



**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT
STAFF REPORT**

CASE NO.: PLN2019-00011

CASE NAME: OIL AND GAS REGULATIONS AMENDMENTS

TABLE OF CONTENTS

EXHIBIT 1 – BOCC Staff Report

EXHIBIT 2- Applicant Information

- 2.1 Modified Text (Clarify Intent of Proposed Changes)
- 2.1 Chapter 2 (Text of the Proposed Changes)
- 2.2 Chapter 3 (Proposed Changes)
- 2.3 Chapter 4 (Text of the Proposed Changes)
- 2.4 Chapter 11 (Revised and Additional Definitions)

EXHIBIT 3- Referral Comments

- 3.1 Tabulated Comments and Staff Recommendations
- 3.2 Referral Comments (Residents and Resident Groups)
- 3.3 Referral Comments (Local Districts)
- 3.4 Referral Comments (Oil and Gas Operators)
- 3.5 Referral Comments (COGA)
- 3.6 Referral Comments (CPC)
- 3.7 Referral Comments (COGCC)
- 3.8 Referral Comments (CDPHE)
- 3.9 Referral Comments (TCHD)
- 3.10 Referral Comments (Vital Colorado)
- 3.11 Referral Comments (Front Range Energy Alliance)
- 3.12 Referral Comments (South Denver Metro Chamber)
- 3.13 Referral Comments (DWR)
- 3.14 Referral Comments (CAMRO and VHLO Comments)
- 3.15 Referral Comments (Received after August 16, 2019)
- 3.16 Tabulated Comments (Planning Commission Packet August 16, 2019)

EXHIBIT 4- Associated Case Materials

- 4.1 Request for Comments (Initial and Revised Drafts)
- 4.2 Newspaper Publication Request
- 4.3 Open House Event Invitation

EXHIBIT 5- Stakeholder Engagement

- 5.1 Meeting Records
- 5.2 Post-PC Public Hearing Meeting

EXHIBIT 6- PC Public Hearing Sign-in Sheets

Board of County Commissioners

September 3, 2019

CASE No.: PLN2019-00011 CASE NAME: Oil and Gas Facility (OGF) Regulations

Location of Request:	Unincorporated Adams County
Nature of Request:	Amendments to Chapters 2, 3, 4 and 11 of the Adams County Development Standards and Regulations with respect to OGF permit procedures, zone district restrictions, design requirements and performance standards, and definitions.
Hearing Date(s):	PC: August 22, 2019 / 6:00 p.m.
	BoCC: September 3, 2019 / 9:30 a.m.
Report Date:	August 29, 2019
Case Manager:	Katie Keefe
Staff Recommendation:	APPROVAL with 3 Findings of Fact and 1 Note

BACKGROUND

On April 16, 2019, Governor Polis signed Senate Bill 181 (SB-181), which clarifies, reinforces, and establishes the regulatory authority of local governments over the surface impacts of oil and gas development. Anticipating the passage of SB-181, the Adams County Board of County Commissioners (BoCC) approved a six-month moratorium on new oil and gas development on March 20, 2019 with the goal of evaluating and amending current regulations to meet the needs of the community while ensuring compliance with changes in the law. The amended law expands local government authority to regulate oil and gas exploration and production to protect public health, safety, and welfare, and the environment.

In Spring 2019, Adams County staff was provided direction to craft regulations that reflect the broader authorities granted by SB-181 to govern the development of oil and gas production facilities before the six-month moratorium expires. Staff initiated the regulation amendment process with a series of stakeholder meetings intended to inform the drafting process. With stakeholder input, staff and outside legal counsel have crafted regulations aimed at mitigating the surface impacts of oil and gas development on existing, as well as planned, land uses, while allowing for the reasonable development of oil and gas resources.

Staff presented the draft regulations to the Board of County Commissioners (BoCC) on July 16, 2019 and was asked to evaluate OGF setback distance options for potential inclusion in the regulations. On July 23, 2019, staff presented the setback option analysis, along with other minor regulation revisions, to the BoCC and was given direction to incorporate a 1,000-foot setback requirement for OGF from schools, licensed daycares, residences, environmentally sensitive areas, and high-occupancy buildings as a site approval criterion.

Adams County has proposed a rewrite of the current oil and gas regulations to be consistent with new local powers granted by SB-181 in order to protect the community and environment while allowing for reasonable development of oil and gas resources. Currently, there are 749 producing oil and gas wells within unincorporated areas of the County, of which 109 wells were permitted solely by the COGCC and 652 wells were permitted through the County's current regulations. Based on the number of Location Assessment and Permit to Drill applications filed but pending with the Colorado Oil and Gas Conservation Commission (COGCC), staff expects to receive numerous permit applications for oil and gas facilities within unincorporated Adams County when the moratorium expires on September 20, 2019. The current County oil and gas development regulations need to be amended to ensure consistency with the new state law and to balance the needs of the community with the responsible extraction of oil and gas resources. These proposed regulations aim to achieve this objective by establishing a permit process, siting criteria, performance standards, enforcement process for new oil and gas production facilities, and updating definitions pertinent to the scope and applicability of the proposed oil and gas regulations.

DEVELOPMENT STANDARDS AND REGULATIONS

Section 2-02-13 of the Adams County Development Standards and Regulations details the procedures for amendments to the text of the standards and regulations. Only the Board of County Commissioners may, after a recommendation from the Planning Commission, adopt a resolution amending the text of the standards and regulations.

Section 2-02-13-06-01 of the Development Standards and Regulations lists three criteria for reviewing text amendments. The first two criteria require consistency with the Comprehensive Plan and the purpose of the Development Standards. The third criterion requires the text amendment to not be detrimental to the majority of persons or property in the surrounding areas nor to the community in general. The changes proposed in the subject text amendment are consistent with the County's Comprehensive Plan, the purpose of the Development Standards and Regulations, and will not be detrimental to the residents of Adams County. By enhancing the County's requirements and performance standards for permitting of new oil and gas facilities, the proposed changes fulfill the purpose of the Development Standards while meeting the objectives of the Comprehensive Plan. The changes aim to protect public health, safety, welfare and the environment through responsible development of oil and gas resources and, therefore, will better serve the residents of Adams County.

Existing provisions within the Adams County Development Standards and Regulations (DSR) established an Administrative Use by Special Review permit to process oil and gas development applications in cases where the Operator entered into a Memorandum of Understanding (MOU) with the County. This mechanism reinforced state regulations and allowed oil and gas production facilities to be evaluated and permitted to address land use concerns on a case-by-case basis. While this provision allowed staff to place conditions of approval on the permit that mitigated site-specific land-use compatibility issues, it did not directly regulate all surface impacts of the oil and gas facility. Three regulation amendments and text amendments to relevant definitions are proposed, which will establish an Oil and Gas Facility Permit, zone district requirements for oil and gas development land uses, and design requirements and performance standards for oil and gas production facilities.

