

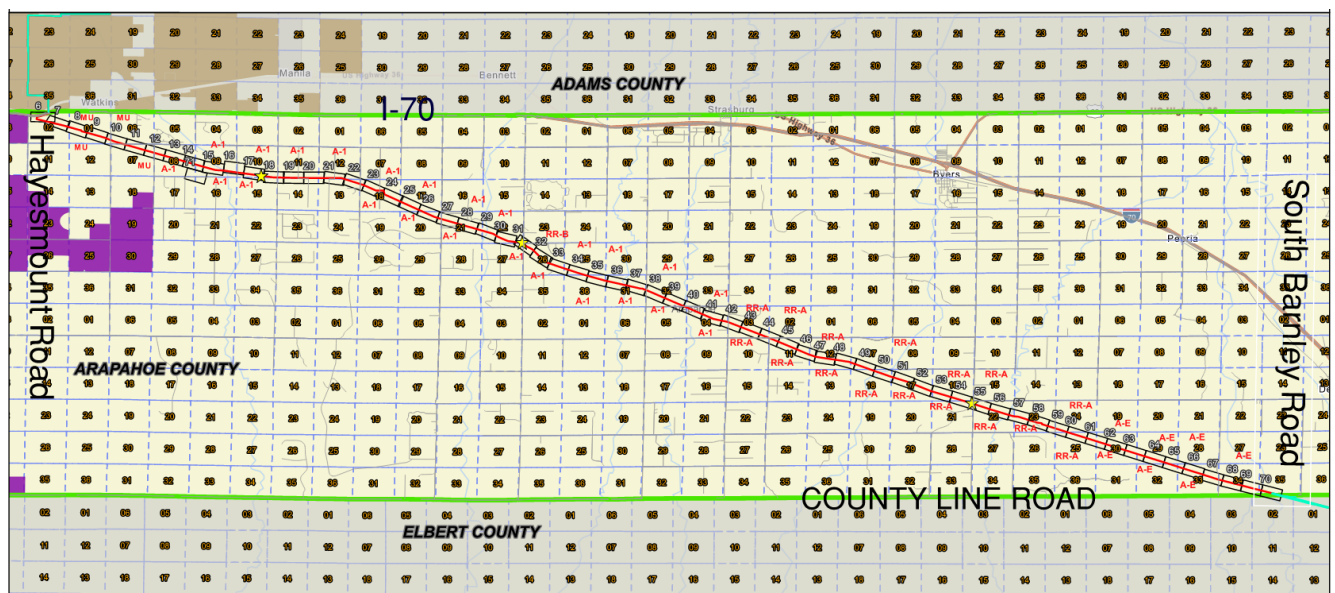
ARAPAHOE COUNTY PLANNING COMMISSION
PUBLIC HEARING
November 18, 2025
6:30 P.M.

**SUBJECT: CASE NO. UASI25-002 – DENVER PIPELINE EXPANSION PROJECT
[MAGELLAN] USE BY SPECIAL REVIEW**

ERNIE ROSE, SENIOR PLANNER

LOCATION AND VICINITY MAP

The proposed Use by Special Review (USR) involves 121 parcels of land in eastern Arapahoe County, zoned A-1 (Agricultural One), A-E (Agricultural Estate), MU (Mixed Use), and RR-A (Rural Residential A). A majority of the subject parcels are used for agricultural purposes. This proposal is in Commissioner's District #3.



ADJACENT SUBDIVISIONS, ZONING, AND LAND USE

The parcels are primarily agricultural and zoned A-1 (Agricultural One), A-E (Agricultural Estate), MU (Mixed Use), and RR-A (Rural Residential A).

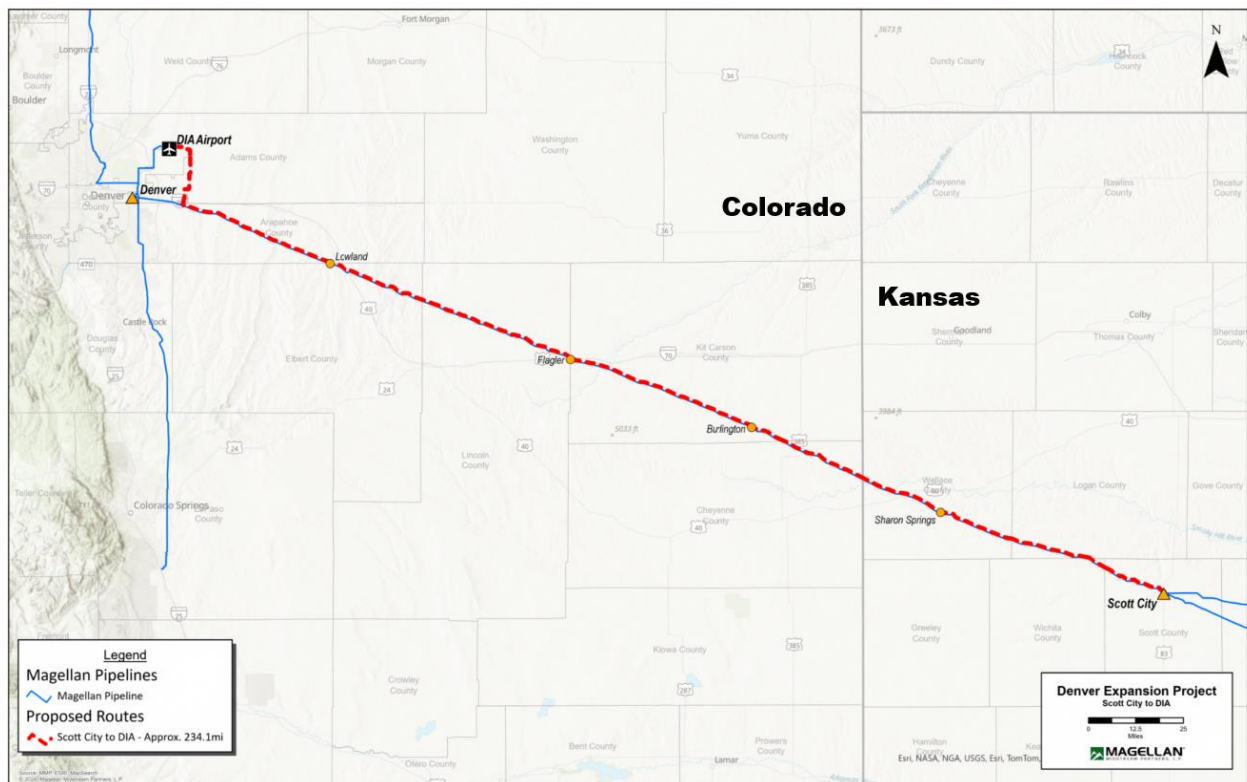
PURPOSE AND REQUEST

The applicant, Perennial Environmental Services, on behalf of the owner, Magellan Pipeline Company, L.P. (Magellan), seeks approval for Use by Special Review to install 33 miles of new buried petroleum pipeline, 10 to 16 inches in diameter, at a depth of four feet. The pipeline also includes several above-ground remote monitoring valves and trap facilities along the new pipeline alignment. After construction, a 30-foot to 50-foot-wide permanent easement will be centered on the new pipeline. Operational impacts of the land use will include newly graveled areas around small

above-ground facilities (such as remote monitoring valves) and occasional mowing of the permanent pipeline easement.

