Approve Item and Move Forward to Regular Meeting Approve Item as proposed at Regular Meeting
- Information Only
- Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field above.

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: (Check all that apply)

- Recommends Approval
- Does Not Recommend Approval
- Forwarded Without Recommendation
- Minutes Not Available
- Minutes Attached

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

N/A

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

Over the last several months, the City’s Public Works Department and Aurora Water have reorganized their respective development review functions to create more direct accountability for staff and improve responsiveness and predictability in the development review process. One critical part of the reorganization is to clarify approval authority so that approvals are specific to the functions of the two departments. Previously this approval authority resided solely with the City Engineer. This amendment to ordinance will assign the following specific responsibilities to the General Manger of Aurora Water:

- Review and approval of master, preliminary, and final drainage plans and reports as well as Stormwater Management Facility Inspection and Maintenance Plans.
- Review and approval of master utility studies (plans and reports)
- Review and approval of stormwater management plan reports.

In support of these changes, the title of Director of Water that is currently codified will be updated to General Manager with a future ordinance.

FISCAL IMPACT

Select all that apply. (If no fiscal impact, click that box and skip to “Questions for Council”)

- Revenue Impact
- Budgeted Expenditure Impact
- Non-Budgeted Expenditure Impact
- Workload Impact
- No Fiscal Impact

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

N/A

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

N/A

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

N/A

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

N/A

QUESTIONS FOR COUNCIL

Does Council wish to approve the ordinance amending sections of chapter 138 of the City Code pertaining to drainage approval authority?

LEGAL COMMENTS

Council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of ordinances; all other actions, except as herein provided, may be in the form of resolutions or motions. (Aurora City Charter § 5-1). The City's Utility Enterprise is authorized to acquire, construct, operate, maintain, improve and extend water, wastewater, and storm drainage facilities within or without the corporate boundaries of Aurora, and to make contracts, acquire lands, and do all things that are necessary or convenient therefore. (City Code §138-28). (Best).

ORDINANCE NO. 2023- _____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS OF CHAPTER 138 OF THE CITY CODE PERTAINING TO CERTAIN STORMWATER DRAINAGE AND FLOODPLAIN ADMINISTRATOR DELEGATIONS OF AUTHORITY

WHEREAS, the City of Aurora (“City”) has determined that it is in the City’s best interest to assign the General Manager of Aurora Water (or designee) the responsibility for approval of drainage plans and reports; and

WHEREAS, the City has determined that it is in the City’s best interest to designate the General Manager of Aurora Water (or designee) as the floodplain administrator; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. The City hereby amends Section 138-153 of the City Code pertaining to water extension agreements and public improvement permits.

Sec. 138-153. Water extension agreement; public improvement permit.

- (a) It shall be unlawful for any person to construct, install, place or attempt to construct, install or place any public water system extension, main, or related subsurface structure or facility within any public street, avenue, alley, or other public way, without first having entered into a water extension agreement with the utility enterprise. The agreement shall provide for the dedication of all **public** water system improvements so constructed or installed to the utility enterprise upon such terms and conditions as the ~~director of water~~ **General Manager of Aurora Water** may determine.
- (b) Application for a water extension agreement shall be made to ~~the utility enterprise~~ **Aurora Water** on forms provided by the ~~director of water~~ **General Manager of Aurora Water**. The applicant shall provide all necessary technical information and data regarding the proposed water system improvements as may be required by the ~~director~~ **General Manager of Aurora Water**.
- (c) Following execution of the water extension agreement and prior to commencing construction or installation of any water system improvements **in the right of way**, each applicant shall procure a public improvement permit from the City as required. Application for such permit shall be made to the public works department on forms provided by the director of public works.
- (d) Contractors responsible for construction or installation shall comply with the licensing, permitting, and bonding requirements set forth in article V of chapter 126 of this Code.

- (e) No person may enter into a water extension agreement or be issued a public improvement permit, nor may any contractor be allowed to perform work under any such agreement or permit when such person or contractor has failed to diligently complete and discharge the performance and warranty obligations under a prior agreement or permit.
- (f) It shall be the responsibility of the applicant or the developer of the subject property to obtain any required permits for section 404 of the Clean Water Act, and all other required state and federal permits for the construction, placement or installation of the proposed facilities.
- (g) Developers are responsible for construction of regional facilities if development timing occurs ahead of the approved capital improvement budget. A regional facility is defined as infrastructure with a capacity larger than that which is required for the respective development and as defined in the department master plans. The developer may be eligible for reimbursement for infrastructure oversizing as further defined by ~~the water department~~ **Aurora Water** rules and regulations.

Section 2. The City hereby amends Section 138-261 of the City Code pertaining to building sewers and connections.

Sec. 138-261. Construction requirements.

- (a) It shall be unlawful for any person to construct, install, place or attempt to construct, install or place any public sanitary sewer system extension or related subsurface structure or facility within any public street, avenue, alley, or other public way, without first having entered into a sanitary sewer extension agreement with the utility enterprise. The agreement shall provide for the dedication of all sanitary sewer system improvements so constructed or installed to the utility enterprise upon such terms and conditions as the ~~director of water~~ **General Manager of Aurora Water** may determine.
- (b) Application for a sanitary sewer extension agreement shall be made to ~~the utility enterprise~~ **Aurora Water** on forms provided by the ~~director of water~~ **General Manager of Aurora Water**. The applicant shall provide all necessary technical information and data regarding the proposed sanitary sewer system improvements as may be required by the ~~director~~ **General Manager of Aurora Water**.
- (c) Following execution of the ~~sanitary sewer~~ extension agreement and prior to commencing construction or installation of any ~~sanitary sewer~~ system improvements **within the right of way**, each applicant shall procure a public improvement permit from the City. Application for such permit shall be made to the public works department on forms provided by the director of public works.
- (d) At the time of filing the permit application, each applicant shall pay ~~a public improvement~~ **all applicable** permit fees. Such fees shall be promulgated by ~~either the director of public works~~ **General Manager of Aurora Water or the Director of Public Works** in accordance with the provisions of section 2-587 of this Code. The proceeds of such fee shall be used to defray the costs associated with the inspection and

acceptance of public ~~sanitary sewer extensions and related~~ structures and facilities. In addition to such fee, any person requesting inspection of a public ~~sanitary sewer~~ **infrastructure** at any time other than normal city business hours shall reimburse the city for all reasonable costs expended in making such inspection.

- (e) Contractors responsible for construction or installation shall comply with the licensing, permitting, and bonding requirements set forth in article V of chapter 126 of this Code.
- (f) No person may enter into an ~~sanitary sewer~~ extension agreement or be issued a public improvement permit, nor may any contractor be allowed to perform work under any such agreement or permit when such person or contractor has failed to diligently complete and discharge his or her performance and warranty obligations under a prior agreement or permit.
- ~~(g) All fees collected pursuant to this section shall be credited to and deposited in an account of the public works department in the general fund.~~
- (h) It shall be the responsibility of the applicant or the developer of the subject property to obtain any required permits for section 404 of the Clean Water Act, and all other required state and federal permits for the construction, placement or installation of the proposed facilities.
- (i) Developers are responsible for construction of regional facilities if development timing occurs before the approved capital improvement budget. A regional facility is defined as infrastructure with a capacity larger than that which is required for the respective development and as defined in the department master plans. The developer may be eligible for reimbursement for infrastructure oversizing as further defined by ~~the water department~~ **Aurora Water** rules and regulations.

Section 3. The City hereby amends Section 138-262 of the City Code pertaining to building sewers and connections.

Sec. 138-262. Building sewers and connections.

- (a) *Permit required.* It shall be unlawful for any person to uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. Any plumber, journeyman or other authorized person who shall make a connection with any pipe leading from any public sewer to any premises for the purposes of connecting the ~~sanitary~~ sewer system of any residential, commercial or industrial structure to the ~~sanitary~~ sewer system of the City, without first having procured a permit therefor, shall be in violation of this article and punished as provided for in section 138-257.
- (b) *Classes of permits.* There shall be two classes of permits as follows:
 - (1) For residential and commercial services.
 - (2) For service to establishments producing industrial wastes.
- (c) *Application; fee.* For either class of permit, the owner or his or her agent shall make application on a special form furnished by the City. Application shall be made to the building division of the development services department for a building permit, which permit shall include the building sewer system and that portion of the building sewer

service line located within five feet of the building perimeter. Application shall be made to the director of public works for a public improvement permit for that portion of the building sewer service line extending from five feet outside of the building perimeter to the public sewer connection. The permit applications shall be supplemented by any plans, specifications or other information requested by the City. At the time of filing the public improvement permit application, each applicant shall pay a permit fee. Such fee shall be promulgated by the director of public works in accordance with the provisions of section 2-587 of this Code. The proceeds of such fee shall be used to defray the costs associated with inspections and plan reviews for building sewers and connections to the sanitary sewer system of the City.

- (d) *Costs and expenses.* All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (e) *Separate sewer for each building.* A separate and independent building sewer shall be provided for every building. Except when one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer or in the case of multi-family or commercial complexes where such sewer line may be designed as part of a private internal sewer system.
- (f) *Existing sewers.* Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the ~~director of water~~ **General Manager of Aurora Water** or his or her designee, to meet all requirements of this article.
- (g) *Construction requirements.* The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing codes or applicable rules and regulations of the City.
- (h) *Elevation.* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (i) *Runoff drain connections prohibited.* It shall be unlawful for any person to connect roof downspouts, exterior foundation drains, areaway drains, sump pumps or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Swimming pool drains, other than backwash, shall not connect to the sanitary sewer except when authorized in writing by the ~~director of water~~ **General Manager of Aurora Water**.
- (j) *Connection specifications.* The connection of the building sewer to the public sewer shall conform to the specifications and regulations of the City. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures

and materials must be approved by the ~~director of water~~ **General Manager of Aurora Water** before installation.