A summary of each chapter and proposed changes, including the purpose for the text amendments, is outlined below:

Oil and Gas Facility (OGF) Permit (Section 2-02-14)

The current regulations leverage an MOU agreement with the Operator to allow for the administrative review and permitting of oil and gas production facilities in a manner that ensures land use compatibility and compliance with state regulatory requirements. Prior to SB-181, the County did not have the authority to regulate the siting of oil and gas production facilities and the resultant surface impacts to the surrounding community and the environment. The proposed amendment aims to address this deficiency by establishing an Oil and Gas Facility (OGF) Permit that ensures facilities are sited in appropriate areas and will utilize best practices to protect public health, safety and welfare, and the environment while allowing for the reasonable development of oil and gas resources within unincorporated areas of Adams County.

The OGF Permit scheme provides for both an administrative permit process when all siting approval criteria and performance standard requirements can be met and a waiver process through the Board of County Commissioners (BoCC) when a waiver or modification from one or more requirements is sought. When a waiver from one or more requirements is sought, the OGF Permit can only be approved by the Board of County Commissioners and requires a public hearing. An OGF Permit that meets all requirements and does not need a waiver can be approved by the Director of the Community and Economic Development Department (CED).

The proposed OGF Permit incorporates an alternative site analysis of three potential OGF site locations that demonstrate at least one can meet all approval criteria before continuing through the standard administrative permit process. Operators may apply for a waiver after completing the alternative site analysis or at any point during the subsequent permit review process when a determination is made that a waiver from any site approval criteria and/or performance standard(s) is needed. The waiver is then processed through a public hearing before the Board of County Commissioners for a final decision on the OGF Permit. In cases where the residential setback criteria is not met and the applicant has obtained written, signed consent from both the affected property owner(s) and primary resident(s), an administrative waiver from this specific approval criteria may be granted.

Additionally, proposed text changes provide the scope of the new regulations and clarify applicability to existing oil and gas facilities by identifying the types of modifications requiring a major amendment. See Exhibit 2.1 for the proposed text.

Zone District Regulations (Chapter 3)

Under existing regulations, oil and gas development is permissible in all zone districts, with conditions placed accordingly to address and mitigate land use compatibility issues. The proposed amendments restrict oil and gas development land uses within those zone districts in which industrial land uses are most compatible and present the least impact to County residents.

Proposed permissible zone districts include all commercial and industrial zones, as well as the Agricultural-2 and Agricultural-3 zones. The proposed amendments preclude oil and gas

development land uses from Residential, Agricultural-1, Mobile Home, Transportation Oriented Development, Public Lands, and Conservation zone districts. This will allow for a standardized application of siting criteria and performance standards for all OGF development while still providing an opportunity to address project-specific impacts through a tailored condition-of-approval process. An operator may apply for a variance from the zone district regulations through the OGF Waiver process. See Exhibit 2.2 for the proposed text.

OGF Design Requirements and Performance Standards (4-10-02-03-03)

The proposed regulations amend existing requirements by integrating industry best practices, design technologies and operational controls into the performance standards applicable to oil and gas production facilities permitted under the new regulations. The amendments integrate both programmatic and prescriptive approaches toward regulatory requirements to address land use compatibility issues, as well as potential impacts to public health, safety, welfare and the environment. Though operational control technologies to mitigate noise, nuisance and air quality impacts are incorporated, the proposed regulations also support outcome-based measures of performance, including systematic root cause analysis of incidents and continuous improvement programs that proactively address potential impacts.

Integral to the application of the new regulatory requirements is the County's inspection and enforcement authority stipulated within the proposed regulations. Previously, inspection authority was limited to oversight of state regulatory requirements and enforcement of County-permitted land use conditions. The proposed regulations reflect the broader authority granted by SB-181 to develop local regulations and enforcement mechanisms to mitigate the surface impacts of local oil and gas development. Pursuant to these new authorities, the proposed amendments also provide for inspections of OGF by County staff and a fine schedule to assess penalties for significant violations of the new regulatory requirements. See Exhibit 2.3 for the proposed text.

Definitions (Chapter 11) (4-10-02-03-03)

Terms as they apply to the scope and applicability of the proposed oil and gas regulations have been added to and defined within the County Development Standards and Regulations (DSR). Additionally, terms as they apply to specific requirements of the proposed regulations have also been added and defined within the DSR to provide clarity and guidance to OGF applicants Operators. See Exhibit 2.4 for the proposed text.

ANALYSIS

Compatibility with the Adams County Comprehensive Plan

Imagine Adams County, the County's Comprehensive Plan (Plan), updated in December 2012, recognizes that extraction of sand, gravel, coal, oil, and gas resources contributes to the local economy, providing employment to County citizens and tax income to the County. However, the Comprehensive Plan also notes that sensitive extraction and reclamation practices are essential in order to prevent potential negative impacts to the community. Policy 7.5 of the Comprehensive Plan reads as follows:

Provide for the extraction of subsurface resources in accordance with State law, but require mitigation of undesirable impacts to the natural environment and community as well as plans for viable potential reuse of the land.

Specific strategies for meeting the objectives of this Policy, as outlined in 7.5.b, and 7.5.c, have been incorporated into the proposed amendments through reclamation and environmental assurance requirements, and implementation of control measures that mitigate impacts to the surrounding community, public infrastructure and the natural environment. Strategy 7.5.b seeks to ensure the reclamation of lands impacted by resource extraction in a manner that will create wildlife habitat, restore vegetation, and provide other essential ecosystem services. Parallel to this is Strategy 7.5.c, which calls for the strengthening of resource extraction regulations in order to mitigate adverse impacts to the environment and the surrounding community. Furthermore, direction provided by Comprehensive Plan Policy 9.3 to preserve water corridors and the valuable habitat they provide, is reflected in the proposed regulation's prescribed setback from these sensitive environmental areas.

In addition, the Comprehensive Plan (Plan) contains extensive analysis of the County's natural and man-made hazards through the Hazard Identification and Risk Assessment (HIRA) outlined in Appendix C of the Plan and discussed in Policy 12.1, Reduce Risk and Effects of Natural and Industrial Hazards. In this section, the Plan notes the importance of reducing risk and minimizing loss of life and property from natural and industrial hazard events and protecting public health and safety. The enhanced regulatory structure within this proposed regulation amendment provides for additional site-specific review of any new oil and gas facility in order to address issues, such as public health and safety, as well as community risk and emergency response and preparedness.