BACKGROUND

The proposed pipeline delivers refined petroleum products to the Denver metro area. Usually sourced from Kansas, the pipeline is undergoing capacity expansion to meet rising demand and to bring in products from the Gulf Coast. The Colorado segment of the Magellan pipeline starts in Scott City, Kansas, and delivers refined products, including gasoline, diesel, and jet fuel. The majority of the newly installed pipelines will be next to the existing pipeline.



Magellan Pipeline

Out of 235 miles of pipeline, 33 miles run through Arapahoe County. It enters Colorado in Cheyenne County and crosses Kit Carson, Lincoln, and Elbert Counties before entering Arapahoe County near South Barnley Road and County Line Road in the southeastern part of the county. The pipeline then continues northwesterly to East Colfax and Hayesmount Road, where it enters Adams County. The pipeline's destination is Denver International Airport (DIA). The proposed pipeline in Arapahoe County is estimated to affect about 360 acres.

Construction/Installation

Conventional open-cut pipeline methods will be used for most of the Project. However, to avoid impacting waterbodies and roads, the conventional bore method will be used. The construction of the pipeline will involve one crew, and they will proceed in sequential phases. The process will be coordinated to minimize land disturbance.

The conventional bore method will cross waterbodies and roads by excavating pits on each side for equipment work. A boring machine will be lowered into one pit to drill a slightly larger diameter horizontal hole at the pipeline depth. The pipeline or casing will then be pushed through the bore to the opposite pit. If needed, additional pipeline sections will be welded and pulled through. Additional Temporary Workspaces (ATWS) are required on both sides to complete the crossings.

Trenching involves excavating a ditch for pipeline installation using equipment like a trenching machine, backhoe, or similar tools. Trench spoil will be placed next to the trench within the construction area, with topsoil separated when needed to prevent mixing with subsoil. Typically, the trench will be dug to a depth providing the minimum required cover over the pipe, with installation depths below 100-year floodplains listed in Appendix A. The trench bottom will typically be cut at least 12 inches wider than the pipe's width, and the top width will vary to accommodate side slopes suitable for local conditions.

Before construction, erosion controls will be installed as needed to minimize impacts on nearby wetlands. Any effects from the crossing will be brief and minor, and the features will be restored to pre-construction conditions after the project is finished. Erosion and sedimentation barriers will be appropriately set up and maintained throughout construction to prevent disturbed soils and sediment from moving into adjacent undisturbed wetland areas.

Completed pipe sections are lifted into the trench by side boom tractors. Before lowering, the trench is inspected for rocks and debris to prevent damage, and the pipe and trench are checked for compatibility. Tie-in welding and coating occur within the trench to connect sections. The trench is then backfilled with excavated material, crowned about six inches above the original level for settling. Pipe is usually laid directly in the trench and backfilled with native soil. If excessive rock is encountered, additional protection, such as mechanical screening, may be used to limit rock-to-pipe contact, with the need assessed during construction. If extra soil is needed due to rocks or settling beyond six inches, the Applicant will buy it from a nearby landowner or yard. The pipeline is protected by a fusion-bonded epoxy coating and an abrasion-resistant overlay installed by horizontal directional drilling (HDD) and bores to limit corrosion. A cathodic protection system (induced current on the pipe) will be installed to ensure pipeline integrity. After backfilling, the pipeline will undergo hydrostatic testing to verify it is free of leaks and can operate safely at the design pressure.

Following construction, a 30 to 50-foot-wide permanent easement will be retained and mowed periodically, as needed, to prevent the establishment of woody vegetation and to allow visual inspection of the pipeline.

ANALYSIS OF THE USE BY SPECIAL REVIEW APPLICATION

Staff review of this application included a comparison of the proposal to 1) applicable policies and goals outlined in the Comprehensive Plan; 2) submittal requirements; 3) review of pertinent Land Development Code regulations; and 4) analysis of referral comments.

1. The Comprehensive Plan

The proposed pipeline will be located on properties zoned A-1, A-E, MU, and RR-A. The affected parcels are in Tiers 1, 2, and 3 of the Comprehensive Plan. All three tiers encourage the installation of pipelines under strategy NCR7.5. A major electrical, natural gas, and petroleum-derivative facility

of a private company can be reviewed through a Use by Special Review process (LDC Section 5-3.4.B.3).

This proposal complies with the Comprehensive Plan as follows:

GOAL PFS12 -Minimize Impacts of Local and Regional Public Facilities and Utility Facilities.

The applicant analyzed two alternative routes as well as a “no action” alternative. In selecting the proposed route, the Applicant prioritized avoiding sensitive environmental features (e.g., wildlife habitats, wetlands, and waterbodies) and residences.

STRATEGY NCR 7.5(a) - Encourage the Installation of Pipelines for Transport of Crude Oil and Produced Water

The comprehensive plan advocates for pipelines to reduce vehicle miles, emissions, and road wear caused by heavy trucks. The project's commencement, completion, and critical milestones are predetermined to ensure the safe and efficient transportation of aviation and sustainable fuels through underground pipelines to Denver International Airport.

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

The project involves installing aboveground rupture mitigation valves (RMVs) and traps along the pipeline outside floodplains. Floodplain delineations in Arapahoe County confirm that construction will have no permanent impact, as it will be temporary and followed by restoration.

Twenty-seven waterbodies will be crossed, 11 via bore to minimize impact, and 16 by open cut. Bore crossings include Middle Bijou Creek, Willow Gulch, Hay Gulch, Rattlesnake Creek, West Bijou Creek, Little Commanche Creek, Commanche Creek, Kiowa Creek, Wolf Creek, West Sand Creek, and Box Elder Creek.

Open-cut crossings will be scheduled during low-flow periods to reduce sedimentation and disturbances, with in-stream work limited to 24-48 hours. Topsoil will be segregated along the installed pipeline and placed in the trench after backfilling, up to 12 inches deep in wetlands if conditions allow.