- (k) *Inspection.* The applicant for the building and public improvement permits shall notify the public works department when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of an authorized representative of ~~the public works department~~ **Aurora Water**.
- (l) *Excavations.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
- (m) *Service line.*
 - (1) The owner of any building connected to the public sewer system shall retain ownership and be responsible for all maintenance and repair of the service line and all appurtenances thereto from the building served to the tap connection, including any tapping saddle on the public sewer main.
 - (2) The owner shall maintain the service line in a structurally sound and intact condition and shall repair or replace, at owner's expense, any portion of the service line which, in the opinion of the ~~director of water~~ **General Manager of Aurora Water**, has become so damaged or disintegrated as to no longer convey waste flow from the building served to the public sewer system or that permits excessive infiltration of groundwater or exfiltration of wastewater. The owner shall complete such repair or replacement within the time period given by the ~~director~~ **General Manager of Aurora Water**. The ~~director~~ **General Manager of Aurora Water** shall establish the time to be allowed for such repair or replacement based on any statutory or regulatory requirements and the present or potential harm or risk associated with the current condition and the nature of the repair required,
 - (3) The city reserves the right, at the discretion of the ~~director of water~~ **General Manager of Aurora Water** and at city expense, to make repairs or modifications to any portion of the service line located in public property or the public right-of-way when such repairs or modifications serve the operational efficiency of the public sewer system.
 - (4) The ~~director of water~~ **General Manager of Aurora Water** is authorized to suspend water service to a building to facilitate the reduction or elimination of wastewater flow when the director finds that the use of the service line or other building sewer components, in their present condition endanger the public sewer system, public or private property, the environment, or the health or safety of occupants or the public. The building owner and occupants shall be given written notice of such suspension. Notice shall include the reason(s) for the suspension and the corrective action(s) that must be taken prior resumption of water service. Monthly service charges will continue to accrue during such suspension.

Section 4. The City hereby amends Section 138-365 of the City Code pertaining to dedication of easements, construction and maintenance of minor facilities.

Sec. 138-365. Dedication of easements; construction and maintenance of minor facilities.

- (a) Every subdivider shall provide, without cost to the City, an easement of not less than 16 feet in width up to such maximum width as is necessary to accommodate drainage from a 100-year storm or for the purpose of constructing and maintaining drainage facilities for the transmission, through the subdivider's property, of all stormwater generated upstream from the subdivision. Notwithstanding this requirement, any natural drainageway having an identifiable bed and banks which traverses any subdivider's property shall not be encroached upon or altered so as to render the drainageway less suitable to accept and transport stormwater which has historically flowed through such drainageway. The maximum width of the storm drainage easement to be provided by the subdivider shall be reasonably determined by the ~~directors of water and public works~~ **General Manager of Aurora Water** and shall include criteria set forth by urban drainage and flood control district for maintenance eligibility **and Aurora Water's Standards and Specifications Regarding Water, Sanitary Sewer and Storm Drainage Infrastructure and or the Drainage Criteria Manual**.
- (b) Wherever possible, existing street patterns may be utilized for the purpose for which an easement would otherwise be required. Alternatively, the city may, at its sole option, waive the requirement for granting such an easement.
- (c) It shall be the responsibility of the subdivider, at his or her sole expense, to construct or provide for the construction of all minor facilities required within his or her subdivision for the acceptance and conveyance of all stormwater generated outside of his or her subdivision, as though such water was in fact generated from land in its fully developed state. It shall further be the duty of the subdivider, at his or her sole expense, to construct or provide for the construction of all minor facilities required for the acceptance and conveyance of all stormwater generated from within his or her subdivision, as though such subdivision was in fact fully developed, or as may otherwise be approved by the ~~directors of water and public works departments~~ **General Manager of Aurora Water**. Should a facility be deemed minor at the time of master planning but meets the criteria to be classified as a major facility at the time of development, the project can be reviewed by the water department for partial reimbursement as described in section 138-366 of this Code.
- (d) It shall be the responsibility of the property owner, unless evidenced by written agreement, to maintain all minor facilities.

Section 5. The City hereby amends Section 138-366 of the City Code pertaining to the construction of regional facilities.

Sec. 138-366. Construction of regional facilities.

- (a) Under this article, responsibility for the construction of regional facilities shall be apportioned between the city and the subdivider. It shall be the responsibility of the subdivider to construct or provide for the construction of regional facilities identified

in the city master drainage plan and within the subdivider's master planned parcel. Facilities constructed by the subdivider may be eligible for partial reimbursement subject to a reimbursement agreement approved by the ~~director of the water department~~ **General Manager of Aurora Water**. The subdivider shall not be eligible for partial reimbursement for project elements that do not meet the intent of the project identified in the city master drainage plan. The subdivider may receive a partial reimbursement only if ~~the water department~~ **Aurora Water** accepts the constructed improvement in accordance with the City's standards and specifications and the subdivider provides receipts verifying actual construction costs which shall be provisions in a reimbursement agreement.

- (b) Following construction by a subdivider of any major facilities, record drawings signed by a professional engineer and bearing his or her seal shall be presented to the city for its review. Such plans must be reviewed by the ~~directors of water and public works~~ **General Manager of Aurora Water** prior to the City's acceptance of such facilities. All major facilities and facilities appurtenant thereto, which are constructed under this section, shall, upon written acceptance by the city and fulfillment of the ~~one year~~ **standard** warranty period, become city property and the city shall thereafter be responsible for the operation and maintenance of such.

Section 6. The City hereby amends Section 138-367 of the City Code pertaining to the preliminary and final drainage plans.

Sec. 138-367. Preliminary and final drainage plans.

- (a) Under this article, every subdivider shall, at his or her sole expense, be required to:
- (1) Establish, locate or otherwise define the boundaries of all subdrainage areas within his or her subdivision;
 - (2) Establish, locate or otherwise define the alignment and boundary of any natural drainage way or existing drainage facilities and private drainage works within his or her subdivision;
 - (3) Submit for review and approval by the ~~directors of water and public works~~ **General Manager of Aurora Water**, prior to the final approval of any subdivision plat or site plan, a preliminary storm drainage plan for his or her subdivision, which shall include preliminary drawings of all proposed drainage facilities, drainage studies and reports, design computations, estimated costs of construction, and such other information as may be required to ensure that stormwater originating both from his or her proposed subdivision and lands lying upgradient from such subdivision will be adequately drained and controlled; and
 - (4) Convey to the City by dedication, deed and bill of sale, free and clear of all liens and encumbrances and in consideration of the City thereafter maintaining and operating such, all **public** drainage facilities, including adequate easements or rights-of-way within his or her subdivision necessary for the maintenance, repair or replacement of such facilities, which conform to the drainage master plan and

- which, in the opinion of the ~~director of water,~~ **General Manager of Aurora Water**, could reasonably be considered to be an integral part of the storm drainage system.
- (b) The ~~directors of water and public works~~ **General Manager of Aurora Water** shall not approve any proposed storm drainage plan or construction of drainage facilities or accept any constructed drainage facilities which do not conform to the drainage master plan or such reasonable rules and regulations as may be promulgated to ensure the adequate drainage and control of stormwater.
 - (c) The ~~directors of water and public works~~ **General Manager of Aurora Water** shall not recommend approval for any subdivision plat or site plan which does not conform to the drainage master plan or such rules and regulations.
 - (d) After the final approval of any subdivision plat, site plan, or part thereof for which final approval is requested and prior to the issuance of any building permits, the subdivider shall, at his or her sole expense, prepare and submit for review and approval by the ~~directors of water and public works~~ **General Manager of Aurora Water** a final storm drainage plan, including detailed construction drawings, plans, profiles and specifications for the construction and installation of all drainage facilities necessary for the drainage and control of all stormwater within his or her subdivision and the conveyance of such water to a safe discharge or outflow point. Such plan shall conform to the approved preliminary drainage plan for the subdivision and the drainage master plan and shall bear the seal of a registered professional engineer of the state. The subdivider shall also prepare and submit an estimated construction schedule in accordance with chapter 147 of this Code. Prior to the issuance of any building permit, the subdivider must complete any and all improvements which may be necessary to remove the underlying subdivision from a 100-year floodplain.
 - (e) The ~~directors of water and public works~~ **General Manager of Aurora Water** may recommend another temporary discharge or outflow point at which the water will be received by an open channel or other minimum, temporary or substitute facility to carry the water, provided that it is technically feasible and not detrimental to the health, safety and welfare of the public. The city council may, in the interest of the health, safety and welfare of the public, direct the purchase of land or construction of drainage facilities as shown in the drainage master plan.
 - (f) The approval of any preliminary or final drainage plan under this section shall be valid for a period of one year from the date such approval is given.
 - (g) Land not otherwise excluded or exempted under this section shall be ineligible for replatting or resubdividing if:
 - (1) Drainage basin development fees have not been assessed;
 - (2) Drainage facilities have not been built in accordance with accepted plans and specifications;
 - (3) Preliminary drainage plans have not been submitted; or
 - (4) The subdivider has failed to comply with all of the requirements of this section.
 - (h) Land may be replatted or resubdivided without additional assessment of drainage basin development fees or construction of additional drainage facilities if the drainage plan

submitted with the replat or resubdivision indicates that no new drainage facilities are required as a result thereof, provided that:

- (1) Drainage basin development fees have been paid; and
- (2) Drainage facilities have been built in accordance with accepted plans and specifications.

Section 7. The City hereby amends Section 138-368 of the City Code pertaining to the requirements for mains, structures or facilities.

Sec. 138-368. Requirements for mains, structures or facilities.