Finally, there are many sections within the Comprehensive Plan that provide policy direction to balance the need for new development with the burdens associated with that development. The Plan directs the County's decision makers to "evaluate and quantify potential impacts associated with high-impact, region-serving uses that may create burdens on the County (e.g. landfills, parole facilities, telecommunication towers, etc.) to ensure impacts are substantially mitigated. (*Imagine Adams County*, p. 38). The proposed regulation amendments also support this notion of balancing the economic considerations of resource development, while mitigating and addressing the impacts to existing communities and the natural environment.

Compatibility with Stakeholder Input

Community and Economic Development Department staff and County attorneys held meetings with a number of stakeholders, including residents, neighborhood groups, the oil and gas industry, first responders and fire districts, proximate local governments, land developers, and legal counsel for surface owners, early in the regulation development process with the goal of obtaining valuable input to inform the content of the regulations.

Initial draft regulations were distributed by email to 136 stakeholders for comment and were posted to the County website on July 17, 2019. Staff issued a formal request for comments with a revised draft of the proposed regulations incorporating changes resulting from the BoCC study session, to all 136 stakeholders and referral agencies on July 24, 2019. The public notice for comment and public hearing was also published in local newspapers for a thirty-day period. Substantive comments resulting from this extensive stakeholder engagement process were tabulated by staff

and presented to the BoCC on August 13, 2019 along with staff recommendations. The tabulated comments were posted to the County website prior to the August 13, 2019 study session. An updated summary of comments including staff recommendations are presented as Exhibit 3.1. All stakeholder, public, and referral agency comments received during the sixty-day comment period are included as Exhibits 3.2 through 3.15.

Each stakeholder group submitted a robust set of comments on the proposed regulations. While resident groups and public stakeholders were generally supportive of the proposed regulations, many comments requested more stringent notification, siting criteria, performance standards, and setback distance requirements than proposed. A majority of public comments asked for the administrative permit pathway to be removed as an option from the proposed permit scheme and for an increase in the setback distance proposed. The most substantive comments were addressed through modifications to the proposed regulations.

The majority of concerns expressed by the oil and gas industry pertained to the prescriptive nature of specific regulatory requirements, clarity on the scope and applicability of the proposed regulations, and the technical and/or economic infeasibility of complying with certain performance standards. Many also conveyed the challenges of identifying three separate locations for site analysis given the numerous variables that factor into accessing oil and gas reserves. There were also numerous comments questioning the County's jurisdictional authority to implement certain requirements and the breadth of documentation submittal requirements. The most substantive concerns were addressed by staff and their legal consultant, resulting in modifications to the proposed regulations that clarify scope and intent, adjust certain requirements to ensure implementation of reasonable and necessary protective measures, as well as reconcile certain performance standards with the regulatory authorities of SB-181. All comments received from Operators, industry associations and representatives, as well as business associations are presented as Exhibit

Comments received by the Denver Area Labor Federation included recommendations to incorporate requirements for worker safety training, worker certifications, and recordkeeping. Staff has addressed these concerns by incorporating a requirement to provide and document safety training for all workers and to train and certify specialty trade workers.

Lastly, comments provided by referral agencies such as Colorado Oil and Gas Conservation Commission, Colorado Department of Public Health and Environment, Tri-County Health Department, and local school districts aided staff and their legal counsel in refining proposed regulatory language and incorporating changes to certain requirements to align with other jurisdictional regulations of oil and gas exploration and production operations.

The proposed regulation amendments address the majority of the concerns and requests put forth by the stakeholders.

Planning Commission Update

The proposed regulation amendments were brought before the Planning Commission on August 22, 2019. The Planning Commission (PC) suggested enhancing performance standards pertaining to nuisance impacts, such as visual aesthetic and noise requirements. The PC requested

clarification on the OGF permit term limit. The PC also asked industry to provide data supporting the assertion that the proposed regulations would lead to layoffs and preclude future oil and gas development within the County. Regarding comments expressing concern over the term limit of the OGF permit, this has been a requirement for oil and gas permits since the previous regulation amendments were adopted in 2018.

Numerous industry representatives spoke on the infeasibility of the Oil and Gas Facility (OGF) permit term limit, conducting alternative site analysis and, generally, complying with the regulations. Kathy with Extraction Oil and Gas, Inc. spoke and indicated that requirements pertaining to flaring operations were confusing and contradictory. Susan with Great Western spoke to the economic and technological infeasibility of requiring continuous air monitoring. Statements from the members of the public in support of the oil and gas industry expressed concern that the proposed regulations would stop future oil and gas development in Adams County.

Several residents spoke in opposition of oil and gas development and requested implementation of more stringent requirements than those within the proposed regulations. Several residents discussed the potential health effects of oil and gas development.

The Planning Commission voted (7-0) to recommend approval of the request.

REGULATORY RECOMMENDATIONS

Staff believes the proposed amendments within these chapters of the regulations will ensure compliance with state laws, as allowed for by SB-181. After extensive input from residents, environmental groups, the oil and gas industry, local school and fire districts, water districts, landowners, land developers, business organizations, local governments, and referral agencies, staff believes that a majority of significant concerns were addressed. The new regulations will provide better protections for the health, safety, and welfare of the citizens of Adams County, while continuing to allow responsible development of mineral rights.

STAFF RECOMMENDATION AND FINDINGS OF FACT

Staff believes the proposed amendments are necessary in order to respond to the current challenges for regulating oil and gas development in Adams County and the broader authorities under SB-181. Therefore, staff is recommending approval based on the following findings of fact:

1. The text amendment is consistent with the Adams County Comprehensive Plan.
2. The text amendment is consistent with the purposes of these standards and regulations.
3. The text amendment will not be detrimental to the majority of persons or property in the surrounding areas nor to the community in general.

Note:

1. Due to the large amount of renumbering occurring in Chapters 2, 3, and 4, formatting, grammatical edits, and final numbering are intended to occur after final adoption and no later than September 17, 2019.

Staff Recommendation:	Approval with 3 Findings of Fact and 1 Note
------------------------------	--

EXHIBT 2- Applicant Information

Chapter 2:

2-02-14-05.3(e)(4)(d) OGF Permit Review Steps, Development Application Submittal, Engineering Documents

- d. All applicable transportation fees shall be paid prior to issuance of a notice to proceed ~~development construction permit~~, including without limitation:
 - i. Access permit fees
 - ii. Oversize/overweight permit fees
 - iii. Right of way construction permit fees; and
 - iv. Traffic impact and road maintenance fees.