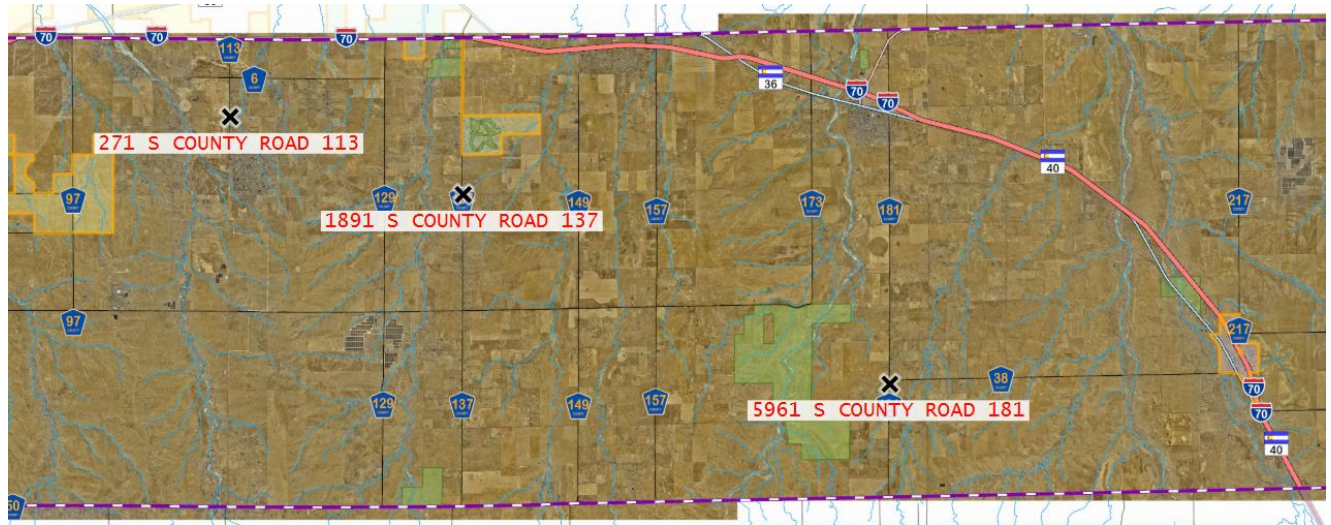
POLICY PFS 12.2 – Consider Utility Needs to Support Growth and Development of the Region.

The proposed pipeline route bypasses sensitive environmental areas and aims to transport refined petroleum to Denver and Colorado Springs, primarily from Kansas, thereby expanding capacity to meet rising demand and Gulf Coast imports.

POLICY PFS 12.3 – Require Land Use Compatibility when Siting Local and Regional Utility Facilities

Construction of the Project is expected to affect a total of 386.74 acres within Arapahoe County. After construction, a permanent easement measuring 30 feet wide along the 10-inch-diameter pipeline and 50 feet wide along the 16-inch-diameter pipeline will be maintained for the new pipelines. Operational land-use impacts will be limited to three areas with small Rupture Mitigation Valves (RMV) and pipeline junction sites, and to occasional mowing of the permanent pipeline.

- 1891 S County Road 137, Bennett, CO 80102
- 5961 S. County Road 181 Byers, CO 80103
- 271 S County Road 113, Bennett, CO 80102



No changes are proposed to the existing zoning classifications (A-1, A-E, and MU). Operational impacts mainly involve newly graveled areas at the RMV and pipeline junction sites, and occasional mowing of the vegetation maintenance will generally not be needed in agricultural or pasture areas.



Rupture Mitigation Valve (RMV)

STRATEGY PFS 12.3(c) - Require Mitigation of Impacts from Regional Utility Facilities

The County will require the pipeline to mitigate the impacts on affected properties. Construction within Arapahoe County will cause temporary nuisances like traffic, dust, and noise. Dust will be controlled by watering disturbed areas. Although heavy equipment is needed, noise and fumes will be minimized. After construction, debris will be removed, and disturbed areas restored. Due to the short-term construction and mitigation measures, effects will be minimal. No significant noise, dust, glare, fumes, vibration, or odors are expected during operation.

STRATEGY NCR 7.6(c) – Protect Fish and Wildlife Habitat

The Project in Arapahoe County crosses several critical wildlife areas, including 2.36 miles of mule deer migration corridor, 7.66 miles within mule deer winter concentration area, 3.87 miles through severe winter range, 1.50 miles through Native Fish and Aquatic Species Conservation Waters, and 26.24 miles of pronghorn winter concentration area. Colorado Parks and Wildlife (CPW) designates these as High Priority Habitats (HPH) with restrictions like no ground disturbance near streams and activity limits from December 1 to April 30 or January 1 to April 30. The Applicant is proposing to minimize construction impacts by meeting with CPW to evaluate crossings and determine mitigation measures before construction commences. The CPW recommendations are included as a condition of approval.

GOAL NCR 1- Conserve Natural Areas

The proposed pipeline's installation affects the Bijou Basin Open Space. Arapahoe County Open Spaces Division is negotiating an agreement to establish a temporary construction easement that avoids the conservation easement and access road. Work within the conservation easement must use the original easement to minimize impacts, with installation done by boring. This has been set as a condition of approval.

Strategy NCR 1.2 (b) Consider Acquiring Land and/ or using Conservation Easements for Wildlife Habitat.

The Arapahoe County Open Spaces Division is actively negotiating an agreement to establish a temporary construction easement that encroaches on the Colorado Cattlemen's Agricultural Land Trust conservation easements (2) or the access road. All work within the conservation easement must be completed using the original easement to minimize impacts on the property's conservation values. Installation within the conservation easement will be done by boring.

2. Land Development Code Review

Section 5-3.4.B.1 of the Land Development Code allows Use by Special Review to be approved if the proposal meets all of the following criteria:

- a) *Recognize the limitations of existing and planned infrastructure by thoroughly examining the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.*

The project will not affect water, sewer, or drainage systems, as it doesn't depend on them and won't impact natural drainage. Rural and nearby residential areas lack such systems. Disturbed areas will be restored post-construction, preserving land use. Traffic during construction is estimated at 50 to 175 round-trip trips per day for four to five months due to equipment mobilization, pipe delivery, and boring equipment. Traffic during the rest of the construction will be minimal, mainly commuting vehicles.