- (a) It shall be unlawful for any person to construct, install, place or attempt to construct, install or place any storm drainage system extension or related subsurface structure or facility within any public street, avenue, alley or other public way or to discharge into a public right-of-way or easement, without first having obtained a storm drainage system utility permit and stormwater quality discharge permit with ~~the water department~~ **Aurora Water**. The permit shall provide for the dedication of all public storm drainage system improvements so constructed or installed to ~~the water department~~ **Aurora Water** upon such terms and conditions as the ~~director of water~~ **General Manager of Aurora Water** may determine.
- (b) Application for a storm drainage system utility permit **extension agreement** and stormwater quality discharge permit shall be made to ~~the water department~~ **Aurora Water** on forms provided by the ~~director of water~~ **General Manager of Aurora Water**. The applicant shall provide all necessary technical information and data regarding the proposed storm drainage system improvements as may be required by the ~~director~~ **General Manager of Aurora Water**.
- (c) Following issuance of the storm drainage system utility permit **extension agreement** and stormwater quality discharge permit and prior to commencing construction or installation of any storm drainage system improvements, **and if the improvements are in the right of way**, each permittee shall procure a public improvement permit from the public works department on forms provided by the director of public works.
- (d) At the time of filing the permit application, each applicant shall pay **all applicable fees per the then current City of Aurora and Aurora Water fee schedule** ~~a public improvement permit fee~~. Such fees shall be promulgated by the director of public works **and/or the General Manager of Aurora Water** in accordance with the provisions of section 2-587 of this Code. The proceeds of such fee shall be used to defray the costs associated with the inspection and acceptance of storm drainage system extensions and related subsurface structures or facilities. In addition to such fee, any person requesting inspection of a storm drainage system extension or related subsurface structure or facility at any time other than normal city business hours shall reimburse the city for all reasonable costs expended in making such inspection.
- (e) Contractors responsible for construction or installation shall comply with the licensing, permitting, and bonding requirements set forth in article V of chapter 126 of this Code.
- ~~(f) Reserved.~~

- (g) ~~All fees collected pursuant to this section shall be credited to and deposited in an account of the public works department in the general fund.~~
- (h) It shall be the responsibility of the applicant or the developer of the subject property to obtain any permits required for the construction, placement or installation of the proposed drainage facilities under section 404 of the Clean Water Act or any other applicable federal or state statute, rule or regulation. Unless otherwise agreed to by the ~~director of water~~ **General Manager of Aurora Water**, it shall be the responsibility of the applicant to obtain any floodplain map amendments or revisions required as the result of the construction, placement or installation.

Section 8. The City hereby amends Section 138-442.5 of the City Code pertaining to Permanent stormwater best management practices.

Sec. 138-442.5. Permanent stormwater best management practices.

- (a) All permanent stormwater quality best management practices installed prior to January 7, 2008, shall be maintained in a manner to meet their original design functionality.
- (b) All permanent stormwater quality best management practices installed after January 7, 2008, shall be inspected and maintained by the responsible party, in accordance with the provisions of this section 138-442.5 and the measures of the storm drainage design and technical criteria.
- (c) *PE certification.* All private and public permanent stormwater quality BMP construction shall be certified in compliance with the approved construction plans and specifications by a professional engineer (PE) licensed in the State of Colorado.
- (d) *Inspection and maintenance.* An inspection and maintenance plan (I&M plan) shall be developed concurrently with the design of the permanent BMPs and submitted with the final drainage plan and report for approval by **Aurora Water** ~~the public works department and water department~~. The I&M plan shall specify **each of the following**:
 - (1) The responsible party;
 - (2) Owner and responsible party contact information;
 - (3) Facility address;
 - (4) List recommended inspection and maintenance activities and frequencies;
 - (5) Access; **and**
 - (6) Approximate annual maintenance costs.
- (e) The responsible parties shall perform inspections of permanent stormwater BMPs pursuant to the approved I&M plan, document the inspection(s) and maintenance, and submit an annual inspection report to the ~~water department~~ **Aurora Water** by no later than March 31 of the following year.
- (f) The responsible party shall submit a signed maintenance agreement to the water department. The approved maintenance agreement shall be recorded with deed records to ensure that the maintenance agreement is bound to the property in perpetuity.
- (g) *Failure to submit annual inspection report.* If the annual inspection report is not submitted to the City by March 31 of the following year, the responsible party will be notified either by mail or electronically. The responsible party will have 45 days to

complete the inspection upon being notified by the city and mail it to the City. A notice of violation (NOV) may be issued by the City if an inspection is not submitted by the 45th day.

- (h) *Review by city.* The responsible party shall allow the City to enter upon the subject property at reasonable times to conduct on-site visits.
- (i) *Correction of deficiencies.* If deficiencies are noted during City site visit, the City will notify the responsible party by either U.S. mail or electronically. The City may also issue a notice of violation (NOV). The responsible party shall correct deficiencies and immediately notify the City of the corrections. If deficiencies have not been abated after notice pursuant to the time specified in the notice or any extension of time to comply with such notice, the City may conduct the maintenance at the responsible party's expense. Failure of the responsible party to correct deficiencies thereby consents, under terms of this section, to have the City abate the violations. The responsible party will be responsible for all abatement costs incurred by the City.
- (j) If there exists an immediate danger to public health or safety, the City may enter upon the subject property and complete the necessary maintenance and/or repair at the responsible party's expense.
- (k) *City's lien.* If the responsible party fails to pay the abatement costs within 30 days of such notice being sent, the amount shall constitute a lien against the real property upon which the permanent BMP was or is situated. Any notice of lien shall consist of a sworn statement setting out:
 - (1) A description of the real estate sufficient for identification thereof.
 - (2) The amount of money representing the cost and expense incurred or payable to the City.
 - (3) The date when such cost and expense was incurred by the City.

Section 9. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 10. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 11. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this _____ day of _____, 2023.

PASSED AND ORDERED PUBLISHED this _____ day of _____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

Ian J Best ^{RLA}

IAN BEST, Assistant City Attorney



CITY OF AURORA

Council Agenda Commentary

Item Title: PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL’S SUPPORT OF REVISIONS TO EXHIBITS A AND D OF THE AXIS EXPLORATION LLC OPERATOR AGREEMENT

Item Initiator: Jeffrey S. Moore, Manager Energy & Environment Division

Staff Source/Legal Source: Jeffrey S. Moore, Manager Energy & Environment Division / Dave Scott Assistant City Attorney

Outside Speaker: Dan Harrington, Asset Development Lead, Civitas Resources

Council Goal: 2012: 6.4--Provide appropriate stewardship of natural resources to ensure long-term sustainability for the city

COUNCIL MEETING DATES:

Study Session: N/A

Regular Meeting: N/A

2nd Regular Meeting (if applicable): N/A

Item requires a Public Hearing: Yes No

ITEM DETAILS *(Click in highlighted area below bullet point list to enter applicable information.)*

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time for Study Session

PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL’S SUPPORT OF REVISIONS TO EXHIBITS A AND D OF THE AXIS EXPLORATION LLC OPERATOR AGREEMENT

No Waiver of reconsideration

Staff Source/Legal Source: Jeffrey S. Moore, Manager Energy & Environment Division / Dave Scott Assistant City Attorney

Outside Speaker: Dan Harrington, Asset Development Lead, Civitas Resources

Estimated time: 10 minutes/5 minutes

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session Approve Item as proposed at Study Session
- Approve Item and Move Forward to Regular Meeting Approve Item as proposed at Regular Meeting
- Information Only
- Approve Item with Waiver of Reconsideration

Reason for waiver is described in the Item Details field above.

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Planning & Economic Development

Policy Committee Date: 7/12/2023

Action Taken/Follow-up: (Check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
| <input type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Minutes Not Available |
| <input type="checkbox"/> Minutes Attached | |

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

On July 24, 2019, the city signed an oil and gas Operator Agreement with Axis Exploration, LLC. Axis is a wholly-owned subsidiary of Civitas Resources. The Operator Agreement approved the location of four (4) Well Sites, with a total of eighty (80) wells, and a requirement to begin drilling by December 31, 2024. The Well Sites are in the general vicinity of 64th Avenue and Harvest Road. None of the Well Sites have been drilled to date.

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

Axis Exploration, through Civitas Resources, is requesting changes to Exhibits A and D of the Operator Agreement. These exhibits describe the Well Sites on a map and spreadsheet. Specifically, Axis is requesting to cancel and remove the approval of two (2) Well Sites, and eliminate forty (40) wells from the Operator Agreement. Axis is requesting to add one (1) Future Well Site, which will contain eighteen (18) wells, near one of the canceled Well Sites.

Axis is requesting an extension of the Development Term to begin drilling by August 13, 2026. The original Development Term was five (5) year, ending December 31, 2024. The Operator Agreement specifies that Future Well Sites will have an additional five (5) year Development Term, but Axis agreed to Staff's request for a shorter term.

Axis is requesting an exemption to use trucks to haul produced water instead of a pipeline. All other produced products (crude oil and natural gas) will be transported by pipeline, and all fresh water for use in completions phase operations will be transported by pipeline.

The Energy & Environment Division is supportive of this request for the following reasons:

1. Axis Exploration is in good standing with the City and with the Energy & Environment Division. They are in compliance with all provisions of the Operator Agreement. They have demonstrated excellent communication with the City and remain easy to work with.
2. The total number of Well Sites will be reduced, which decreases the total impact on the City, the public, and the environment.
3. The total number of New Wells will be reduced, which reduces the cumulative impact on the City, the public, and the environment.
4. The specific changes proposed will increase the protection of the environment by avoiding drainages and reducing emissions because fewer wells will be drilled.
5. The proposed changes have the support of the surface owner of the lands.
6. The Operator Agreement requires Axis to receive approval from the City Council after a public hearing for revisions to Exhibits A and D, and Axis has proactively reached out to the City to initiate this revision.