2-02-14-05.9(a) OGF Permit Review Steps, Conditions of Approval

- a. Term: The approving authority shall specify the term of the OGF Permit as the following: provided that at least one well is drilled and completed during the initial three (3) year period following all required State and local approvals of the OGF ~~approval of a multi-well pad location~~, such ~~action approval~~ permanently vests the permitted location for the number of wells contained within the initial permit approval. If wells permitted as part of the initial OGF permit are to be drilled at the multi-well pad location following expiration of the initial three (3) year period, those permit(s) for those wells shall be renewed following the OGF permit process as outlined in these regulations.

2-02-14-05.10 OGF Permit Review Steps, Amendments

1. Amendments. Applicable. All amendments must be processed in accordance with Section 2-01-10, Amendments. Major Amendments for OGFs include any amendments to a Form 2A with the COGCC. For the purposes of an OGF Permit, anything not identified as a Major Amendment shall be processed as a Minor Amendment.:
 - i. New wells
 - ii. New well connects
 - iii. Increases in on-site storage
 - iv. Addition of production equipment
 - v. Increase to well pad disturbance site area

Chapter 4:

4-10-02-03-03.6 General Provisions, Safety Standards

d. Worker Training and Records

1. Workers at an OGF Facility shall have nationally recognized certifications or training for the work they are performing. This includes, but is not limited to, Hazard Communications Training, Hazardous Waste Operations Certifications, heavy equipment operator training, and welding certifications established per API 1104 and/or ASME Section 9.
2. All workers at an OGF Facility shall have completed a nationally recognized occupational safety and health training program equivalent to SafelandUSA or OSHA-30.
3. Upon request from the County, the Operator shall supply the County written procedures detailing employee training requirements and training records.

4-10-02-03-04 Inspection and Enforcement

6. Hearing, Enforcement and Appeal Procedures for Air Quality Violations and Permits Involving Air Emissions

a. Hearings:

- i. Operators of OGFs may request a hearing in front of the BOCC to contest any alleged violations of the provisions contained in the Air Quality section of these Development Standards and Regulations or to contest permitting decisions involving the provisions contained in the Air Quality section of these Development Standards and Regulations. The BOCC shall grant request for a hearing within 15 days of receipt of such request.
- ii. Hearing date must be set within 90 days
- iii. Notice must be printed in a newspaper of general circulation in the area where the OGF is located.
- iv. Director of CED shall appear as is a party in all hearings adjudicating decisions of the CED. and has the same right to judicial review as other parties
- v. The Director of CED shall have the same right to judicial review as other parties.
- vi. All testimony must be under oath or affirmation.
- vii. A full and complete record of proceedings and testimony presented shall be taken and filed.
- viii. Information related to secret processes or methods of manufacture or production must be kept confidential. The person seeking to keep information confidential has the burden of proof. Except as provided in the Clean Air Act, information claimed to be related to secret processes or methods of manufacture or production which is emissions data may not be withheld as confidential; except such

information may be submitted under a claim of confidentiality and the County shall not disclose such information unless required under the Clean Air Act

- ix. Any person who is affected and not adequately represented shall have an opportunity to be a party upon prior application to and approval by the BOCC in its discretion; such party shall have the right to be heard and cross-examine witnesses
- x. BOCC shall make a decision within 30 days of completion of the hearing
- xi. Burden of proof is on Director of CED with respect to any hearings involving alleged violations.
- xii. Where the Operator requests a hearing before the BOCC on a Permit involving provisions contained in the Air Quality section of these Development Standards and Regulations, the permit applicant bears burden of proof with respect to justification therefor and information, data, and analysis supportive thereof or required with respect to the application

b. Judicial Review:

- i. Final orders or determinations of the Community and Economic Development Director or the BOCC are subject to judicial review
- ii. Any party may move the court to remand the case to the CED Director of the BOCC in the interests of justice for purpose of adducing additional evidence and findings; such party shall show reasonable grounds for failure to adduce such evidence previously
- iii. Any proceeding for judicial review shall be filed in the district court in which the OGF is located

c. Injunctions:

- i. If any person fails to comply with a final order of the CED Director or the BOCC that is not subject to a pending administrative or judicial review, or in the event of a violation of an emission control regulation, or term or condition of a permit, the CED Director or the BOCC may request the District Attorney for the district court in which the air pollution source is located to bring suit for an injunction
- ii. In proceedings brought to enforce an order of the CED Director or BOCC, a temporary restraining order or preliminary injunction, if sought, shall not issue if there is probable cause to believe granting such order or injunction will cause serious harm to the affected person or any other person and: (1) that the alleged violation or activity will not continue or be repeated; ~~or and~~ (2) the granting of such temporary restraining order or preliminary ~~injunction~~ ~~jection~~ would be without sufficient corresponding public benefit.

d. Coordination with the Air Quality Control Commission

- i. Pursuant to section 25-7-128(4), C.R.S., upon the issuance of any enforcement order or granting of any permit, the County shall

transmit to the AQCC a copy of the order or permit. Pursuant to section 25-7-128(6), C.R.S., the City shall confer and coordinate its activities regarding efforts to control or abate air pollution consistent with that provision.

|

CHAPTER 2—APPLICATION AND PERMITTING PROCEDURES

Table of Contents

2-01	COMMON DEVELOPMENT REVIEW PROCEDURES FOR DEVELOPMENT APPLICATIONS.....	3
2-01-01	Step 1: Conceptual Review.....	3
2-01-02	Step 2: Neighborhood Meetings.....	4
2-01-03	Step 3: Development Application Submittal	7
2-01-04	Step 4: Determination of Sufficiency.....	8
2-01-05	Step 5: Staff Report	8
2-01-06	Step 6: Notice.....	10
2-01-07	Step 7: Public Hearing.....	11
2-01-08	Step 8: Standards	14
2-01-09	Step 9: Conditions of Approval	14
2-01-10	Step 10: Amendments	14
2-02	SPECIFIC DEVELOPMENT REVIEW STEPS FOR DEVELOPMENT APPLICATIONS.....	16
2-02-01	Access and Right-of-Way Permit	19
2-02-02	Building Permit	21
2-02-03	Certificate of Designation.....	23
2-02-04	Conservation Plan Permit	36
2-02-05	Contractor Registration	38
2-02-06	Biosolids Application Permit (Domestic Sludge)	43
2-02-07	Floodplain Use Permit	46
2-02-08	Conditional Use Permit	49
2-02-09	Urban Renewal Plan	56
2-02-10	Planned Unit Development.....	63
2-02-11	Special Use Permit	74
2-02-12	Temporary Use Permit	80
2-02-13	Amendment to Text of the Standards and Regulations and/or Zoning Map (Rezoning) and/or Comprehensive Plan	83

2-02-14	Exemption.....	87
2-02-15	Waiver from Subdivision Design Standards	90
2-02-16	Plat Correction; Replat of Lot, Easement or Building Envelope; Vacation of Recorded Plat, Right-of-Way or Easement; or Replat of Subdivision	93
2-02-17	Subdivision, Major.....	107
2-02-18	Subdivision, Minor.....	116
2-02-19	Appeal from Administrative Decision	123
2-02-20	Floodplain Use Permit Variance.....	126
2-02-21	Variance	131
2-02-22	Clearing and Grading Permit	134

Chapter 2—APPLICATION AND PERMITTING PROCEDURES

2-01 COMMON DEVELOPMENT REVIEW PROCEDURES FOR DEVELOPMENT APPLICATIONS

This section outlines the general development review steps, which apply to all development applications or permits.

