

USE BY SPECIAL REVIEW

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

WHEREAS, Perennial Environmental Services have made an application for a Use by Special Review, **Denver Pipeline Expansion Project [Magellan], UASI25-002**, for certain property hereinafter described, to-wit:

Sections 1 and 2 of Township 4 South, Range 65 West of the 6th Principal Meridian in the County of Arapahoe, State of Colorado

Sections 6 and 7 in Township 4 South, Range 65 West, of the 6th Principal Meridian in the County of Arapahoe, State of Colorado

Section 7, 17,18,20,21,22, 23, 25, 26,27,31, and 36 Township 4 South, Range 63 West of the 6th Principal Meridian in the County of Arapahoe, State of Colorado

Sections 1, 4,7,8,9,10,11,12, 13, 14,15,16, and 17, Township 4 South, Range 64 West of the 6th Principal Meridian in the County of Arapahoe, State of Colorado

Sections 31, 32, and 33, Township 4 South, Range 62 West of the 6th Principal Meridian in the County of Arapahoe, State of Colorado

Sections 2,3,4,5, and 11, Township 5 South, Range 62 West of the 6th Principal Meridian in the County of Arapahoe, State of Colorado

Sections 1,10,11, and 21, Township 5 South, Range 62 West of the 6th Principal Meridian in the County of Arapahoe, State of Colorado

Sections 7,15,16,17,18,22, 23,24,25, and 26, Township 5 South, Range 61 West of the 6th Principal Meridian in the County of Arapahoe, State of Colorado

Sections 28,29, 30,32,33,34, and 35 Range Township 5 South, Range 60 West of the 6th Principal 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 was made for a hearing on such proposed Use by Special Review by publication on **December 24, 2025**

in **The I-70 Scoutt and December 25 in the CCM**, 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 **13th day of January, 2026** 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 **January 13, 2026**, 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, **UASI25-002, Denver Pipeline Expansion Project [Magellan]**, 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 will make all necessary changes as indicated with specificity by the County's Engineering staff prior to final execution and approval of the following documents: (1) the Use by Special Review Plan Set depicting the Denver Expansion Project, last submitted October 29, 2025; (2) Construction Drawings – Scott City to Denver Pipeline (10/24/25); (3) Grading, Erosion, and Sediment Control Report – Denver Expansion Project (October 2025); (4) Grading, Erosion, and Sediment Control Plans, Denver Expansion Project – Scott City to Denver Pipeline (10/24/25); (5) Arapahoe County Floodplain Delineation Study for Magellan Denver Expansion Project (8/07/25); and (6) Phase III Drainage Report – Denver Expansion Project 1041 - Watkins Junction Site (August 2025).
- b) 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.
- c) The applicant shall provide a copy of all required state and federally approved permits to the Planning Division prior to construction.
- d) The applicant's construction, maintenance, and operation of the pipeline shall be in compliance with all applicable federal and state laws and regulations, including but not limited to: Pipeline and Hazardous Materials Safety Administration, and Department of Transportation, Transportation Security Administration.
- e) Prior to execution of the Use by Special Review, the applicant will have secured all necessary property rights, easements, or licenses needed for the pipeline, including those for the crossing of County roads.
- f) Prior to the execution of the Uses by Special Review, 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.
- g) If grading is to take place from March 15 to April 30, the applicant will first conduct pre-construction surveys for swift fox den sites in Arapahoe County. The survey results must be submitted to Colorado Parks and Wildlife (CPW) and the Planning Division for their review. If a den is found, no human encroachment, surface disturbance, or construction will be allowed within 100 feet of an active maternal den.
- h) If grading is to take place from March 15 to August 15, 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. If owls are found, the applicant will limit activities within 200 meters of nests from March 15 to August 15 or until migration.

- i) If grading is scheduled to take place from April 1 to August 15, 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 shall occur outside the April 1 to August 15 nesting period.
- j) To the extent laydown yards are to be utilized, Temporary Use Permits (TUP's) must first be obtained.

The vote was:

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

The Chair declared the motion carried and so ordered.