FISCAL IMPACT

Select all that apply. (If no fiscal impact, click that box and skip to "Questions for Council")

- | | | |
|--|--|--|
| <input type="checkbox"/> Revenue Impact | <input type="checkbox"/> Budgeted Expenditure Impact | <input type="checkbox"/> Non-Budgeted Expenditure Impact |
| <input type="checkbox"/> Workload Impact | <input checked="" type="checkbox"/> No Fiscal Impact | |

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

N/A

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

N/A

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

N/A

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

None. All impacts can be addressed with current FTE work flow.

QUESTIONS FOR COUNCIL

Does Council wish to support this Resolution, approving amendments to Exhibits A and D to the Axis Exploration Operator Agreement, and reducing surface impacts from oil and gas operations within the city?

LEGAL COMMENTS

Council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of ordinances; all other actions, except as herein provided, may be in the form of resolutions or motions. All ordinances and resolutions shall be confined to one subject except in case of repealing ordinances, and ordinances making appropriations shall be confined to the subject of appropriations. (City Charter Sec. 5-1). Revisions to the Operator Agreement ("OA") may be made by an instrument agreed to by both parties, Aurora and Axis Exploration LLC, and approved by the City Council following a public hearing. (Axis OA at Section 20). (Scott)



CIVITAS

Aurora-Axis Exploration LLC Oil and Gas Operator Agreement

Application for Amendment
July 2023

Agenda

01

Summary

02

Overview Map

03

Updated Exhibit A and D

04

Deuce-area detail map

05

Legacy Well Re-entries

Summary

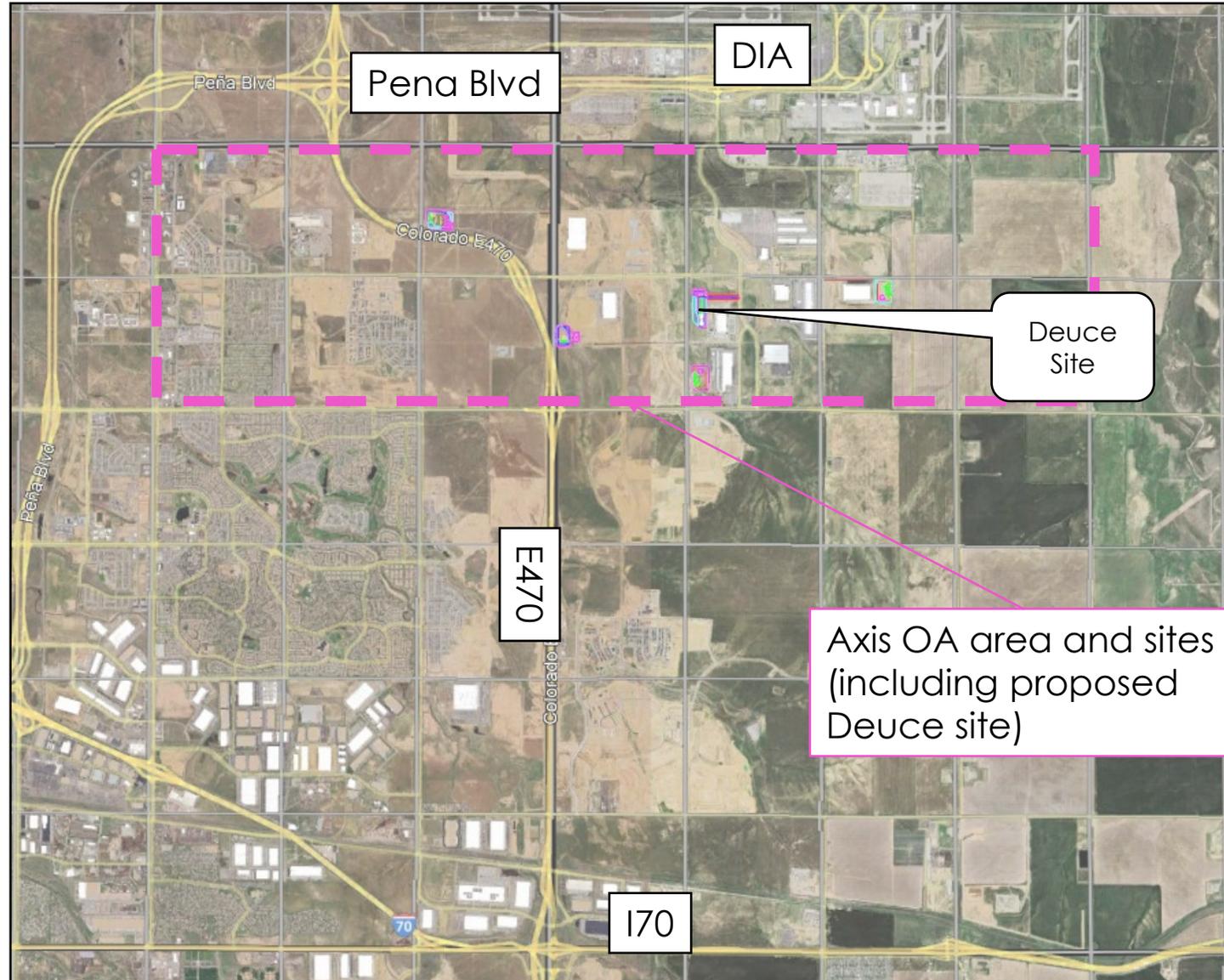
Axis Exploration LLC (a wholly owned subsidiary of Civitas Resources Inc) is seeking to amend the Aurora-Axis Operator Agreement, adding one new site (18 wells) and eliminating two offset sites (originally approved for 40 wells). The net effect on the Operator Agreement and Development Plan will be 1x fewer site and 22x fewer wells.

The new Well Site, Deuce, is requested via the “Future Well Sites” mechanism described in Section 7.B.ii of the Operator Agreement and will be added to Exhibits A and D of the Agreement. No changes are proposed to any contractual language of the Operator Agreement.

Axis agrees to construct the Deuce site and spud the wells within three years of the effective date of this Amendment

Axis also requests an exemption to the requirement for produced water takeaway by pipeline (in Section 4 of the OA) for the Deuce Well Site, allowing for trucked produced water takeaway during the Production Phase.

Overview Map



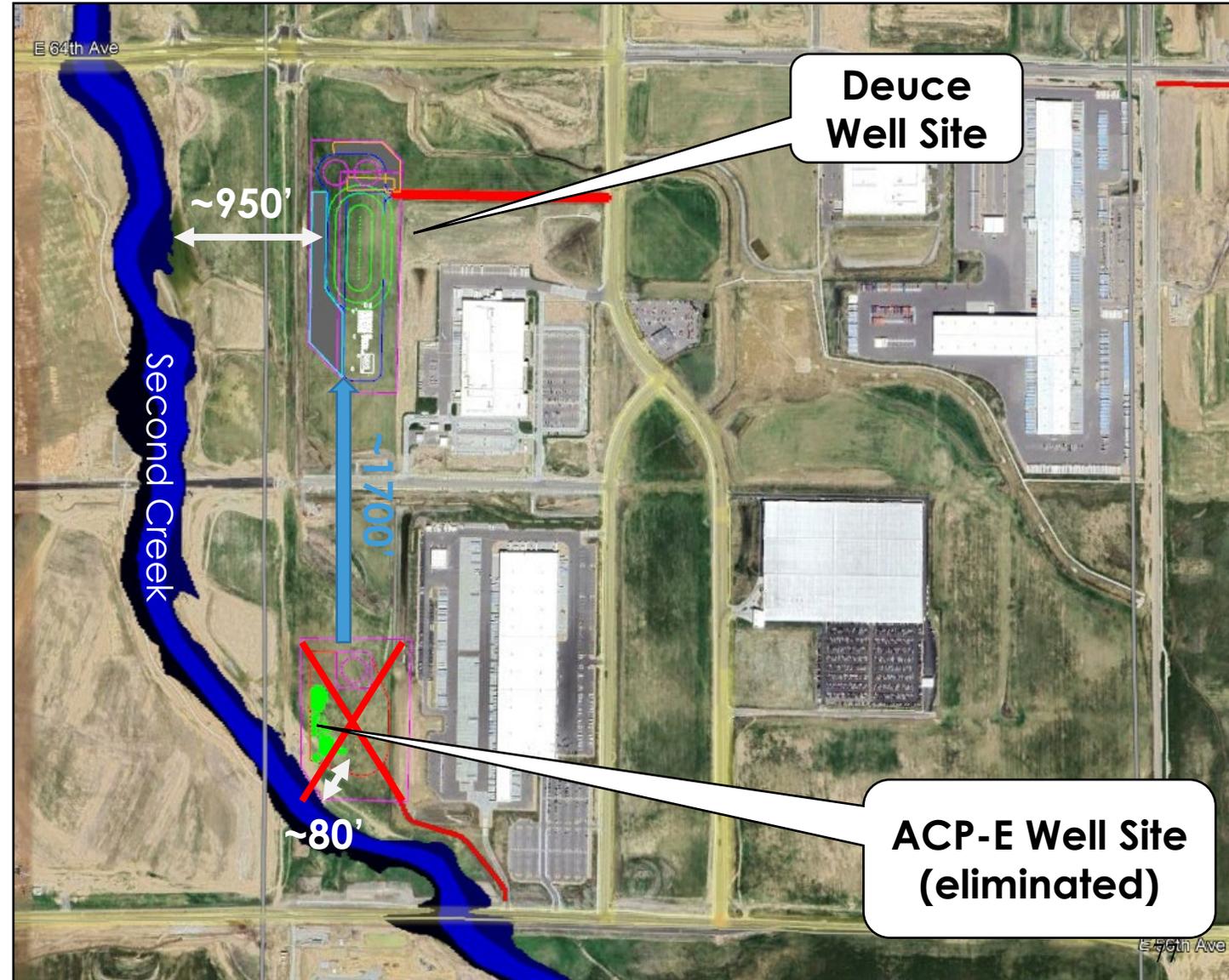
Deuce Well Site Detail Map

Proposed Site

- The proposed Deuce Well Site is located near the original Axis ACP-E site, shifted ~1/3 mile northward