2-01-01 STEP 1: CONCEPTUAL REVIEW

2-01-01-01 PURPOSE

Conceptual review is an opportunity for an applicant to discuss requirements, standards, and procedures, which apply to a development proposal. Major problems can be identified and solved during conceptual review before a formal application is submitted. Representatives of the Community and Economic Development Department and other County Departments regularly attend conceptual review meetings.

2-01-01-02 APPLICABILITY

A conceptual review meeting is voluntary for all development applications. Conceptual review may be requested by an applicant as a means of identifying potential problems prior to making formal application. A request for conceptual review shall be made at least one (1) week in advance of the requested conceptual review meeting.

2-01-01-03 CONCEPT PLAN SUBMITTAL

The applicant requesting a conceptual review meeting shall submit a sketch of the proposed development, conceptual review meeting checklist, and any conceptual review fees at least one (1) week in advance of the requested conceptual review meeting. The sketch should indicate the location of the proposed project, major streets, and other significant features in the vicinity. The applicant should also submit any conceptual designs to be discussed.

The degree of assistance provided by staff at the conceptual review meeting will depend upon the level of detail the applicant provides in the conceptual review meeting submittal. The applicant is encouraged to provide as much detail as possible when preparing the conceptual review meeting submittal.

2-01-01-04 STAFF REVIEW AND RECOMMENDATION

Following the conceptual plan meeting with the applicant, the Director of Community and Economic Development (hereinafter in this Chapter "the Director" unless its context specifies one or the other) shall furnish the applicant with written comments regarding the plan, including appropriate recommendations to inform and assist the applicant. The written comments shall be mailed to the applicant within seven (7) days of the conceptual review meeting.

2-01-02 STEP 2: NEIGHBORHOOD MEETINGS

2-01-02-01 PURPOSE

The purpose of neighborhood meetings is to present the development concept to citizens and for the citizens to identify, list, and discuss issues related to the development proposal. Neighborhood meetings are held early in the process so affected property owners have an opportunity to provide input before excessive time and effort have been expended by the applicant.

Applicants are advised to get a determination of whether or not a neighborhood meeting is required prior to submitting an application that requires Planning Commission review. If an application is submitted and the Director determines that a neighborhood meeting is required, all review shall be held in abeyance until the applicant submits the required neighborhood meeting summary and affidavits.

2-01-02-02 APPLICABILITY

Neighborhood meetings may be required by the Director on a development proposal subject to Planning Commission review when the Director determines the development proposal could have significant neighborhood impacts.

If the Director determines that a neighborhood meeting is required, the applicant shall be responsible for scheduling, noticing, and coordinating the meeting. The applicant shall be responsible for all costs associated with holding the meeting.

2-01-02-03 NEIGHBORHOOD MEETING REQUIREMENTS*

Amended by the BoCC on January 28, 2013

2-01-02-03-01 LOCATION

In order to provide surrounding property owners the best opportunity to attend, the neighborhood meeting should be held on the subject property whenever possible. If this is not possible, the meeting should be held on the

closest practical location to the subject site. The location of the required neighborhood meeting shall follow the guidelines listed below:

- 1) Urban Adams County
 - a. If it is not possible to hold the neighborhood meeting on the subject property, the neighborhood meeting may be held at an alternate location that is a maximum of three (3) miles from the subject property
 - b. Exceptions to this policy may be granted in writing to increase the distance of the alternate location to approximately five (5) miles if applicants submit a request in writing with the proposed location and demonstrate that no practical locations within three (3) miles or less exist.
- 2) Semi-Urban Adams County
 - a. If it is not possible to hold the neighborhood meeting on the subject property, the neighborhood meeting may be held at an alternate location that is a maximum of five (5) miles from the subject property
 - b. Exceptions to this policy may be granted in writing to increase the distance of the alternate location to approximately fifteen (15) miles if applicants submit a request in writing with the proposed location and demonstrate that no practical locations within five (5) miles or less exist.
- 3) Rural Adams County
 - a. If it is not possible to hold the neighborhood meeting on the subject property, the neighborhood meeting may be held at an alternate location that is a maximum of fifteen (15) miles from the subject property
 - b. Exceptions to this policy may be granted in writing to increase the distance of the alternate location if applicants submit a request in writing with the proposed location and demonstrate that no practical locations within fifteen (15) miles or less exist.

These geographic areas are defined below:

- 1) Urban Adams County: all properties west of Imboden Road
- 2) Semi-Urban Adams County: all properties east of Imboden Road and west of Yellow Jacket Road
- 3) Rural Adams County: all properties east of Yellow Jacket Road to the eastern boundary of Adams County

2-01-02-03-02 *TIME OF NEIGHBORHOOD MEETING*

The neighborhood meeting shall be held at a time that is convenient for most people, typically on a weekday evening between the hours of 5:00 p.m. and 8:00 p.m. or weekends at a reasonable time. The meeting shall not be scheduled on a legal holiday.

2-01-02-04 *NOTICE OF NEIGHBORHOOD MEETING*

2-01-02-04-01 *WRITTEN NOTICE*

Written notice of the neighborhood meeting shall be given by the applicant to the owners of record of all real property within five hundred (500') feet (exclusive of public rights-of-way, public facilities, parks, or public open space) of the property lines of the parcel of land for which the development is planned. Designated representatives of neighborhood groups and homeowner's associations within the area of notification shall also receive written notice from the applicant.

The written notices shall be mailed at least ten (10) days prior to the meeting date. The notice shall state the date, time, place, and purpose of the neighborhood meeting and shall include a map of the property.

2-01-02-05 *ATTENDANCE AT NEIGHBORHOOD MEETING*

The applicant or applicant's representative shall attend the neighborhood meeting. The Community and Economic Development Department may also send a representative.

