

RESOLUTION NO. 24-XXX

It was moved by Commissioner _____ and duly seconded by Commissioner _____ to adopt the following Resolution:

WHEREAS, application has been made by Tenderfoot Pipeline Company for a Use by Special Review/1041 Major Amendment, Case No. UASI23-002, for certain property hereinafter described to-wit:

Sections 35 and 36, of Township 5 South, Range 65 West of the 6th P.M. in Arapahoe County and

Sections 31, 32 and 33 in Township 5 South, Range 64 West, of the 6th Prime Meridian in the County of Arapahoe, State of Colorado

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 (“the Board”) was made for a hearing on such proposed Use by Special Review by publication on July 4, 2024 in The Centennial Citizen, The Englewood Herald, and The Littleton Independent, newspapers of general circulation within Arapahoe County, by publication on July 9, 2023 in the I-70 Scout, a newspaper with circulation in the eastern 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 as noticed before the Board at the Arapahoe County Administration Building, 5334 S Prince St., Littleton, Colorado on the 23rd day of July 2024 at 9:30 A.M., at which time evidence and testimony were presented to the Board concerning said Use by Special Review amendment request: and

WHEREAS, pursuant to the authority vested unto the Board 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 request to amend the Use by Special Review for the above-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, Case No. UASI23-002, Tenderfoot Pipeline Use by Special Review /1041 Major Amendment 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 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 Chair of the Arapahoe County 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 signature of the final copy of these plans, the applicant will address all Public Works and Development Staff 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 federal approved permits to the Planning Division prior to construction.
 - 4. The applicant shall notify the Crosswinds Radio Control Club prior to HDD activities via mail at least 2weeks prior to the commencement of those activities and provide a copy of the notice to the County.
 - 5. The applicant shall notify the nearest residents within a quarter mile at least 1 week prior to the commencement of those activities and provide a copy of the notice to the County.
 - 6. The applicant shall conduct a burrowing owl survey prior to the mobilization of construction equipment if construction begins between late March and August 31.
 - 7. The applicant shall conduct a nesting raptor survey prior to the commencement of construction if construction begins between December 1 and July 31.

8. The applicant shall construct the project outside of seasonal restrictions associated with High Priority Habitat, as designated by CPW.
 9. 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.
 10. This approval is contingent on approval of the associated Administrative Energy Use by Special Review application (Case No. AE24-005) for the Secret Stash Administrative Energy Facility.
- 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 Chair 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 Holen, _____; Commissioner Campbell, _____; Commissioner Summey, _____; Commissioner Warren-Gully, _____.

The Chair declared the motion carried and so ordered.