- b) *Assure compatibility between the proposed development, surrounding land uses, and the natural environment.*

The proposed land use aligns with the surrounding agricultural land because most of the pipelines are underground, at a depth that minimizes impacts on burrowing and above-ground wildlife. There are numerous single-family homes, accessory structures, and agricultural activities that will not be impacted. The installation of the pipeline will require temporary workspaces that will be removed when installation is complete. CPW reviewed the proposed pipeline and asked the applicant to address the following matters:

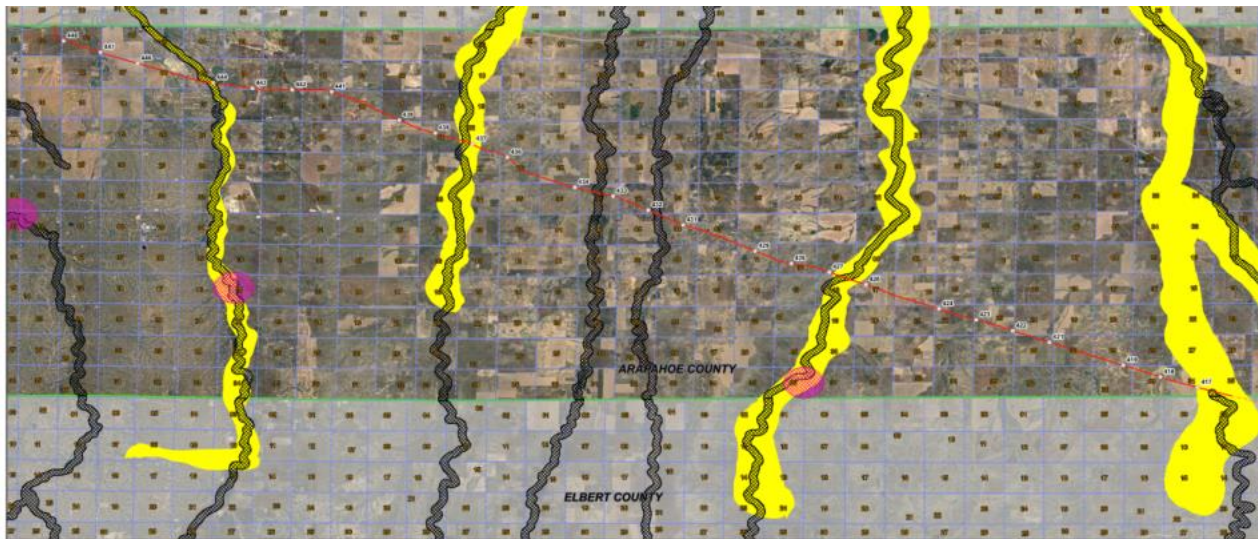


Figure 2 Appendix A CPW

Aquatic Native Species Conservation Water: CPW advises against surface occupancy or ground disturbance within 500 feet of the high-water mark of specified creeks during all project phases and recommends implementing stormwater BMPs. The pipeline will be installed using a bore at each waterbody crossing. Bore crossings include Middle Bijou Creek, Willow Gulch, Hay Gulch, Rattlesnake Creek, West Bijou Creek, Little Commanche Creek, Commanche Creek, Kiowa Creek, Wolf Creek, West Sand Creek, and Box Elder Creek.

Open-cut crossings will be scheduled during low-flow periods to reduce sedimentation and disturbances, with in-stream work limited to 24-48 hours. Topsoil will be segregated along the

installed pipeline and placed in the trench after backfilling, up to 12 inches deep in wetlands if conditions allow.

Mule Deer Migration Corridors: This project occurs within the mapped Mule Deer Migration Corridors; losing them alters routes. CPW advises avoiding the riparian corridor to keep it open for migration. The applicant stated that pipelines will be installed via a bore at each waterbody crossing, with temporary workspaces for boring located outside the riparian buffer.

Mule Deer Severe Winter Range: This project occurs within Mule Deer Severe Winter Range, and CPW advises completing construction outside the winter season (December 1 to April 30). If not possible, CPW recommends starting construction outside winter to lessen impacts on Mule deer during this critical period. The Applicant states the pipeline will be constructed outside the winter period from December 1 to April 30.

Pronghorn Winter Concentration Areas: These areas are where pronghorn densities are at least 200% higher than surrounding winter range during the same period used to define winter range in five out of ten winters. These areas cover the entire project site, except Township 5 South Range 61 West, Sections 7, 16, 17, 18, 21, 22, and 23. For project portions crossing these areas, CPW suggests not building during winter (January 1 to April 30). If unavoidable, start construction outside of winter to protect pronghorn during this critical time. The Applicant has stated that construction will proceed outside the winter months, from January 1 to April 30.

Pronghorn Severe Winter Range: The Pronghorn Severe Winter Range, where 90% of individuals gather during peak snowpack or cold winters, is along the proposed pipeline at Township 5 South, Range 60 West, Sections 29, 30; Township 5 South, Range 61 West, Sections 23-25; Township 5 South, Range 62 West, Sections 3, 11, 12. CPW recommends avoiding winter construction from January 1 to April 30. The applicant has stated that construction will proceed outside the Pronghorn Severe Winter Range from January 1 to April 30.

Burrowing Owls: To prevent nest impacts, CPW recommends: 1) following the Burrowing Owl Survey Protocol if development occurs in a recent prairie dog colony; 2) conducting targeted ground disturbance surveys between March 15 and October 31; 3) maintaining a 200-meter buffer around active nests from March 15 to August 31; 4) delaying earthmoving if owls are present until late fall; and 5) avoiding seismic work during breeding season. The Applicant will conduct pre-construction burrowing owl surveys in Arapahoe County, following CPW's protocol. If owls are found, the Applicant will limit activities within 200 meters of nests from March 15 to August 15 or until migration.

The Project area contains suitable habitat for nesting raptors and migratory birds. To ensure compliance with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, the applicant confirms construction activities within Arapahoe County will be initiated outside of the migratory bird and raptor nesting season, and Project activities will comply with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

Swift Fox: This species is listed as a State Special Concern in Colorado, with potential denning habitat in the Project area. To protect high-quality habitat, CPW recommends the developer conduct

pre-construction surveys for active dens and avoid human disturbance within 0.25 miles of active maternal dens from March 15 to June 15. The applicant will carry out pre-construction surveys for swift fox den sites in Arapahoe County. There will be no human encroachment, surface disturbance, or construction activities near an active maternal den site in Arapahoe County from March 15 to June 15.

Mountain Plovers: This species is listed as a State Special Concern in Colorado, should be protected through surveys using USFWS protocols in potential nesting habitats and buffers for active nests. Construction should occur outside the April 1 to August 15 nesting period. The applicant will start construction outside the species' critical nesting period, temporarily removing suitable nesting habitat. Therefore, the Project is unlikely to impact adversely on Plover nests.