2-01-02-06 *FORMAT OF NEIGHBORHOOD MEETING*

The neighborhood meeting shall be held in an open house format. Maps of the development site, site plans and architectural elevation drawings should be available for review by the public. The applicant or applicant's representative shall be available to answer questions. The applicant shall provide comment sheets for participants to provide feedback concerning the proposed development. The applicant shall offer participants the opportunity to provide their name and mailing addresses for the purpose of receiving notice of public hearings concerning any application that is subsequently submitted.

2-01-02-07 *SUMMARY OF NEIGHBORHOOD MEETING*

A written summary of the neighborhood meeting shall be prepared by the applicant. The written summary shall be included with the development

application submittal and shall explain how any issues identified at the neighborhood meeting have been addressed. In addition, any names and addresses for participants who would like to receive notice of public hearings concerning any application, which is subsequently submitted shall be submitted with the meeting summary.

2-01-03 STEP 3: DEVELOPMENT APPLICATION SUBMITTAL

2-01-03-01 DEVELOPMENT APPLICATIONS

All development applications shall be submitted in a form established by the Director. Development applications, when submitted, shall be made available to the public.

2-01-03-02 CONSOLIDATED DEVELOPMENT APPLICATIONS AND REVIEW

When multiple development application types must be submitted for the same overall development proposal, the applications may be consolidated for submittal and review, at the discretion of the Director. A consolidated application shall only be reviewed, considered, and decided by the highest level board or commission that would have made a decision concerning an individual application had it been submitted, processed and considered as a series of separate development applications. Decision-makers, from highest level to lowest level, are the Board of County Commissioners, Board of Adjustment, and the Director, respectively. If the highest level of decision-maker is determined to be the Board of County Commissioners, the Planning Commission may be required to consider the application at a public hearing and provide a recommendation to the Board of County Commissioners.

2-01-03-03 DEVELOPMENT APPLICATION CONTENTS

The development application submittal requirements shall be established by the Director. The submittal requirements shall, at a minimum, include a list of all information, data, explanations, analysis, testing, reports, tables, graphics, maps, documents, forms, or other items reasonably necessary, desirable, or convenient to: (1) determine whether or not the applicant, developer and/or owner have the requisite power, authority, clear title, good standing, qualifications, and ability to submit and carry out the development and/or activities requested in the development application; and (2) determine whether or not the development activities and development application address and satisfy each and every applicable general development standard, district standard, or other requirement or provision of these standards and regulations.

2-01-03-03-01 *SUBMITTAL REQUIREMENT*

Each development application shall be submitted to the Director and shall include the identified submittal requirements for said development application. The Director may waive items not applicable due to the particular conditions and circumstances of said development proposal.

2-01-03-03-02 *DEVELOPMENT REVIEW FEES*

Development review fees shall be established by resolution by the Board of County Commissioners. The development review fees shall be paid at the time of submittal of any development application.

2-01-04 *STEP 4: DETERMINATION OF SUFFICIENCY*

After receipt of the development application, the Director shall determine whether the application is complete and ready for review. The determination of sufficiency shall not be based upon the perceived merits of the development proposal. If a submittal is found to be insufficient, all review of the submittal will be held in abeyance until the Director receives the necessary material to determine that the submittal is sufficient. The development application shall not be determined to be accepted nor shall the application be reviewed until the application submittal is determined sufficient by the Director.

Upon acceptance, the Director shall send written notice to the owners of record of all real property located within a minimum of five hundred (500') feet (exclusive of public rights-of-way, public facilities, parks, or public open space) of the property lines of the parcel of land for which the development is planned. Notice shall also be provided to all owners of mineral interests concerning impending surface development based on a certified list of owners provided by the applicant. Designated representatives of neighborhood groups and homeowner's associations within the area of notification shall also receive written notice from the Director. In addition, the Director shall send notice to all individuals who attended the neighborhood meeting and requested to be notified of the progress of the application for development. The notice shall be mailed by the Director within seven (7) days of the date of acceptance of the application. The notice shall describe the nature of the application and the deadline for pre-hearing comments.

2-01-05 *STEP 5: STAFF REPORT*

Within seven (7) days after determining the development application is sufficient, the Director shall refer the development application to the appropriate referral agencies. Referral agencies shall have twenty-one (21) days from the date of mailing to submit their comments to the Director. If a referral agency identifies concerns that require an

investigation, the applicant, the County Commissioners, and the agency may agree to a thirty (30) day extension of this time limit. Failure of the reviewing agencies to respond within the specified time limit or within the time period of an extension shall be considered a favorable response for the purpose of the review. Following is a list of the potential reviewing agencies:

1. The appropriate school district;
2. Each county and/or municipality within three (3) miles of the boundary of the proposed development;
3. All utility districts, associations, or companies providing service in the immediate vicinity of the proposed development;
4. All local improvement and service districts in the immediate vicinity of the proposed development;
5. All appropriate ditch companies;
6. The Colorado State Forest Service;
7. The Director of Public Works and Colorado Department of Transportation;
8. The Natural Resources Conservation Service (Soil Conservation District Board) for explicit review and recommendations regarding soil suitability, floodwater problems and watershed protection;
9. The U. S. Army Corps of Engineers;
10. The Colorado Division of Wildlife;
11. The Adams County Department of Parks and Community Resources;
12. The Tri-County and State Departments of Health for a review of those aspects of a proposed development that have the potential for immediate or long-term environmental health impacts, including, but not limited to, the on-lot sewage disposal reports, for the review of the adequacy of existing or proposed sewage treatment works to handle estimated effluent, for a report on the water quality of the proposed water supply to serve the proposed development, noise, odors, and pollution prevention;
13. The State Board of Land Commissioners when the proposed development is adjacent to state school land;
14. The State Engineer for an opinion regarding material injury likely to occur to decreed water rights by virtue of the diversion water necessary to serve the proposed development and adequacy of the proposed water supply to meet the needs of the proposed development;
15. The Colorado Geologic Survey for an evaluation of those geologic factors, which would have a significant impact on the proposed development;
16. The Director of Public Works;
17. The Sheriff's Office; or

18. Any public or private agency, company, or corporation, which has existing or proposed infrastructure in the immediate vicinity of the proposed development, which, in the opinion of the Director, may be affected by the proposed development.

Each referral agency shall be asked to send a copy of their comments to the applicant, but the applicant should contact the Director to ensure all comments are received.

Following receipt of the referral agency comments or at the end of the review period, the Director shall review the development application and prepare a staff report.

The staff report shall be made available for inspection and copying by the applicant and the public at least fourteen (14) days prior to the scheduled public hearing on the development application. The staff report shall indicate whether, in the opinion of the staff, the development application complies with all applicable standards of these standards and regulations. Conditions for approval may also be recommended to eliminate any areas of non-compliance or to mitigate any adverse effects of the development proposal.

