

AREA OF STATE INTEREST PERMIT

RESOLUTION NO. _____ It was moved by Commissioner _____ and duly seconded by Commissioner _____ to adopt the following Resolution:

WHEREAS, the Board of County Commissioners (“the Board”) of the County of Arapahoe, State of Colorado, on June 23, 2004, adopted Regulations Governing Areas and Activities of State Interest in Arapahoe County (“1041 Regulations”) and, on December 12, 2006, the Board readopted and amended said 1041 Regulations; and

WHEREAS, an application under said 1041 Regulations has been made by Public Service Company of Colorado (the “Applicant” or “Xcel Energy”) for a special permit (ASI25-001) for development in the designated area of state interest, which development involves locating and constructing a major facility of a public utility (18 miles of a 345 kV double-circuit electric transmission line commencing at the Harvest Mile Substation (4455 S. Harvest Road) and then heads north to the north side of E. Quincy Avenue); and

WHEREAS, the application was presented to the Arapahoe County Planning Commission for a duly noticed public hearing on May 19, 2026, and following said public hearing the Planning Commission made a recommendation to conditionally approve said application; and

WHEREAS, public notice of a public hearing before the Arapahoe County Board of County Commissioners on the application for a permit for development in this area of state interest was properly given by publication in The I-70 Scout on May 20, 2026, and on May 21, 2026, in the Littleton Independent, Englewood Herald, and Centennial Citizen, in newspapers of general circulation, within Arapahoe County, by written notice to adjacent land owners and by posting to the property as provided in the 1041 Regulations; and

WHEREAS, pursuant to statute and the 1041 Regulations and in accordance with said public notice, a public hearing was held before the Board of County Commissioners at the Arapahoe County Administration Building, 5334 South Prince Street, Littleton, Colorado 80120, on the 23rd day of June at 9:30 o'clock a.m., at which time jurisdiction was established and evidence and testimony were presented to the Board concerning said application for a permit for development in the designated area of state interest; and

WHEREAS, the Board of County Commissioners has reviewed the record made at the public hearing, has considered the materials submitted and the testimony and evidence presented at the public hearing and has made findings of fact on this matter.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County as follows:

FINDINGS OF FACT

The Board makes the following findings of fact:

1. The Board of County Commissioners has jurisdiction over the subject matter of this application, for a permit for development in a designated area of state interest pursuant to Article 65.1 of Title 24, C.R.S and in accordance with the 1041 Regulations.

2. At the June 23, 2026, public hearing held on this application, all the statutory requisites and requirements of the Colorado Revised Statutes regarding notice, due process and procedure were met and no objections were made thereto.

3. In considering an application for a permit for development in a designated area of state interest, the Board of County Commissioners has considered:

a. That the protection of the utility, value and future of all lands within Arapahoe County, including the public domain as well as privately owned land, is a matter of public interest; and

b. That land use, land use planning and quality of development are matters which the County has responsibility for the protection of the environment of the County and for the health, welfare and safety of the residents and property owners of Arapahoe County.

c. The criteria specified in the 1041 Regulations for the proposed development in the designated areas of state interest.

4. The Arapahoe County Department of Public Works and Development has made comments regarding this application indicating certain concerns that need to be addressed.

5. The Arapahoe County Planning Commission has made a recommendation regarding this application with the following conditions of approval:

a. Prior to the signature of the final copy of these plans, the applicant must update the Location and Extent Plan Set consistent with comments received from Public Works and Development staff as transmitted to the applicant on March 16, 2026, and add reception numbers to the Plan Set as per the email dated April 23, 2026.

b. Colorado Army National Guard (COARNG) shall be provided advance notice of all construction dates and construction-

related ground activities on the specified property as soon as reasonably possible. Notice shall be provided to Greg White, Aviation Safety Officer, at 720-250-1601. Specified property: State of Colorado property (south and east of the Aurora Reservoir) and portions of the transmission line along E. Quincy Avenue that is north and adjacent to the State of Colorado property.

