

USE BY SPECIAL REVIEW

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

WHEREAS, application has been made by Canyon Peak Power LLC for a Use by Special Review, Canyon Peak Power Station, UASI25-001, for certain property hereinafter described, to-wit:

5050 S. County Road 129

and

WHEREAS, after public hearing on this matter, the Arapahoe County Planning Commission recommended that the application be approved subject to certain recommended conditions of approval; and

WHEREAS, following said Planning Commission hearing, public notice of hearing before the Board of County Commissioners for Arapahoe County, Colorado was made for a hearing on such proposed Use by Special Review by publication on July 9, 2025 in The I-70 Scout, and on July 3, 2025, Littleton Independent, Englewood Herald, and Centennial Citizen in the a newspapers of general circulation within the Arapahoe County, by posting of said property, and by mail notification of adjacent property owners in accordance with the Arapahoe County Land Development Code; and

WHEREAS, pursuant to applicable law and the Arapahoe County Land Development Code, a public hearing was held before the Board of County Commissioners at the Arapahoe County Administration Building, 5334 South Prince Street, Littleton, Colorado, on the 22nd day of July, 2025 at 9:30 o'clock A.M., at which time evidence and testimony were presented to the Board concerning said Use by Special Review request; and

WHEREAS, by adoption of Resolution No. _____ the public hearing was closed on July 22, 2025, and the matter taken under advisement and deferred for decision until this same date; and

WHEREAS, pursuant to the authority vested unto the Board of County Commissioners by Article 28 of Title 30 and Article 20 of Title 29, C.R.S. as amended, the Board has concluded that the public health, safety, convenience and general welfare, as well as good zoning practice, justifies granting the Use by Special Review of the hereinafter described property subject to the conditions precedent and/or stipulations as hereinafter delineated.

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

1. The Board of County Commissioners for Arapahoe County hereby grants and approves the application for Use by Special Review, UASI25-001, Canyon Peak Power Station, for the property described in this Resolution, subject to the stipulations and/or conditions precedent as hereinafter delineated.
2. Approval of this Use by Special Review is based upon the following understandings, agreements, and/or representations:
 - a. The applicant's assent and/or agreement to make all modifications to the final version of the documents that are necessary to conform the documents to the form and content requirements of the County in existence at the time the documents are submitted for signature.
 - b. The representations, statements and positions contained in the record that were made by or attributed to the applicant and its representatives, including all such representations made at hearing and statements contained in materials submitted to the Board by the applicant and County staff.
3. Approval of this Use by Special Review shall be and is subject to the following stipulations and/or conditions precedent, which the applicant has accepted and which the applicant is also deemed to accept by preparing a mylar for signature by the Chairman of the Board of County Commissioners within sixty (60) days of this date and by continuing with the development of the property:
 - a. The applicant's compliance with the stipulations of the Arapahoe County Planning Commission as set forth in the record of its proceedings, except as modified in this Resolution.
 - b. The applicant's compliance with all conditions of approval recommended by the staff case managers in the written staff reports presented to the Board, and any conditions stated by staff on the record.
 - c. The applicant's compliance with all additional conditions of approval stated by the Board, including:
 - 1) Prior to the signature of the final copy of these plans, the applicant must address Public Works and Development staff's comments and concerns.
 - 2) Prior to the signature of the final copy of these plans, the applicant shall dedicate the proposed drainage easement to the County and vacate the existing drainage easement.
 - 3) The applicant shall develop a wildfire mitigation plan acceptable to the local fire district before the issuance of a building permit.

- 4) The applicant shall obtain approval of the firefighting water supply plans from Bennett Watkins Fire Rescue before the issuance of a building permit.
 - 5) The Decommissioning Plan Agreement shall be signed and financial assurance provided before the issuance of a Certificate of Completion by the County. The Decommissioning Plan cost estimate shall be reviewed every five years by the Planning and Building Divisions, commencing from the year of the issuance of the Certificate of Completion. This cost estimate shall be submitted by December 31st every five years.
 - 6) The applicant shall comply with an inadvertent discovery clause and conduct archaeological monitoring during construction of the facility and pipeline.
 - 7) The applicant shall sign a County Agreement to repair any county roads that may be damaged during construction.
 - 8) The facility shall comply with the lighting standards of the Land Development Code. The lighting for the gas facility shall be directed inward, downward, and shielded. The height of the light poles shall be a maximum of 25 feet in the parking area and 20 feet elsewhere on-site.
 - 9) If grading and/or construction is to occur on the project (facility site, pipeline alignment area, and lease areas) between April 1 through August 30, the applicant shall conduct a survey to determine if any ground-nesting birds are present during the migratory bird nesting season. The results of the survey shall be submitted to Colorado Parks and Wildlife (CPW) and the Planning Division for their review and approval. If nesting birds are present, no construction/grading is permitted during those dates without prior CPW authorization.
 - 10) If grading and/or construction is to occur on the project (facility site, pipeline alignment area, and lease areas) 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 CPW and the Planning Division for their review and approval. If Pronghorn are present, no construction/grading is permitted during those dates without prior CPW authorization.
 - 11) Prior to the signature of the final copy of these plans, the applicant shall provide Planning Staff with the lease agreements for the three lease areas.
- d. The applicant's performance of all commitments and promises made by the applicant or its representatives and stated to the Board on the record, or contained within the materials submitted to the Board.

4. Upon the applicant's completion of any and all changes to the revised Use by Special Review mylar as may be required by this Resolution, the Chairman of the Board of County Commissioners is hereby authorized to sign same.
5. That the Zoning Map of Arapahoe County shall be and the same is hereby amended to conform to and reflect said change.
6. County planning, engineering and legal staff are authorized to make any changes to the mylar form of the approved document as may be needed to conform the documents to the form and content requirements of the County in existence at the time the documents are submitted for signature, and to make such other changes that are expressly stated by staff before the Board, or are recommended by staff in the written staff reports, or are referred to by the movant Commissioner. No other deviation or variance from the form and content of the documents submitted for the Board's consideration are approved except to the extent stated in this resolution.
7. The County Attorney, with the concurrence of the planning and/or engineering case managers, is authorized to make appropriate modifications to the resolution and plan documents as needed to accurately reflect the matters presented to the Board and to record and clarify, as necessary, other aspects and ramifications of the Board's action.

The vote was:

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

The Chair declared the motion carried and so ordered.