2-01-06 STEP 6: NOTICE

Notice of the public hearing shall be provided by the Director in accordance with the following procedures.

2-01-06-01 WRITTEN NOTICE

The Director shall give written notice to the residents and owners of record of all real property located within a minimum of five hundred (500') feet (exclusive of public rights-of-way, public facilities, parks, or public open space) of the property lines of the parcel of land for which the development is planned. The Director may require the applicant to further expand the notification area. Designated representatives of neighborhood groups and homeowner's associations within the area of notification shall also receive written notice from the Director.

The written notices shall be mailed at least ten (10) days prior to the first public hearing date concerning the application. The written notice shall state the date, time, place, and purpose of the public hearing(s). Failure to mail such notice shall not affect the validity of any hearing or determination by the Planning Commission, Board of Adjustment, or Board of County Commissioners.

2-01-06-02 POSTED NOTICE

The real property proposed to be developed shall be posted with a sign, giving notice to the public of the proposed development. The signs shall be posted by the County on the subject property in a manner and at a location to afford the best

notice to the public. The property shall be posted at least ten (10) days prior to the first public hearing date.

The sign shall be a minimum of two (2) square feet and shall state the date, time, place, and purpose of the public hearing(s) and phone number and address of the case manager. Failure of the sign to remain posted prior to the hearing date shall not affect the validity of any hearing or determination by the Planning Commission, Board of Adjustment, or Board of County Commissioners.

2-01-06-03 PUBLISHED NOTICE

The Director shall publish notice of the public hearing. Notice of the time, date, and place of the public hearing(s) on the development application shall be published in the official County newspaper at least thirty (30) days prior to any hearing before the Board of County Commissioners. Failure of the Director to publish the required notice shall necessitate the delay of the hearing.

2-01-07 STEP 7: PUBLIC HEARING

2-01-07-01 CONDUCT OF PUBLIC HEARING

2-01-07-01-01 *RIGHTS OF ALL PERSONS*

Any person may appear at a public hearing and submit evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall state their name, address and, if appearing on behalf of a person or organization, the name and mailing address of the person or organization being represented.

2-01-07-01-02 *EXCLUSION OF TESTIMONY*

The Planning Commission, Board of Adjustment, or Board of County Commissioners may exclude testimony or evidence it finds to be irrelevant, immaterial or unduly repetitious.

2-01-07-01-03 *CONTINUANCE OF PUBLIC HEARING*

The Planning Commission, Board of Adjustment, or Board of County Commissioners may, by motion or at the request of any person, continue any public hearing to a fixed date, time, and place. All continuances shall be granted at the discretion of the Planning Commission, Board of Adjustment, or Board of County Commissioners. The date and time of the continuance

shall be announced at the hearing. The applicant may be required to agree to any continuance in writing.

The applicant's agreement to a continuance shall eliminate any statutory or regulatory requirement for the Planning Commission, Board of Adjustment, or Board of County Commissioners to act on an application within any specific time period. If the applicant requests a continuance, the applicant may be required to pay a continuance fee.

2-01-07-01-04 *ORDER OF PROCEEDINGS AT PUBLIC HEARING*

The order of the proceedings at the public hearing shall be as follows:

1. Staff Report Presented: The staff shall present a narrative and/or graphic description of the development application. The staff shall present a report that includes a written recommendation.
2. Applicant Presentation: The applicant shall present any relevant information the applicant deems appropriate. Copies of all writings or other exhibits the applicant wishes the Planning Commission, Board of Adjustment, or Board of County Commissioners to consider must be submitted to the Director no less than five (5) working days before the public hearing.
3. Public Testimony: Relevant public testimony shall be heard.
4. Applicant Response: The applicant may respond to any testimony or evidence presented by the public at the direction of the Board or Commission holding the hearing.
5. Staff Response: The staff may respond to any statement made or evidence presented by the applicant or the public at the direction of the Board or Commission holding the hearing.

2-01-07-02 *DECISION AND FINDINGS*

2-01-07-02-01 *DECISION*

After consideration of the development application, the staff report, and the evidence from the public hearing, the chairman shall close the public hearing and, unless the case is continued, the Board or Commission shall approve, approve with conditions, or deny the development application based on its compliance with these standards and regulations. In the case of the Planning Commission, the approval, approval with condition(s), or denial shall be considered only as a recommendation to the Board of County Commissioners.

2-01-07-02-02 *FINDINGS*

All decisions shall include at least the following elements:

1. A statement of specific findings or other factors considered, whichever is appropriate, and a statement of the basis upon which the facts were determined, with specific reference to the relevant standards set forth in these standards and regulations; and
2. A statement of approval, approval with conditions, or denial, whichever is appropriate.

2-01-07-02-03 *NOTIFICATION TO APPLICANT*

Notification of the Planning Commission's, Board of Adjustment's, or Board of County Commissioners' decision shall be mailed by the Director to the applicant within seven (7) days after the decision. A copy of the decision shall also be made available to the public by the Director of Community and Economic Development within seven (7) days after the decision.

2-01-07-03 *RECORD OF PROCEEDINGS*

The Planning Commission's, Board of Adjustment's, or Board of County Commissioners' public hearing may be recorded by any appropriate means. A copy of the public hearing record may be acquired or viewed by any person upon application to the Director and payment of a fee to defray the cost of duplication of the record. The record shall consist of the following:

1. All exhibits, including, without limitation, all writings, drawings, maps, charts, graphs, photographs, and other tangible items received or viewed by the Planning Commission, Board of Adjustment, or Board of County Commissioners at the proceedings;
2. All minutes of the proceedings; and
3. If available, a videotape or audiotape recording of the proceedings before the Planning Commission, Board of Adjustment, or Board of County Commissioners.

2-01-07-04 *RECORDING OF DECISIONS AND PLATS*

Once approved, the decision of the Planning Commission, Board of Adjustment, or Board of County Commissioners shall be filed with the Office of the Adams County Clerk and Recorder. In the case of a final plat, once the final construction plans and final plat are approved, the subdivision improvements agreement is executed and any other conditions of approval have been met, the final plat shall be recorded in the Office of the Adams County Clerk and Recorder.

2-01-08 STEP 8: STANDARDS

Before approving a development application, the Planning Commission, Board of Adjustment, or Board of County Commissioners must find that the development application has met the requirements of these standards and regulations and complies with the required criteria for approval.

2-01-09 STEP 9: CONDITIONS OF APPROVAL

The Planning Commission, Board of Adjustment, or Board of County Commissioners may impose such conditions on approval of the development application as are necessary to accomplish the purposes and intent of these standards and regulations. Such conditions must have a reasonable nexus to potential impacts of the proposed development and should be roughly proportional, both in nature and extent, to the impacts of the proposed development or shall be mutually agreed upon by Adams County and the applicant. (See Section 1-08 for further limitations on conditions.)