Benefits

- The Deuce Well Site accommodates more wells than the original ACP-E site, allowing elimination of an additional offset site (Axis Hammer, 32 wells) in addition to the ACP-E site (8 wells)
- The Deuce Well Site has dramatically improved setback from nearby Second Creek, an MHFD designated stream
- The Deuce Well Site will also be farther from the planned residential development south of 56th Ave
- Longer lateral lengths (up to 4 miles) allow for development of a larger area from a smaller surface footprint
- The Deuce Well Site plan has been designed in consultation with the surface owner, and fits with their surface development plans



Updated Exhibits A and D

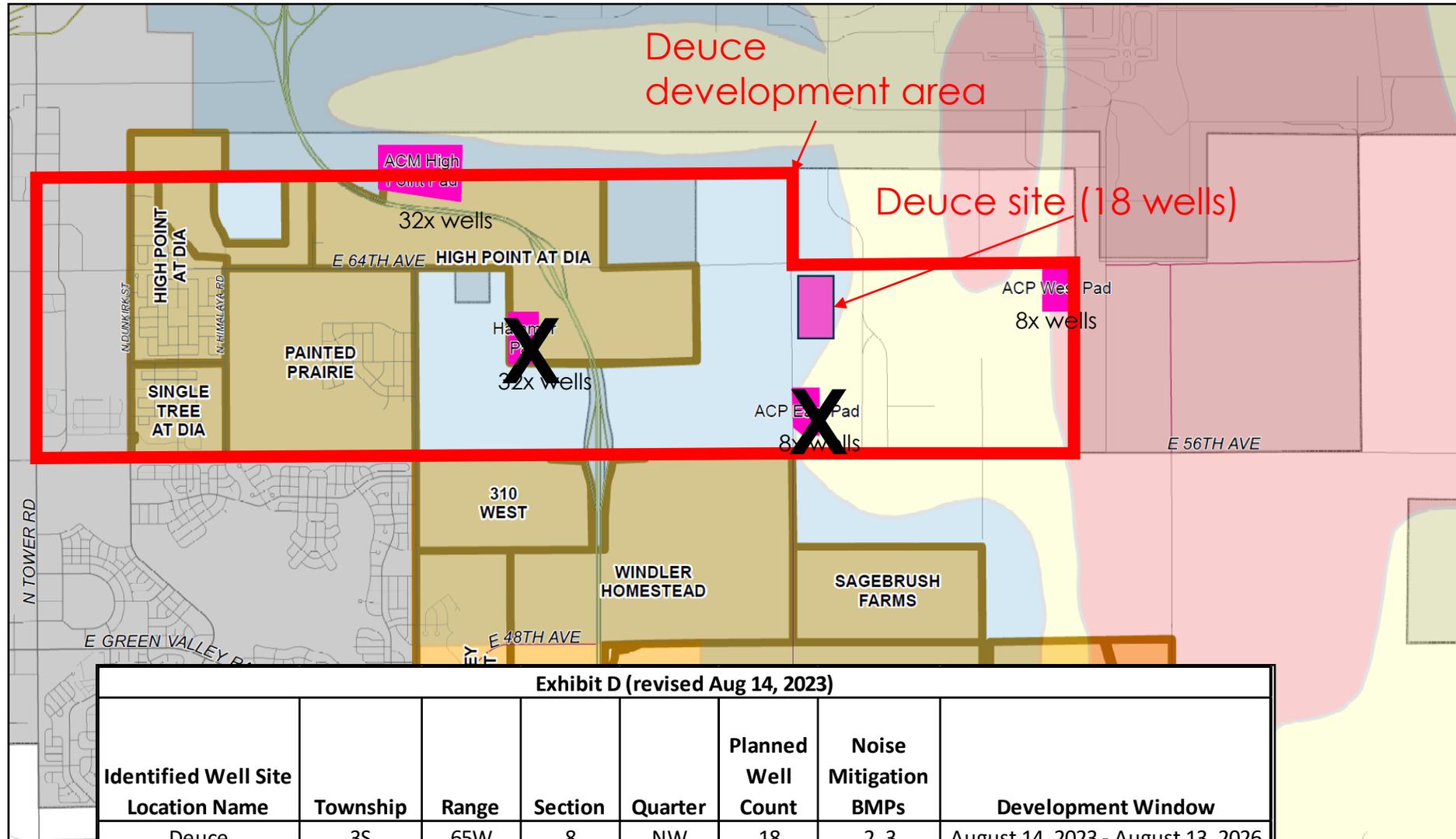


Exhibit D (revised Aug 14, 2023)

Identified Well Site					Planned Well Count	Noise Mitigation BMPs	Development Window
Location Name	Township	Range	Section	Quarter			
Deuce	3S	65W	8	NW	18	2, 3	August 14, 2023 - August 13, 2026
ACM Highpoint	3S	66W	1	SW	32	2, 3	June 3, 2019 - December 31, 2024
ACP 9W	3S	65W	9	NW	8	2, 3	June 3, 2019 - December 31, 2024

Legacy Well Re-Plugging

As part of its development plan for the area, Civitas will evaluate legacy non-operated Plugged and Abandoned wells for re-plugging requirements. Civitas has already re-plugged two wells in the area, with an additional four scheduled for 2023. Beyond those six wells, an additional 12 re-plugging candidates exist in the area, and will be evaluated prior to development of the Deuce Well Site. Initial scouting indicates an additional seven, at minimum, will require mitigation.

Civitas will continue to remain responsive to surface development in the area, and will accelerate evaluation and re-entry in response, as appropriate

	API	Well_Title	Status	Section	Township	Range	Latitude	Longitude	Notes
2	05-005-06508	1-4 C.C.I.A.S. 2	PA	4	4S	64W	39.73737	-104.5622482	re-plugged 2022, Civitas
3	05-001-05050	1 MCVEY	PA	17	3S	65W	39.7964	-104.6945877	re-plugged 2022, Civitas
4	05-001-08537	7-44 BASS BOX ELDER FARMS	PA	7	3S	65W	39.81088	-104.6991425	On Civitas re-plugging schedule for 2023
5	05-001-05084	1 UPRR	PA	7	3S	65W	39.81097	-104.6992416	On Civitas re-plugging schedule for 2023
6	05-001-08328	6-32 BOX ELDER FARMS	PA	6	3S	65W	39.81454	-104.7038345	On Civitas re-plugging schedule for 2023
7	05-001-06479	1 BOX ELDER FARMS CO	PA	6	3S	65W	39.81456	-104.7039261	On Civitas re-plugging schedule for 2023
8	05-001-05102	1 U P MONAGHAN	PA	5	3S	65W	39.81457	-104.689827	will be re-plugged prior to development, timing TBD
9	05-001-07476	1-A MONAGHAN FARMS 24B-5	PA	5	3S	65W	39.81547	-104.6886368	will be re-plugged prior to development, timing TBD
10	05-001-08350	15-7 UPRR	PA	7	3S	65W	39.80002	-104.7039871	will be re-plugged prior to development, timing TBD
11	05-001-05085	1 MONAGHAN	PA	8	3S	65W	39.81097	-104.6945419	will be re-plugged prior to development, timing TBD
12	05-001-06585	1 MONAGHAN-BOXELDER	PA	8	3S	65W	39.80735	-104.6945572	will be re-plugged prior to development, timing TBD
13	05-001-07816	1-8 BOX ELDER FARM CO	PA	8	3S	65W	39.8073	-104.6851044	will be re-plugged prior to development, timing TBD
14	05-001-05098	2 BOX ELDER	PA	1	3S	66W	39.81449	-104.7178726	will be re-plugged prior to development, timing TBD
15	05-001-05066	2 MONAGHAN	PA	8	3S	65W	39.80457	-104.6957474	to be evaluated
16	05-001-07099	A-1 KAHN	PA	8	3S	65W	39.80002	-104.6804123	to be evaluated
17	05-001-05114	1 BOX ELDER FARMS	PA	1	3S	66W	39.81816	-104.7272339	to be evaluated
18	05-001-05101	1 BAXTER	PA	2	3S	66W	39.8146	-104.750824	to be evaluated
19	05-031-08874	1 EDWARD ROLAND HOYT	PA	15	3S	66W	39.79646	-104.7557526	to be evaluated