Weeds: Rehabilitate disturbed areas and control invasive weeds to restore native plant communities. Retaining native vegetation supports wildlife habitat and reclamation. Noxious weeds could spread outside the project area. CPW recommends consulting Arapahoe County and NRCS for weed management practices. Following completion of pipeline installation, the trench will be backfilled with the previously excavated material and crowned to approximately 6 inches above its original level elevation to compensate for subsequent settling. Disturbed areas will then be restored to pre-construction contours and reseeded with native seed mixes developed in accordance with guidance and recommendations from the local NRCS field offices and the County Weed Manager. Arapahoe County Weed Control reviewed and approved the weed management plan.

Nighttime artificial lighting: CPW recommends shielding outdoor lights and dimming them as much as possible. If nighttime installation is required, the lighting used will comply with the County's lighting code. Recommended lighting options will be implemented should nighttime activities be needed during construction.

- c) *Allow for efficient and adequate provisions for public services. Applicable public services include, but are not limited to, police, fire, schools, parks, and libraries.*

Since this development contains no residential units, services for schools, parks, and libraries are not applicable. No commercial or residential structures are proposed, thus eliminating the need for police services. Fire Districts serving this area will continue to do so in the event of a fire.

- d) *Enhance convenience for the present and future residents of Arapahoe County by ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers, are in close proximity to one another.*

The proposed pipeline and associated above-ground monitoring valves will not impact residential quality of life as these are not supporting activities of employment, retail or housing. Arapahoe County's economy is expected to benefit from job creation during and after the pipeline's installation.

- e) *Ensure that public health and safety are adequately protected against natural and man-made hazards, which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.*

The project is not expected to impact public safety or health. It won't produce significant noise, dust, glare, fumes, vibrations, or odors. During construction, dust will be controlled by watering roads and disturbed areas. Noise and fumes from heavy equipment will be minimized, and all work will happen during the daytime. Dust suppression, such as watering, will be used during daytime construction. Construction will not restrict access to nearby residences, with safety fences and post-construction area restoration. Public health and safety during pipe installation and operation are protected by leak monitoring, 24/7 satellite monitoring, patrols, inspections, and surveys. Post-operation, no increase in glare, dust, fumes, vibration, or odors is expected.

- f) *Provide for accessibility within the proposed development, and between the development and existing adjacent uses. Adequate on-site interior traffic circulation, public transit, pedestrian avenues, parking, and thoroughfare connections are all factors to be examined when determining the accessibility of a site.*

The criterion does not apply to this proposal of a private utility.

- g) *Minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types, and other relevant topographical elements*

Impacts on waterbodies will be temporary and unlikely to affect stream meandering. Construction measures, such as straw bale barriers, water bars, and straw fiber rolls, will follow the stormwater management plan and permits. No permanent fixtures are planned, as surface disturbances will be restored.

As stated above, eleven waterbodies will be crossed using bore methods to minimize impacts including Middle Bijou Creek, Willow Gulch, Hay Gulch, Rattlesnake Creek, West Bijou Creek, Little Commanche Creek, Commanche Creek, Kiowa Creek, Wolf Creek, West Sand Creek, and Box Elder Creek. While the remaining 15 corridors will be crossed via open cut. Construction at open-cut crossings will be scheduled during low-flow periods to reduce sedimentation, turbidity, and stream bank disturbances, as well as to limit the in-stream construction to (24-48 hours). At open-cut crossings, topsoil will be segregated along the right-of-way, up to 12 inches deep in wetlands if hydrologic conditions allow and placed in the trench after subsoil backfilling.

Appendix A (Table 3.12-8) identifies the soil map units within the Project area and summarizes the acres impacted as well as the associated characteristics such as prime farmland, hydric soils, compaction potential, erosion potential, steep slopes, shallow bedrock, and revegetation potential. The Project crosses 35 soil map units in Arapahoe County, all of which will be restored to pre-existing conditions following the completion of construction

- h) *Ensure that the amenities provided adequately enhance the quality of life in the area, by creating a comfortable and aesthetically enjoyable environment through conventions such as the preservation of mountain views, the creation of landscaped open areas, and the establishment of recreational activities.*

This project involves installing pipelines, and the environment will be restored to its natural state upon completion. The mountain views will remain unaffected, and there are no landscaping requirements or plans to establish recreational activities.

- i) *Enhance the usable open spaces in Arapahoe County and provide sufficient unobstructed open space and recreational area to accommodate the project's residents and employees.*

The pipeline will be installed beneath the Bijou Basin Creek Open Space Recreational Area.

3. Application of 1041 Approval Criteria.

The approval criteria of the 1041 Regulations, set forth at Section V, Parts A and C therein, apply to this application for a Use by Special Review for a Major Natural Gas of a Private Company pursuant to the Arapahoe County Land Development Code Section. 5-3.4.B.3.

A. General Approval Criteria

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

The applicant will obtain the necessary permits and approvals to construct and operate the proposed gas facility and the pipeline (see Appendix P of the 1041 materials). The applicant will obtain the following permits:

State

Colorado Department of Public Health: Colorado Office of Archaeology Preservation Antiquities Permit, Construction Stormwater General Permit, Hydrostatic Testing Permit.

County

Grading, Erosion, and Sediment Control Permit, Right-of-Way Use Permit, Truck and Traffic Permits

Other

Colorado Division of Oil and Public Safety: Underground Storage/Aboveground Storage Tanks

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

The project area is located within the South Platte River Basin and is governed by the South Platte Basin Implementation Plan. It is also subject to the State Designated Groundwater Basin Rules; however, the Project is not situated within a Designated Groundwater Basin. The applicable provisions of the regional water quality plans have been taken into account. The Applicant will adhere to the Stormwater Management Manual of the State of Colorado and Arapahoe County, implementing the construction control measures (CMs) specified in the Grading, Erosion, and Sediment Control (GESC) Plan (Appendix D of the 1041 materials). These CMs will be implemented following the standards set in Arapahoe County's GESC Manual. As a result, the

Project currently complies and will continue to abide by the regional water quality management plan.

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

The Applicant is financially capable of developing this Project, which will be fully financed using funds that are available to the Applicant or ONEOK without incurring additional debt specifically for the Project, as further discussed in Section 3.2.3 of the 1041 materials. As the parent company, ONEOK stands behind all financial and other obligations of the Applicant in connection with County requirements related to this application.

The Applicant possesses the technical capabilities to oversee the construction and operation of the Project and is fully responsible for the Project. Only contractors with experience and expertise to construct this Project will be pre-qualified to bid on this Project.