- c. Transmission Pole 694 is within 100 feet of an existing water well and therefore requires protection. A protective construction fence around this well to prevent damage during the construction of the transmission line is required.
- d. As defined by the Clean Water Act, if Waters of the United States are impacted, inclusive of wetlands, a CWA Permit 404 shall be obtained prior to construction.
- e. No surface occupancy and no ground disturbance (year-round) within 500 feet, where reasonably possible, of the ordinary high-water mark of all of Box Elder and Coal Creek's surface waters shall be allowed. Where occupancy or ground disturbance outside the 500-foot buffer is not reasonably possible, then the applicant shall install appropriate stormwater and sediment control according to the Colorado Department of Public Health and Environment's Stormwater Management Plan and/or Arapahoe County Grading Erosion Sediment Control Plan to protect the creek and any associated wetlands from erosion and sedimentation.
- f. If grading or construction is to occur on the project between January 1 through April 30, the applicant shall conduct a survey to determine if Pronghorn are present. The results of the survey shall be submitted to Colorado Parks and Wildlife ("CPW") and the Planning Division for their review. If Pronghorn are present, no construction and grading is permitted during those dates, unless CPW advises the County that the survey results do not support the need to limit construction or grading.
- g. If grading or construction is to occur on the project between December 1 through April 30, the applicant shall conduct a survey to determine if Mule Deer are present. The results of the survey shall be submitted to CPW and the Planning Division for their review. If Mule Deer are present, no construction and grading is permitted during those dates, unless CPW advises the County that the survey results do not support the need to limit construction or grading.

- h. The applicant shall conduct a pre-construction survey to determine the presence of burrowing owls following CPW's protocol for vegetation clearing activities resulting in ground disturbance between March 15 through October 31 . The survey results shall be submitted to CPW for their review. If burrowing owls are found, the applicant shall coordinate with CPW to determine appropriate avoidance buffers or monitor active nest sites until determined to be inactive.
 - i. If grading or construction is to occur from March 15 to June 15, the applicant shall conduct a survey to identify and locate swift fox den sites in the construction area within the swift fox overall range. The survey results shall be submitted to CPW and the Planning Division for their review. If a den is identified and located, no human encroachment, surface disturbance, or construction within 0.25 miles of an active maternal den unless CPW advises the County that the survey results do not support the need to limit said activities.
 - j. If grading or construction is to occur from April 1 to August 15, the applicant shall conduct a survey for Mountain Plover Nest Sites. If active nests are identified and the applicant cannot restrict human disturbance within 300 feet of the nest through the seasonal restriction, then disturbance may be allowed if CPW advises the County that the survey does not support limiting such activities.
 - k. Prior to construction, if vegetation clearing cannot occur during the nonbreeding season of raptors, migratory birds and burrowing owls (September 1 through April 15), the applicant shall conduct surveys per USFWS and CPW guidance to identify avian nesting activity and determine appropriate avoidance buffers or monitor active nest sites until determined to be inactive. If construction activities must occur inside CPW recommended buffers of an active raptor nest, a qualified biologist will be assigned to monitor the active raptor nest during project construction to ensure nesting raptors do not become disturbed and abandon their nest.
 - l. Transmission lines shall be installed consistent with Avian Power Line Interaction Committee standards, and bird diverters shall be installed within 0.25 miles of any lake, drainage, or riparian area and within the raptor nesting buffer for all active nests.
6. The proposed development complies with the criteria for development in

the area of state interest designated by Arapahoe County pursuant to the Arapahoe County 1041 Regulations.

DECISION

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONER FOR ARAPAHOE COUNTY, COLORADO, that on the basis of the evidence and testimony before the Board of County Commissioners, the aforementioned findings of fact, the entire record and in the interest of the residents and property owners of Arapahoe County, the Board of County Commissioners of Arapahoe County hereby approves the application of Xcel Energy for a permit (Case No. ASI25-001) to engage in development in the area of state interest designated pursuant to the Arapahoe County Regulations Governing Areas and Activities of State Interest (1041 Regulations), which development is locating and constructing a major facility of a public utility (18 miles of a 345 kV double-circuit electric transmission line commencing at the Harvest Mile Substation (4455 S. Harvest Road) and then heads north to the north side of E. Quincy Avenue). Said development shall be accomplished in accordance with all other applicable land use approvals and necessary federal, state or local permit requirements. This resolution is hereby deemed to be the special permit for development in said area of state interest.

BE IT FURTHER RESOLVED that in accordance with Section 24-65.1-501(5)(b), C.R.S., as amended, the Board of County Commissioners shall preserve the record of the proceedings.

The vote was:

Commissioner Baker, ___; Commissioner Campbell, ___; Commissioner Fields, ___; Commissioner Summey, ___; Commissioner Warren-Gully, ___.

The Chair declared the motion carried and so ordered.