Thank You



CIVITAS

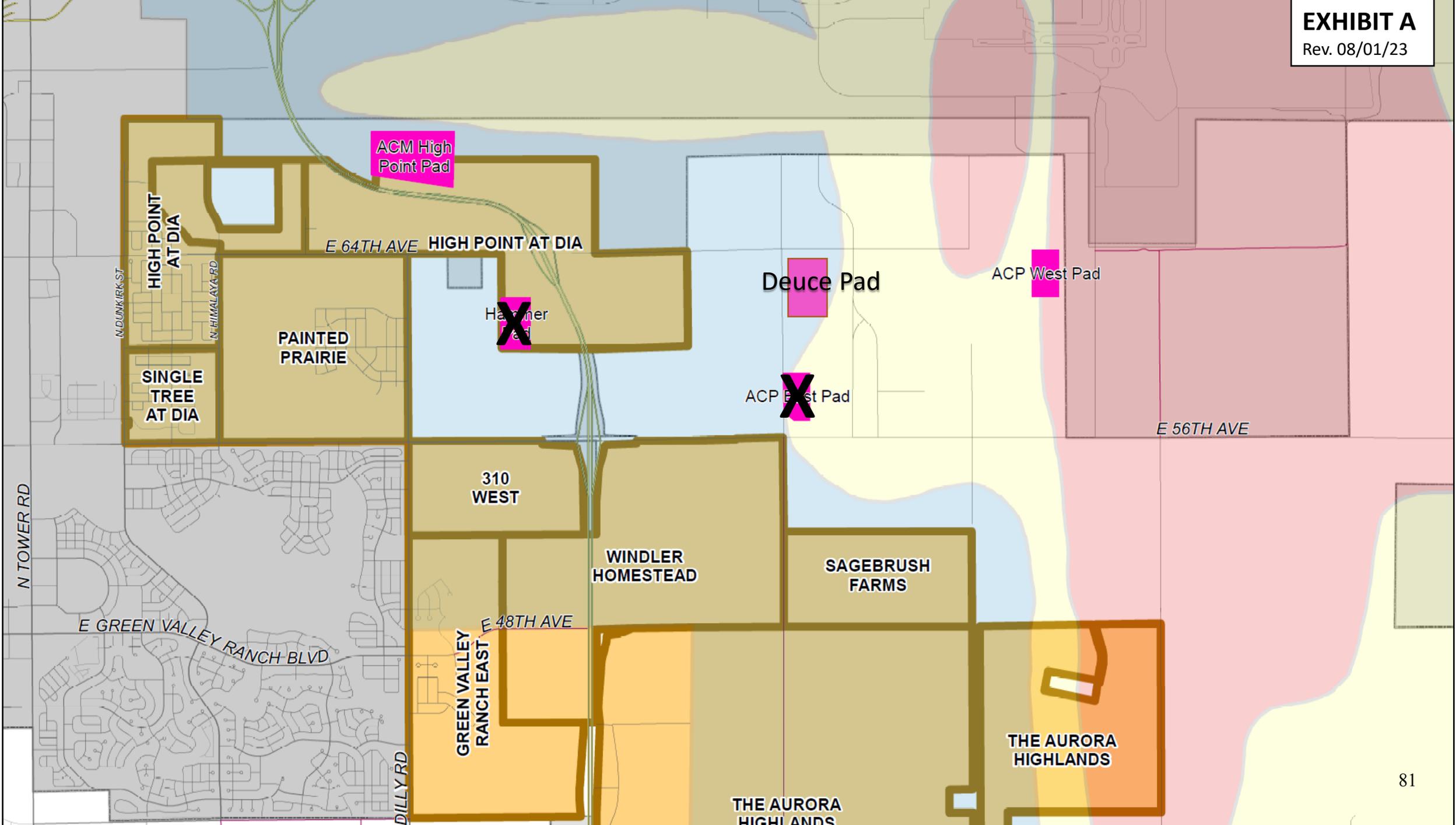


Exhibit D (revised Aug 14, 2023)

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ACM Highpoint	3S	66W	1	SW	32	2, 3	June 3, 2019 - December 31, 2024
ACP 9W	3S	65W	9	NW	8	2, 3	June 3, 2019 - December 31, 2024



July 5, 2023

VIA EMAIL – NO ORIGINAL TO FOLLOW

City of Aurora
City of Attorney’s Office – Attn: City Attorney
Oil & Gas Division – Attn: Jeffrey Moore
15151 E. Alameda Parkway, #5300
Aurora, CO 80012
dbrotzma@auroragov.org
jmoore@auroragov.org

RE: Axis Exploration, LLC Oil and Gas Operator Agreement
Future Well Sites – Amendment to Exhibit A and Exhibit D

Dear Mr. Brotzman and Mr. Moore,

Axis Exploration, LLC (“Axis”), a wholly owned subsidiary of Civitas Resources, Inc., respectfully submits this request to amend Exhibit A and Exhibit D of the Axis Exploration, LLC Oil and Gas Operator Agreement dated July 24, 2019 (“Operator Agreement”). This amendment request is a result of Civitas’ detailed evaluation and analysis of the Axis Operator Agreement Well Sites listed in Exhibit A and Civitas’ intent to reduce impacts within the Operator Agreement boundaries by minimizing our surface usage and more-efficiently developing resources in the area.

Section 7.B.ii. of the Operator Agreement provides that “Operator’s development of New Wells at “Future Well Sites” may occur upon the effective date of an amendment to this Agreement, approved by City Council resolution following a public hearing, that adds any such Future Wells Sites to Exhibit A and Exhibit D and will be subject to a 5-year Development Term from the effective date of the amendment. Any prior Well Sites that have been approved by City Council will not be subject to further review by City Council upon an amendment to Exhibit A and Exhibit D. Upon any such amendment to Exhibit A and Exhibit D, any Future Well Sites added to Exhibit A and Exhibit D shall become a Well Site under this Agreement.”

In compliance with Section 7.B.ii Axis has attached an updated Exhibit A and Exhibit D that serves to amend the current Well Sites (as defined in Section 7.B.i.) governed by the Operator Agreement. Due to Axis’ revised development plans within the Operator Agreement boundary, Axis will voluntarily forego the development of 2 Well Sites and 40 horizontal wells listed on Exhibit A and Exhibit D by seeking City Council approval of one new Well Site (Deuce) and 18 horizontal wells on the amended exhibits. Acknowledging the pending surface development in the area, Axis will further commit to constructing the Deuce site and spudding the wells within three years of the effective date of the amendment to Exhibit A and Exhibit D which, if approved at the August 2023 City Council meeting, would be in August 2026. Axis will also commit to evaluating the integrity

of all of the numerous legacy Plugged and Abandoned wells within the development area of the Deuce site, and re-plugging those wells as appropriate.

Axis further confirms that the new Deuce Well Site is subject to the Best Management Practices (“BMPs”) identified on Exhibit B, with one exception. Axis requests an exception to an element of Section 4 of Exhibit B, specific to the piping of produced water from the new site during the Production Phase. The Produced Water takeaway plan originally conceived as part of the 2019 Operator Agreement was predicated upon the permitting, construction, and operation of a Class II underground injection well within the City of Aurora in T3S-R64W. That disposal well is currently regulatorily and operationally infeasible, as would be the construction of 10s of miles of pipeline to the nearest disposal well in Weld Co. Axis’s intention will be to transport produced water via truck, consistent with other operations in Aurora. Axis believes that this minor exception request (as allowed under Section 51 of Exhibit B) to Section 4 of Exhibit B will have a material benefit to public health, safety, welfare, and environment as contemplated in Section 12 of the Operator Agreement.

Finally, Axis confirms that the new Well Site does not trigger Section 14 of the Operator Agreement as it is not within 500 feet of a Water Source or Critical Infrastructure (as defined in the Operator Agreement) or within one mile of an existing or planned City reservoir (the “Increased Security Zone”).

Based on the foregoing, Axis respectfully requests that the City of Aurora accept and approve the proposed amendment to Exhibit A and Exhibit D. Please contact me after your review with any questions you may have and to schedule a meeting to discuss this request in greater detail. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Harrington', is written over a solid horizontal line.

Dan Harrington
Asset Development Lead

Enclosures: Exhibit A (Map of Well Sites)
Exhibit D (Table of Well Sites, Location and Development Term)
Draft Presentation Slide Deck

RESOLUTION NO. R2023- _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT OF REVISIONS TO EXHIBITS A AND D OF THE AXIS EXPLORATION, LLC OPERATOR AGREEMENT

WHEREAS, Axis Exploration, LLC ("Axis") entered into an Operator Agreement with the City of Aurora ("City") on July 24, 2019; and

WHEREAS, Exhibits A and D of the Operator Agreement provide for specific New Wells and Well Sites within the City; and

WHEREAS, Axis seeks to revise Exhibits A and D of the Operator Agreement to reduce the number of total New Wells and total Well Sites; to cancel two (2) previously-approved Well Sites; to add an additional Future Well Site with eighteen (18) New Wells to avoid an existing drainage and to align with surface owner plans; and, to better protect public health, safety, welfare, the environment, and wildlife resources; and

WHEREAS, while Article I.7.B.ii of the Operator Agreement provides a five (5) year Development Term for Future Well Sites, Axis has voluntarily agreed to a reduction of the Development Term to three (3) years from the date of approval of this resolution for the new Future Well Site; and

WHEREAS, Axis has requested an exception to Best Management Practice ("BMP") #4 of the Operator Agreement that would require it to use a pipeline to transport produced water from the Future Well Site due to practical and operational infeasibility, while all other terms of BMP #4 would remain valid for the New Well Site; and

WHEREAS, notice for the public hearing shall be provided pursuant to Aurora City Code Section 135-7(c).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, THAT:

Section 1. The revisions to Exhibits A and D of the Operator Agreement between Axis and the City are hereby approved.

Section 2. The Mayor and City Clerk are hereby authorized to execute the attached agreement in substantially the form presented at this meeting with such technical additions, deletions, and variations as may be deemed necessary or appropriate by the City Attorney.

RESOLVED AND PASSED this _____ day of _____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

David Scott ^{RLA}

DAVE SCOTT, Assistant City Attorney



CITY OF AURORA

Council Agenda Commentary

Item Title: Small Business Event Update – Small Business Development Center (SBDC)
Item Initiator: Andrea Amonick, Development Services/AURA Manager
Staff Source/Legal Source: Marcia McGilley, Executive Director, Aurora-South Metro SBDC
Outside Speaker: N/A
Council Goal: 2012: 5.1--Support an environment conducive to business development and expansion

COUNCIL MEETING DATES:

Study Session: N/A

Regular Meeting: N/A

2nd Regular Meeting (if applicable): N/A

Item requires a Public Hearing: Yes No

ITEM DETAILS *(Click in highlighted area below bullet point list to enter applicable information.)*

Title: Small Business Event Update – Small Business Development Center (SBDC)

Staff & Legal Source Name & Title: Marcia McGilley, Executive Director, Aurora-South Metro SBDC / Rachel Allen, City Attorney

Estimated Presentation / discussion time: 15 / 5 minutes

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item as proposed at Study Session
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Information Only
- Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field above.