- 4) *The Proposed Project is technically and financially feasible.*

The applicant has reviewed this Project for purpose, need, and technical viability and has determined that the Project is necessary and feasible. The Applicant intends to proceed with construction of the Project upon receipt of required permits and approvals from federal, state, and local jurisdictions.

As stated in Section 2.1.3 of the 1041 materials, the Applicant is financially able to develop this Project, which will be fully financed using funds that are available to the Applicant or ONEOK without incurring additional debt specifically for the Project, as further discussed in Section 3.2.3 of the 1041 materials. As the parent company, ONEOK stands behind all financial and other obligations of the Applicant arising from County requirements related to this application.

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

Based upon a review of available sources, including the Colorado Geological Survey and the U.S. Geological Survey (USGS) data on karst formations, peak ground accelerations, faults, landslides, and Federal Emergency Management Agency (FEMA) floodplain maps, the Applicant has determined that there are no significant risks from natural hazards associated with this Project (Colorado Geological Survey, 2024; USGS, 2015, 2004, 2024a, 1982; FEMA, 2024), as further described in Section 3.12.8 of the 1041 materials.

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

See Analysis of the Use by Special Review Application, 1- Comprehensive Plan of this report.

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

The Project will not require additional local government services beyond those currently provided in the area. The Project creates no additional demand for transportation infrastructure, educational facilities, housing, water (other than trucked-in water during construction), wastewater treatment, or public transportation. Portable restrooms with hand-washing supplies will be on-site during construction.

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

The Project is a capital project, the cost for which will be fully financed with funds provided by the Applicant. No public funds will be used for the Project. The Project will result in increased tax revenues for the State and County. Construction of the Project will also provide sales tax revenue to Arapahoe County. Workers can be expected to purchase goods and services, such as meals, lodging, and groceries, within Arapahoe County for the construction period of four to five months.

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

The Project will generate tax revenue and boost Arapahoe County's economy by creating jobs during construction and increasing local business revenues. After construction, the area will be restored to its previous state, except for 1.73 acres associated with RMV sites and a pipeline junction. Current agricultural activities will continue so that the project won't harm the local economy.

- 10) *The project will not unduly degrade the quality or quantity of recreational opportunities and experience.*

The proposed pipeline will be installed below ground, the majority of which in Arapahoe County will be constructed under rights granted in existing easement agreements, and the three RMV sites and one pipeline junction site will have minor aboveground components (approximately 7-10 feet in height, 0.06 acre at each RMV, and 0.52 acre at the pipeline junction site).

The proposed pipeline installation directly impacts the Bijou Basin Open Space. The Arapahoe County Open Spaces Division is actively negotiating an agreement to establish a temporary construction easement that does not encroach on the conservation easement or the access road. All work within the conservation easement must be completed using the original easement to minimize impacts on the property's conservation values. Installation within the conservation easement will be done by boring. Outside of the conservation easement, the pipe will be installed by open trench. This agreement is being pursued to ensure that the installed pipeline does not diminish the quality or quantity of recreational opportunities and experiences. A condition of approval has been added.

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

The Project will allow the transport of various transportation fuels, including aviation and

sustainable aviation fuel to DIA. Transportation fuels, including aviation and sustainable aviation fuels, are vital to support the DIA and its plans for future expansions. Further, the Project will promote resource conservation by reducing the amount of gasoline or diesel used in transporting transportation fuels via truck (as compared to the use of the pipeline system); at the same time, the Project will reduce traffic and air quality impacts associated with the trucks that will no longer be needed to transport these transportation fuels. The Project will also connect the Denver market to fuel supplies from multiple refineries outside the State of Colorado.

The use of reused or recycled materials is not currently anticipated for the construction of the Project; however, the Project has been designed to minimize scrap materials to the maximum extent possible, and any scrap materials remaining following construction will be recycled or reused where possible.

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

The Project will not significantly degrade the environment. Following construction, disturbed areas will be restored to pre-construction contours as closely as practicable. Construction debris and organic refuse unsuitable for distribution over the right-of-way will be disposed of at appropriate facilities in compliance with applicable regulations. Permanent erosion and sediment control measures will be installed as appropriate, and all temporarily disturbed areas within the Project area, except annual cropland, will be revegetated using a pre-selected seed mix developed in consultation with state and local agencies. Further, the Applicant will employ the use of CMs throughout construction and restoration to minimize impacts to the environment. Steps will also be taken to mitigate any impacts on wildlife and water corridors.

13) The Proposed Project will not cause a nuisance.

The Project will cause limited, localized, and temporary nuisances, such as increased traffic, dust, and noise, during construction. No significant sources of noise, dust, glare, fumes, vibration, or odors are anticipated to be caused by the Project. During construction, dust will be controlled by watering roads and other disturbed areas. Although certain heavy equipment is required, noise and fumes will be minimized to the extent possible. The Project vicinity is primarily interspersed with sparsely distributed residences and agricultural buildings, with the nearest residences (within 150 feet of the Project workspace) located 83 feet south of the Project workspace at milepost (MP) 440.11 and 25 feet north of the Project workspace at MP 442.66. One rural low-density residential development is located 0.26 miles northeast of MP 445.85. To minimize the impacts of construction noise to nearby residences, the Applicant will try to limit all construction to daytime hours, beginning at 7:00 a.m., except for horizontal directional drill (HDD) pull-back activities, which, per regulation, are required to operate continuously until complete, as well as hydrotesting and pipe cleaning. Landowners with properties crossed by the Project will be notified prior to the commencement of Project activities.

The Project's construction emissions will be localized, temporary, and limited in duration, and are not expected to raise ambient air pollutant levels significantly. Additionally, potential impacts from exhaust emissions from diesel- and gasoline-powered construction equipment and vehicle

engines will be minimized by federal design standards in place at the time of vehicle manufacture. They will comply with U.S. Environmental Protection Agency (EPA) mobile and non-road emission regulations (40 CFR Parts 85, 86, and 89). Emissions will also be controlled by purchasing commercial gasoline and diesel fuels, which are regulated by federal and state air pollution control laws applicable to fuel suppliers and distributors.

Construction activities in proximity to residences will be completed as quickly and safely as practicable to minimize disturbances to residents, and the Project will not impact access to the residences during construction. Following the completion of construction activities, all debris will be removed, and residential areas will be restored to pre-construction conditions. Due to the short-term nature of Project activities and the proposed mitigation measures discussed above, any effects of these nuisances will be minimal.

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

The Project will have no impact on any areas of paleontological, historic, or archaeological importance. The applicant completed a Class III Cultural Resources Report with a summary of the findings located on public lands, which was submitted to the State Historic Preservation Office (SHPO) in May 2025.

