

USE BY SPECIAL REVIEW

RESOLUTION NO. [Reso #] It was moved by Commissioner [Moved] duly seconded by Commissioner [Seconded] to adopt the following Resolution:

WHEREAS, application has been made by Crestone Peak Resources Midstream, LLC for a Use by Special Review Bronco Pipeline Company Gathering System Phase I & II Use By Special Review/1041 Major Amendment, UASI21-003 for certain property hereinafter described, to-wit:

Sections 1, 3-5, 7-8, 10, 18-19, 22, 26-30, 33 and 35-36, of Township 4 South, Range 64 West; Section 7, 18, 19, and 30 of Township 4 South, Range 63 West; Sections 1-4, 11-12, 14 and 23, of Township 5 South, Range 64 West of the 6th P.M. in Arapahoe County.

Sections 19 and 30, of Township 4 South, Range 64 West; Sections 2, 10, 11, 14, 23-26, 34, and 35, of Township 4 South, Range 65 West; Sections 4, 5, 8, 9, 17-20, and 29-33, of Township 5 South, Range 64 West; Sections 1, 2, 12, 13, 24, 25 and 36, of Township 5 South, Range 65 West of the 6th P.M. in Arapahoe County.

and

WHEREAS, after public hearing on this matter, the Arapahoe county Planning Commission recommended that he 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 June 23, 2022 in The Centennial Citizen, The Englewood Herald and The Littleton Independent, 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 12th day of July at 9:30 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. [Public Hearing Reso #] the public hearing was closed on [Date Public Hearing was Closed] , 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, UASI21-003, Bronco Pipeline Company Gathering System Phase I & II 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 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 signature of the final copy of these plans, the applicant will address all Public Works and Development comments.
 2. All necessary utility easements must be executed and recorded prior the commencement of construction.

3. Prior to water line construction, applicant shall provide Arapahoe County with documentation from Water Court, a water provider, or certification by the Division of Water Resources identifying all sources of water, the duration of the water use, certification that the water is authorized for oil and gas usage, and that the water is allowed to be used in Arapahoe County/the destination basin.
4. The fresh water pipe line shall only be used to provide service to oil and gas facilities, firefighting activities and shall not provide service to agricultural, commercial, residential, or other uses.
5. Prior to commencement of construction, the applicant shall be required to obtain all necessary permits including a Grading, Erosion and Sediment Control (GESCC) permit, a Street Cut and Right-of-Way Use Permit, a Floodplain Development Permit, and possible Oversize/Overweight Vehicle Permit, from Arapahoe County Public Works and Development.
6. The applicant agrees to enter a License Agreement if the pipelines are proposed to cross the County's right of way.
7. The applicant shall provide Traffic Control Plans to the County prior to approval of construction documents and issuance permits from County Engineering Services Division and the Building Division.
8. Prior to construction, the applicant shall provide a copy of the inspection and report of paleontological, historic, or archaeological importance, as well as mitigation measures if any issues are noted during the inspection by a third party consultant.
9. The applicant shall conduct a nesting raptor survey prior to the commencement of construction, if construction begins during the nesting season, March 15 through August 31.
10. The applicant shall contact the County, appropriate emergency offices and personnel in accordance with federal, state and local requirements if any spills occur.
11. The applicant shall comply with Tri County Health Department regulations.
12. 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 (PHMSA), Department of Transportation (DOT),

Transportation Security Administration (TSA), and Colorado Public Utility Commission (COPUC).

13. The applicant shall comply with the measures and procedures described within the Product Spill Response and Emergency Plan.
 14. The applicant shall obtain all necessary permits from Public Service Company of Colorado dba Xcel Energy.
 15. Condemnation shall not be used to acquire additional easements from property owners.
 16. Approval of a 1041 application for a major water and sewer project will be required if the infrastructure is proposed for domestic purposes.
- 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 Holen, ___; Commissioner Jackson, ___;
Commissioner Sharpe, ___. Commissioner Warren-Gully, ___

The Chair declared the motion carried and so ordered.