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval
- Does Not Recommend Approval
- Forwarded Without Recommendation
- Minutes Not Available

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

In September 2014, the South Metro Denver Small Business Development Center (SBDC) moved to the City of Aurora, and Aurora became the Host for the rebranded Aurora–South Metro SBDC during 2015. As the host organization, the full time Executive Director moved to the City.

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

The Aurora–South Metro SBDC’s Mission is “To empower Colorado businesses to thrive.” The SBDC helps existing and new businesses grow and prosper by offering free and confidential business consulting, free/low-cost workshops and events, and business referrals. The Aurora-South Metro SBDC Center covers Aurora as well as Arapahoe, South Adams, and Douglas counties. In 2022-2023, the Aurora-South Metro SBDC served over 5,400 citizens with one-on-one consulting and workshops, presented 90 workshops and referred over 5,000 calls to the needed small business resources.

Funding comes from several grants (SBA, ARPA/SLFRF (separate from City funding), Connect2DOT, Colorado Office of Early Childcare, Leading Edge), City of Aurora, Arapahoe and Douglas counties, municipalities, and public/private partnerships. We anticipate ARPA funding in 2022.

The Aurora-South Metro SBDC, in partnership with the Pikes Peak SBDC, will be the presenting sponsors of the statewide 16th Annual Veterans Small Business Conference.

1. **History:** This conference was held in Colorado Springs for 14 years and moved to the Aurora-South Metro SBDC last year. In 2022, the conference was virtual due to lingering COVID issues. There were 2,578 total page views, 161 event registrants, 26 exhibitors and 60 roundtable participants. As a result, attendees replied: As a result of my participation at this conference, I will likely do business with someone I met today” - 70% Agreed and 30% Strongly Agreed.
2. **2023 Conference:** Monday, September 18, 2023, 8:00 am – 4:00 pm at the Hyatt Regency Aurora-Denver Conference Center. There will be a VIP Reception the previous evening.
3. **Conference Goals:** 200 attendees, 15 small business exhibitors and 10 – 15 Community Partners.
4. **Sponsors:** The City of Aurora/AURA is again the Premier Sponsor of the event. The Mayor will welcome the attendees to the conference at the start of the conference.
5. **Partners:** Aurora Chamber of Commerce, Colorado Chamber & EDC, Small Business Administration, Connect2DOT, Mount Carmel Veterans Service Center (VBOC),
6. **Keynote Speaker:** Danny Moore, President & Owner of DeNOVO Solutions, Aurora, CO

Mr. Moore is President and Founder of DeNOVO Solutions and has over 34 years of operational and business experience in Defense, Intelligence, Surveillance and Reconnaissance arenas. Mr. Moore is a 24-year Navy Veteran who retired after completing his final tour as the Senior Enlisted Advisor at the Aerospace Data Facility in Aurora, CO.

DeNOVO Solutions is a Minority/Service Disabled Veteran Owned Small Business (SDVOSB) that delivers trusted professional and engineering services throughout the Intelligence Community (IC).

7. Breakout Sessions:

Military Spouses: Small Business Panel
Digital Media and Your Online Presence
Finding the Funding You Need
Cybersecurity for Your Small Business
Fired Up! I Want to Start a Business
Veteran Business Owners in Hospitality
Hiring and Retaining the Best Employees
How to Work with the Government

8. Questions

FISCAL IMPACT

Select all that apply. (If no fiscal impact, click that box and skip to "Questions for Council")

- Revenue Impact Budgeted Expenditure Impact Non-Budgeted Expenditure Impact
 Workload Impact No Fiscal Impact

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

Estimate 200 attendees from across the state of Colorado and 40 room nights at the Hyatt Aurora/Denver Convention Center.

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

QUESTIONS FOR COUNCIL

For Information Only

LEGAL COMMENTS

The city manager shall be responsible to the council for the proper administration of all affairs of the city placed in his charge, and to that end he shall have the power and duty to prepare and submit to the council as of the end of the fiscal year a complete report on finances and administrative activities of the city for the preceding year, and upon request of the council make written or verbal reports at any time concerning the affairs of the city under his supervision. (City Charter Sec. 7-4(e)).
(Allen)



16TH ANNUAL

Veterans Small Business Conference

MONDAY, SEPTEMBER 18, 2023 • HYATT REGENCY AURORA-DENVER CONFERENCE CENTER

PRESENTING SPONSORS



PREMIER SPONSOR



IN PARTNERSHIP WITH



Introductions and Role

- Marcia McGilley, Executive Director, Aurora-South Metro SBDC
- Katie Payer, Event Manager, Katie Payer Consulting
- Lauren Shakes, Program Manager, Pikes Peaks SBDC

Overview

- Premier annual event for military veteran entrepreneurs and their partners and spouses
- Celebrating 16 years
- 2022: virtual
- 2023: in person at the Aurora Hyatt

2022 Success

"This was my first year participating as an exhibitor. I am excited about next year - in person. I attended the Round Tables; those were very informative and the presenters were enthusiastic. The opportunity to ask a direct question and get a straight answer was fantastic!"



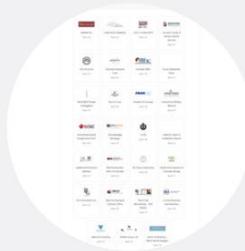
2,578

TOTAL PAGE VIEWS



161

EVENT REGISTRANTS



26

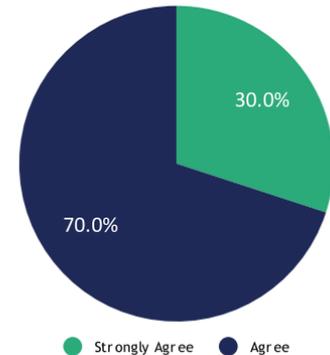
EXHIBITORS



60

ROUNDTABLE PARTICIPANTS

As a result of my participation at the conference, I will likely do business with someone I met today.



2023 Event Details

- Monday, September 18, 2023
- 8:00am to 4:00pm
- Hyatt Regency Aurora-Denver Conference Center
- Goals:
 - 200 attendees
 - 15 small business exhibitors
 - 10-15 community partners
- Planning timeline
- Budget

Access

- [Website](#)
- Registration will open July 10th
- \$129 attendee ticket
- \$250 small business exhibitor booth
- \$500 community partner exhibitor booth



WHAT

Join us for the 10th annual Veterans Small Business Conference, the year's premier event for veteran entrepreneurs. This is a premier statewide event with featured expert speakers, practical training sessions and relevant exhibitors for veterans at any stage in their entrepreneurial journey.

Those looking to start a business will learn how to utilize their existing skills to lay the foundation for a successful venture. Those who operate a business will be able to explore options to grow their current operation, including government contracting, improved marketing efforts, potential partnerships and more.

Visit with like-minded leaders to our expert speakers and meet with our roundtable hosts to learn more about how their organization assists veteran entrepreneurs.

WHEN & WHERE

Monday, September 18, 2023
6:00 am - 3:00 pm

Hyatt Regency Aurora-Denver Conference Center
15000 E. Wain Pl.
Aurora, CO 80011



ATTEND

Attendee tickets include:

- Access to sessions
- Luncheon meal
- Breakfast
- Lunch
- Exhibitor contact information

\$129/Attendee

EVULIDIT

*We want
your input!*

To ensure the best possible conference experience this year, please help our planning committee by answering these two brief questions regarding conference content.

What topics would you like to see covered as part of this year's keynote speaker and breakfast session?

Please share names (and contact info, if possible) of any registered vendors you would like to hear from. Our goal this year is to have 100% of the speakers be active military, military veterans or their spouses and partners.