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

The Applicant will implement its Spill Prevention, Containment, and Countermeasures (SPCC) Plan during construction to minimize the potential for releases of hazardous materials (i.e., fuel) (Appendix F of the 1041 materials). Because there will be no aviation or sustainable aviation fuel in the pipeline until after construction is complete and the pipeline is placed in service, the risk of release during construction is limited to construction equipment fuel and fluids. Minor refueling of equipment may occur within the Project workspace with minor volumes of fuel available. All fuel will be stored within secondary containment at least 100 feet from any waterbody or wetland. Refueling will not occur within 100 feet of a waterbody or wetland, and spill kits will be available if needed for a response and clean-up.

The potential for releases of hazardous materials during operation of the Pipeline will be minimized by constructing the Project in accordance with all applicable federal and state safety regulations for pipelines, as discussed in Section 1.1. During construction, appropriate measures will be taken to control or contain any spills, and in the unlikely event of a spill, the appropriate steps will be followed in accordance with federal, state, and local requirements. No hazardous or dangerous materials will be stored or released as a result of the development or operation of the facility.

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

The Project will allow for the safe and efficient transport of various transportation fuels, including aviation and sustainable aviation fuel, to the Denver International Airport.

Transportation fuels, including aviation and sustainable aviation fuels, are vital to support the DIA and its plans for future expansions. Infrastructure does not currently exist to deliver transportation fuels via underground pipeline to the Denver International Airport; therefore, transportation fuels have to be transported via trucks, which impact traffic and air quality within the County. The Project will also connect the Denver market to fuel suppliers from multiple refineries outside the State of Colorado. The Project will have no significant negative or long-term impact on resources within the County, and it will help generate directly or indirectly employment opportunities, ad valorem taxes, and sales taxes.

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

The design and installation of the Project have been analyzed, reviewed, and approved by the Applicant and represents the use and application of the best technology and industry standards for pipelines. A key consideration to Arapahoe County should be that this Project is the best alternative when the positive effects on tax revenues are considered. Additionally, transportation of transportation fuels via pipeline as an alternative to trucking will have fewer impacts on traffic and air quality within the County, as impacts on air quality from the Project will be limited to construction emissions. A detailed analysis of Project alternatives is presented in Section 3.3.3 of the 1041 materials.

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

The Project will allow for the safe and efficient transport of various transportation fuels, including aviation and sustainable aviation fuel, to DIA. Transportation fuels, including aviation and sustainable aviation fuels, are vital to support DIA and its plans for future expansions. Infrastructure does not currently exist to deliver transportation fuels via underground pipeline to DIA; therefore, transportation fuels have to be transported via trucks, which impacts traffic and air quality within the County.

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

As in sections 2.1.14 and 3.14, no cultural or historic resources will be impacted. As in 2.1.18, impacts on agriculture are negligible. The Project won't affect rural lifestyle or solitude, as there are no nearby recreational areas, and disturbed areas will be restored.

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

As discussed in Section 3.7, land in Arapahoe County crossed by the Project is zoned for A-1, A-E, RR-A, and MU, with no change expected. Most of the area is agricultural, with pasture and cultivated crops. Construction will require new easements and temporary workspace.

- 21) The applicant has complied with all applicable county regulations and has paid all applicable fees.*

The applicant has complied with all applicable provisions of the USR and has paid all applicable fees.

C. Additional Criteria Applicable to Major Facilities of Public Utility

1. *Areas around major facilities of a public utility shall be administered to minimize disruption of the service provided by the public utility.*

Since this is a new pipeline, there will not be any disruptions of activities currently provided by the Applicant. In addition, since this is not a public utility, service disruptions have no impact to the public.

2. *Areas around major facilities of a public utility shall be administered so as to preserve desirable existing community and rural patterns.*

The Project will be constructed in a manner so as to be non-intrusive and will not impact existing community patterns.

3. *Where feasible, major facilities of a public utility shall be located so as to avoid direct conflict with adopted local comprehensive, State, and regional master plans.*

The project's location does not conflict with any adopted local, comprehensive, state, and regional master plans. This includes the Arapahoe County Comprehensive Plan.

4. *Where feasible, major facilities of a public utility shall be located so as to minimize the dedication of new right-of-way and construction of additional infrastructure (e.g., gas pipelines, roads, and distribution lines).*

The Project cannot be located without new pipeline easements, as it aims to build a pipeline to meet increasing fuel demand in Denver, including from Denver International Airport for aviation and sustainable fuels to support airport expansion. As noted in Section 2.1.1, about 84% of the route in Arapahoe County will be under existing easements. The route was chosen to limit new public ROW and avoid the construction of additional infrastructure, such as roads, power lines, water, or telecom facilities.

4. Referral Comments

Comments received during the referral process are summarized in the attached referral comment document. The applicant has addressed all referral comments.

5. Neighborhood Outreach

As part of the original application, the applicant was required to send out public outreach materials to inform the surrounding properties of the proposed gas facility and pipeline. A neighborhood meeting was held on October 22, 2024. Approximately 70 individuals attended the neighborhood meeting. The public's main concerns during the meeting are as follows:

- How deep is the pipeline going to be buried?
RESPONSE: The pipeline will be buried to a depth of 4 feet (measured from the top of the pipeline to the natural surface of the property).
- How long does the construction take?
RESPONSE: Construction will likely commence in January 2026 and should last 4 to 5 months after that. Restoration takes place after construction is completed.
- Are you in the right-of-way?
RESPONSE: All construction will be done within Magellan's acquired easement area (including permanent and temporary easement areas).
- Is my water well protected?
Yes, the pipeline route has been planned to avoid all water wells in Arapahoe County, Colorado.
- Where are the access roads?
RESPONSE: Access roads have been agreed to and acquired from all applicable landowners and are depicted on the provided Plan Set.

STAFF FINDINGS

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

1. The proposed UASI25-002, Denver Expansion Project [Magellan Pipeline] - Use by Special Review, generally conforms to the Arapahoe County Comprehensive Plan.
2. The proposed UASI25-002, Denver Expansion Project [Magellan Pipeline] - Use by Special Review, complies with the General Submittal Requirements contained in Section 2-4 of the Arapahoe County Development Application Manual and Section III, Parts C and E of the Regulations Governing Areas and Activities of State Interest in Arapahoe County - 1041 Regulations.
3. The proposed UASI25-002, Denver Expansion Project [Magellan Pipeline] - Use by Special Review, complies with the approval criteria in Section V, Parts A and C of the Governing Areas and Activities of State Interest in Arapahoe County - 1041 Regulations.
4. The proposed UASI25-002, Denver Expansion Project [Magellan Pipeline] - Use by Special Review, meets the Arapahoe County Land Development Code, including those stated in Section 5-3.4.