SUBMIT

VE!ERANS
small business conference

Agenda

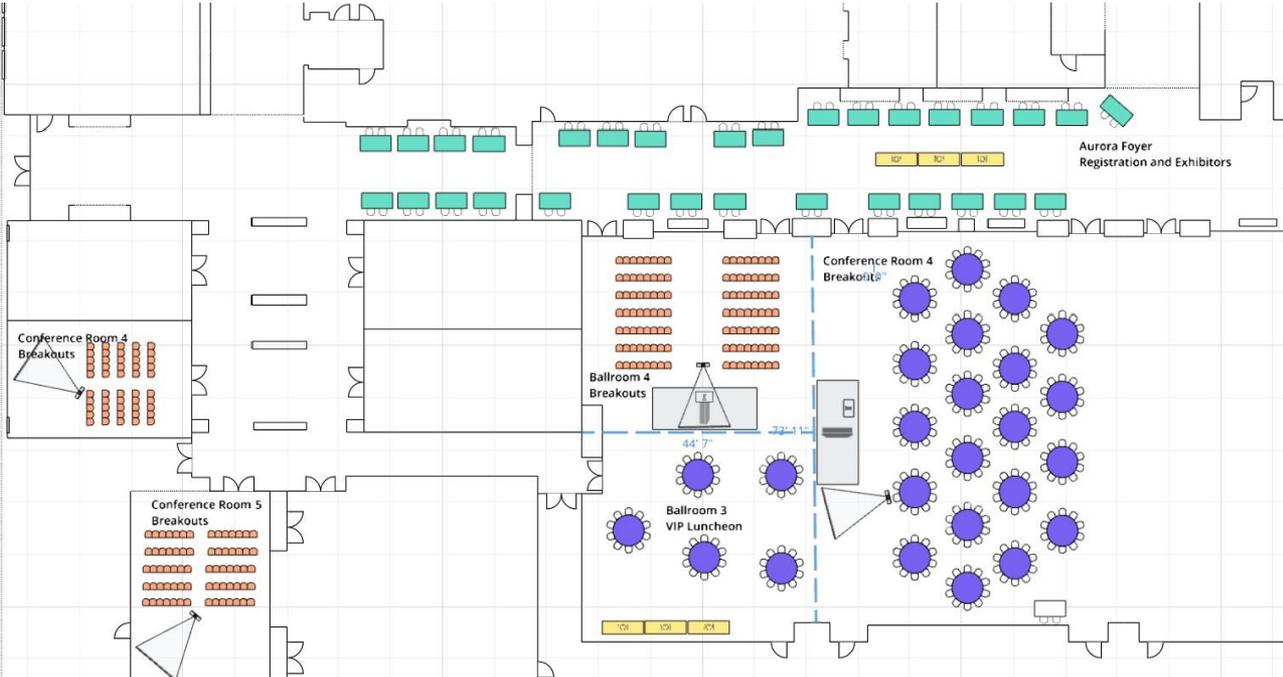
Sun, Sept 17	VIP Reception for Speakers, Sponsors, & Dignitaries
Mon, Sept 18 8:00 am - 8:45 am	Event Begins Welcome Remarks Opening Keynote Break for Exhibitor Visits
9:15 am - 10:15 am	Concurrent Workshop Sessions Military Spouses: Small Business Panel Digital Media and Your Online Presence Break for Exhibitor Visits
10:30 am - 11:30 am	Concurrent Workshop Sessions Finding the Funding You Need Cybersecurity for Your Small Business Fired Up! I Want to Start a Business

11:30 am - 12:45 pm	General Lunch and Visit Exhibitor VIP Luncheon
12:45 pm - 1:45 pm	Roundtable Discussions
2:15 pm - 3:15 pm	Concurrent Workshop Sessions Veteran Business Owners in Hospitality Hiring and Retaining the Best Employees How to Work with the Government
3:30 pm - 4:00 pm	Afternoon Snack Exhibitor Visits Closing Remarks
4:00 pm	Event ends

2023 Breakout Sessions

1. Military Spouses: Small Business Panel
2. Digital Media and Your Online Presence
3. Finding the Funding You Need
4. Cybersecurity for Your Small Business
5. Fired Up! I Want to Start a Business
6. Veteran Business Owners in Hospitality
7. Hiring and Retaining the Best Employees
8. How to Work with the Government

Floor Plan



Committee Members

- Marcia McGilley, Executive Director, Aurora-South Metro SBDC
- Lauren Shakes, Program Manager, Pikes Peaks SBDC
- Jim Lovewell, Chief Operating Officer, Colorado Springs Chamber and EDC
- Brandon Eldridge, Executive Director, Pikes Peak SBDC
- Paul Price, Director of Operations, Mt. Carmel Veterans Service Center
- David Benavides, Lender Relations Specialist, SBA
- Rene Simard, Aurora Chamber of Commerce Defense Council
- Laurie Womer, Aurora-South Metro SBDC

Sponsors

- City of Aurora
- Connect2DOT
- City of Colorado Springs
- BSide
- Armed Forces Bank
- Colorado Enterprise Fund
- Others?

Veterans Small Business Conference

	PREMIER \$15,000	PATRON \$5,000	PILLAR \$1,500
Speaking Opportunity	■		
Verbal Recognition during Opening Remarks	■	■	■
Logo on Promo Materials & Website	■	■	■
Social Media Exposure	exclusive post	group post	group post
Ad in Printed Program	full page with premium placement	full page	quarter page
Opportunity to Provide Welcome Letter for Printed Program	■		
Host a Roundtable	■	■	
Named in Event Press Release	■		
Access to VIP Luncheon <small>day of conference</small>	■	■	
Ticket to VIP Reception <small>evening before conference</small>	■	■	■
Exclusive Logo Placement	front cover of program	choose from bags, reception, WIFI, VIP lunch or parking	
Exhibitor Booth	premium double	premium single	single
Event Tickets	4	3	2
Breakfast, Lunch & Access to Roundtables	■	■	■
Listing in Printed Program	■	■	■

Marketing and Promotion

- Marketing toolkit overview document
- Written templates for various social media posts (Facebook, Twitter, Instagram)
- Appropriately-sized images to accompany written posts
- Template email content to send to stakeholder list
- Update outreach groups list

Thank You

Item 4.b 7/12 HBID PED Update

1. NOW OPEN! – June 2023 – [David's Bridal](#) – Village on the Park, 7,303 SF, 2495 S Havana St, Ste F-10, Aurora, CO 80014
2. Coming Soon! – [Nana's Dim Sum & Bao](#) – Village on the Park, 3,142 SF, 2495 S Havana St, Ste F-37, Aurora, CO 80014
3. Coming Soon! – Halal International Market – Camel International Market
4. Coming Soon! – Empanada Restaurant TBA
5. Coming Soon! – Auntie Anne's Pretzels and Jamba Juice at the Gardens on Havana
6. Coming Soon! – [Paris Baguette](#) at the Gardens on Havana – former Uncle Maddio's Pizza space on the Main Street at the Gardens – Expected Grand Opening – July 2023
7. NEW Retail TBA at the M&H King Soopers Shopping Center – next month. There is lease draft out for the space to the south of Bright Star Daycare. Lots of activity from tenant brokers for the 2 suites next to King Soopers, as well as the former dental office next to Haja Braiding.
8. NOW OPEN! – May 2023 – [metro by T Mobile](#) at [Buckingham Village Shopping Center](#)
9. NOW OPEN! 5/12/2023 – [Monkey Paw Toys](#) – Toy Shop + Collectables at [Buckingham Village Shopping Center](#)
10. NOW OPEN! – June 2023 – [Sienu Custom Tailor](#) at 1555 Havana St Unit N, Aurora CO 80012
11. NOW OPEN! – June 15, 2023 – [Mariscos Los 3 Rios](#) at former Village Inn, 921 S Havana Street, Aurora, CO 80012, High-end tailor located in Cherry Creek, Denver, and Aurora. We specialize in custom made suits, shirts, and other clothing for men. <https://www.mariscoslos3rios.com/> – A Taste of Authentic Mexican Cuisine, What Now Denver article: [Mariscos Los 3 Rios, a restaurant concept devised by Alfonso Vega Simental, may soon open at 921 S. Havana St, Aurora, CO 80012, according to a liquor license filed with the city.](#)
12. New Ownership – Azeb Haile – Nile Ethiopian Restaurant – July 1, 2023
13. Coming Soon! [Ace Hardware](#) at the Gardens on Havana – AMCAP – next to Ross Dress for Less – Gardens on Havana, construction will begin in 8/2023

Join us at upcoming OHS events:

<https://onhavanastreet.com/events/>

Saturday, July 15, 2023, 5-9pm

2023 Havana Street Global Night Market at Sam's No 3 – Free Event – July 15, 2023 <https://onhavanastreet.com/events/havana-street-global-night-market-at-sams-no-3-7152023/>

Friday, July 21, 2023 9-11am \$Special Event - RSVP REQ

Networking On Havana Street at CORT Furniture

Outlet <https://onhavanastreet.com/events/networking-on-havana-street-at-cort-outlet/>

Tuesday, August 29, 2023 6:30 p.m. - 8:30 p.m., Doors Open at 6 p.m. FREE

FREE Dotsero Concert at The Stampede <https://onhavanastreet.com/events/dotsero-on-havana-street-2023/>

Chance Horiuchi

Havana Business Improvement District

On Havana Street

Executive Director

Item 4.d. 7/12 Planning Commission PED Update

- In the past 13 months, Planning Commission has reviewed a total of 133 cases
 - Excluding Administrative reviews
- Appealed to City Council: 2 cases
 - All 2 appealed cases were in Ward VI
 - City Council upheld 100% of the Planning Commission Appeals
- Zoning Recommendation to City Council: 18 cases
 - City Council upheld 100% of the recommendations for rezoning by Planning Commission

MEMO

TO: COUNCIL MEMBER FRANCOISE BERGAN, CHAIR PLANNING AND ECONOMIC DEVELOPMENT POLICY COMMITTEE
COUNCIL MEMBER ANGELA LAWSON
COUNCIL MEMBER STEVE SUNDBERG

FROM: BRAD PIERCE, CHAIR OIL AND GAS ADVISORY COMMITTEE

SUBJECT: OIL AND GAS ADVISORY COMMITTEE SECOND QUARTER 2023 REPORT

DATE: JULY 12, 2023

I am pleased to provide the Second Quarter 2023 Report of the activities of the Oil and Gas Advisory Committee. We had one meeting on WebEx in the Second Quarter on May 17, 2023.

May 17, 2023 Virtual Meeting on WebEx:

- Approval of minutes of March 15, 2023
- Public Comment
 - There was no public comment.
- Staff provided updates on the following:
 - Status of Oil and Gas Applications since our March 15, 2023 Meeting
 - New staff introductions:
 - Dave Scott – City Attorney’s Office
 - Susan Sherman – Senior Inspector
 - Mr. Moore gave the PowerPoint that he presented at the Energy and Environment Symposium in New Castle, CO in April, 2023 on Plug and Abandoning wells and answered questions from the committee. Two members of the Oil & Gas Advisory Committee attended.

Our next meeting is July 19, 2023 on WebEx.

Respectfully Submitted,



Brad Pierce
Chair, Oil and Gas Advisory Committee