STAFF RECOMMENDATION

Considering the findings and other information provided herein, the Staff recommends **approval** of Case No. UASI25-002 Denver Expansion Project [Magellan Pipeline] subject to the following conditions of approval:

1. Prior to the signature of the final copy of these plans, the applicant will address all Public Works' comments.
2. The applicant shall comply with all applicable Colorado Department of Public Health and Environment rules and regulations for solid and hazardous waste, water quality, and air quality.
3. The applicant shall provide a copy of all required state and federally approved permits to the Planning Division prior to construction.
4. The applicant shall construct, maintain, and operate the pipeline in compliance with all applicable federal and state laws and regulations, including but not limited to: Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Transportation Security Administration, and Colorado Public Utility Commission.
5. Prior to signing the Use by Special Review, the applicant will have secured all necessary property rights or easements needed for the pipeline.
6. Prior to the signing of the USR, the applicant is required to record the AGREEMENT FOR USE AND RESTORATION OF ARAPAHOE COUNTY'S BIJOU BASIN OPEN SPACE PROPERTY with the Arapahoe County Clerk and Recorder
7. The applicant shall install the pipeline by boring at the following water bodies: Bijou Creek, Willow Gulch, Hay Gulch, Rattlesnake Creek, West Bijou Creek, Little Commanche Creek, Commanche Creek, Kiowa Creek, Wolf Creek, West Sand Creek, and Box Elder Creek.
8. The applicant will avoid the riparian corridors within the mapped Mule Deer Migration Corridors.
9. If grading and/or construction take place from March 15 to April 30, the applicant will carry out pre-construction surveys for swift fox den sites in Arapahoe County. The survey results must be submitted to CPW and the Planning Division for their review and approval. If a den is found, no human encroachment, surface disturbance, or construction will be allowed within 100 feet of an active maternal den.
10. The applicant will complete grading and/or construction outside the mapped Mule Deer Severe Winter Range from December 1 to April 30.
11. The applicant shall not complete grading and/or construction within the defined Pronghorn Winter Concentration Areas or Pronghorn Severe Winter Range from January 1 to April 30.
12. The Applicant will conduct pre-construction burrowing owl surveys, following CPW's protocol. The survey results must be submitted to CPW and the Planning Division for their review and approval. If owls are found, the Applicant will limit activities within 200 meters of nests from March 15 to August 15 or until migration.
13. The applicant will conduct a pre-construction Mountain Plover survey. The survey results must be submitted to CPW and the Planning Division for their review and approval. If an active plover nest is identified, grading and/or construction shall occur outside the April 1 to August 15 nesting period.

- 14 Prior to grading or construction, the applicant will obtain a Temporary Use Permit (TUP) for all material laydown yards.

ALTERNATIVES

The Planning Commission has alternatives that include the following:

1. Recommend approval of the proposed Use by Special Review.
2. Continue to a date certain for more information.
3. Recommend denial of the proposed Use by Special Review.

CONCURRENCE

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

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

PLANNING COMMISSION DRAFT MOTIONS – UASI25-002 Denver Expansion Project [Magellan Pipeline]

Conditional Recommendation to Approve

In the case of UASI25-002 Denver Expansion Project [Magellan Pipeline], I have reviewed the staff report, including all exhibits and attachments, and have listened to the applicant's presentation and any public comment as presented at the hearing, and hereby move to recommend approval of this application based on the findings in the staff report, subject to the following condition:

1. Prior to the signature of the final copy of these plans, the applicant will address all Public Works' comments.
2. The applicant shall comply with all applicable Colorado Department of Public Health and Environment rules and regulations for solid and hazardous waste, water quality, and air quality.
3. The applicant shall provide a copy of all required state and federally approved permits to the Planning Division prior to construction.
4. The applicant shall construct, maintain, and operate the pipeline in compliance with all applicable federal and state laws and regulations, including but not limited to: Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Transportation Security Administration, and Colorado Public Utility Commission.
5. Prior to signing the Use by Special Review, the applicant will have secured all necessary property rights or easements needed for the pipeline.

6. Prior to the signing of the USR, the applicant is required to record the AGREEMENT FOR USE AND RESTORATION OF ARAPAHOE COUNTY'S BIJOU BASIN OPEN SPACE PROPERTY with the Arapahoe County Clerk and Recorder.
7. The applicant shall install the pipeline by boring under the following water bodies: Bijou Creek, Willow Gulch, Hay Gulch, Rattlesnake Creek, West Bijou Creek, Little Commanche Creek, Commanche Creek, Kiowa Creek, Wolf Creek, West Sand Creek, and Box Elder Creek.
8. The applicant will conduct pre-construction surveys for swift fox den sites in Arapahoe County. No human encroachment, surface disturbance, or construction will occur within 100 feet of an active maternal den from March 15 to June 15.
9. If grading and/or construction take place from March 15 to April 30, the applicant will carry out pre-construction surveys for swift fox den sites in Arapahoe County. The survey results must be submitted to CPW and the Planning Division for their review and approval. If a den is found, no human encroachment, surface disturbance, or construction will be allowed within 100 feet of an active maternal den.
10. The applicant will complete grading and/or construction outside the mapped Mule Deer Severe Winter Range from December 1 to April 30.
11. The applicant shall not complete grading and/or construction within the defined Pronghorn Winter Concentration Areas or Pronghorn Severe Winter Range from January 1 to April 30.
12. The Applicant will conduct pre-construction burrowing owl surveys, following CPW's protocol. The survey results must be submitted to CPW and the Planning Division for their review and approval. If owls are found, the Applicant will limit activities within 200 meters of nests from March 15 to August 15 or until migration.
13. The applicant will conduct a pre-construction Mountain Plover survey. The survey results must be submitted to CPW and the Planning Division for their review and approval. If an active plover nest is identified, grading and/or construction shall occur outside the April 1 to August 15 nesting period.
14. Prior to grading or construction, the applicant will obtain a Temporary Use Permit (TUP) for all material laydown yards.

Deny

In the case of UASI25-002 Denver Expansion Project [Magellan Pipeline], I have reviewed the staff report, including all exhibits and attachments, and have listened to the applicant's presentation and any public comment as presented at the hearing and hereby move to recommend denial of this application based on the following findings:

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

Continue to Date Certain:

In the case of UASI25-002 Denver Expansion Project [Magellan Pipeline], I move to continue the hearing to [*date certain*], 6:30 p.m., to obtain additional information and to further consider the information presented.

Attachments:

Engineering Staff Report

Referral Responses

Applicant's Narrative

Use by Special Review Plan Set

1041 Regulations Appendix A