2-01-10 STEP 10: AMENDMENTS

2-01-10-01 MINOR AMENDMENTS

Minor amendments to any approved development plan may be approved, approved with conditions, or denied administratively by the Director and may be authorized without additional public hearings. Such minor amendments may be authorized by the Director as long as the development application, as amended, continues to comply with these standards and regulations, at least to the extent of its original compliance.

Minor amendments shall consist only of any or all of the following:

1. The amendment results in an increase or decrease by five-percent (5%) or less in the approved number of dwelling units;
2. The amendment results in an increase or decrease in the amount of square footage of a non-residential land use or structure that does not change the character of the project;
3. The amendment results in a change in the housing mix or use mix ratio which complies with the requirements of the zone district and does not change the character of the project; or
4. The amendment does not result in a change in the character of the development.

The Director may refer a minor amendment to the Planning Commission. If so referred, the decision of the Planning Commission shall constitute a final decision, subject to appeal to the Board of County Commissioners.

2-01-10-02 MAJOR AMENDMENTS

Amendments to any approved development plan not determined by the Director to be a minor amendment under the criteria set forth in Section 2-01-10-01 shall be deemed a major amendment.

Major amendments to development plans shall be reviewed and processed in the same manner as the original development plan for which the amendment is sought. Any approved major amendments shall be recorded in accordance with the procedures for recording the original development plan approval.

Any partial or total abandonment of an approved development plan shall be considered a major amendment.

2-02 **SPECIFIC DEVELOPMENT REVIEW STEPS FOR DEVELOPMENT APPLICATIONS**

This section outlines the specific development review steps, which apply to each distinct development application or permit type.

The follow development application types are included:

1. General Construction and Development Permits and Registrations

a. Access and Right-of-Way Permit

Generally, an access or right-of-way permit is required to construct a driveway which accesses a County road; place a culvert within a public right-of-way; place utilities within a public right-of-way; place landscaping within a public right-of-way; cut a County road; bore under a County road; or perform any work, excavation, filling, grading, or construction within a public right-of-way.

b. Building Permit

Generally, a building permit is required to construct a building or structure; place a building or structure; remodel a building or structure; construct an addition to a building or structure; modify a building or structure; construct, place, or modify a sign; excavate or fill land; construct oil and gas wells and appurtenant facilities; construct subdivision improvements including roads; construct a landfill; or modify the use of land or a structure.

c. Conservation Plan Permit

Generally, a conservation plan permit is required to till any fragile soils.

d. Contractor Registration

Generally, any contractor performing a business involving the construction, alteration, remodeling, repairing, or equipping of buildings or other structures shall be registered as a contractor.

e. Biosolids Application Permit

Generally, a domestic sewage sludge application permit is required for the discharge or disposal of restricted biosolids on agricultural lands.

f. Floodplain Use Permit

Generally, a floodplain use permit is required to locate or construct any structure or facility within a floodplain control overlay zone district; place any fill within a floodplain control overlay zone district; store or process any materials or equipment within a floodplain control overlay zone district; or change a channel of a watercourse within a floodplain control overlay zone district.

g. Stormwater Quality Permit *.

Generally, a stormwater quality permit is required for construction sites that disturb one acre or greater, or are part of a larger common plan of development disturbing one acre or greater. There are no exemptions for this permit.

2. Zoning and Land Use Approvals

a. Conditional Use Permit

A conditional use permit is required for any use identified as a conditional use within a zone district or overlay zone district.

b. Planned Unit Development

An approval of any proposed planned unit development is required to amend the zone district map and the requirements controlling the development of a parcel of land. A planned unit development creates a new overlay zone district for the parcel of land upon approval.

c. Special Use Permit (Temporary Use Permit)

A special use permit is required for any temporary use of land where the use is not a permitted principal use within the zone district or overlay zone district where the use will be located. Some special use permits may be issued administratively.

d. Oil and Gas Facility Permit

An administrative use by special review permit is required for any oil and gas facility in Adams County.

e. Text, Zoning Map Amendment (Rezoning), or Comprehensive Plan Amendment

An approval of any proposed change to the zone district map or text of these standards and regulations is required to change, modify, or amend any standard, regulation, dimensional requirement, or use restriction controlling any parcel of land.

f. Certificate of Designation

Generally, a certificate of designation is required to locate a facility which collects, stores, treats, utilizes, processes, and/or disposes of solid wastes; locate infectious waste treatment facilities; locate transfer stations; locate hazardous waste disposal sites; locate waste impoundment operations; locate commercial composting operations; locate construction and demolition landfills; or locate other sites or facilities not specifically mentioned herein as may be required by C.R.S. §§30-20-101, *et seq.*, C.R.S. §§25-15-101, *et seq.*, and C.R.S. §§25-15-201, *et seq.*

g. Urban Renewal Plan

3. Subdivisions, Divisions of Land, and Platting Approvals

a. Condominium Map Review

Approval is required to develop condominiums. Condominium maps may be approved by the Director of Planning and Development.

b. Exemption

An exemption approval is required to obtain a release from the requirements of platting by resolution of the Board of County Commissioners in accordance with the terms set forth in these standards and regulations.

c. Plat Correction; Replat of Lot, Easement or Building Envelope; Vacation of Recorded Plat, Right-of-Way or Easement; or Replat of Subdivision

Approval is required to correct a plat; replat a lot, easement, or building envelope; vacate a recorded plat, right-of-way, or easement; or replat a subdivision.

d. Rural Site Plan Review

Approval is required for divisions of land seeking to benefit from the bonus lots associated with dividing land in accordance with the rural site plan development standards.

e. Subdivisions, Major

Approval is required to develop a major subdivision. Generally, a major subdivision divides parcels of twenty (20) acres or more or divides parcels into five (5) or more lots.

f. Subdivisions, Minor

Approval is required to develop a minor subdivision. Generally, a minor subdivision divides parcels of less than twenty (20) acres into four (4) or fewer lots.

4. Variations and Appeals

a. Appeal

A person aggrieved by a decision of an administrative official may appeal the decision to the Board of Adjustment.

b. Floodplain Use Permit Variance

Approval of a variance from the floodplain use permit standards is required to effect any change to these standards and regulations with respect to their application to an individual parcel of land.

c. Variance, Major

Approval of a variance from these standards and regulations is required to effect any change to these standards and regulations with respect to their application to an individual parcel of land. A variance may only be approved from the dimensional requirements, performance standards, and other special physical requirements contained in these standards and regulations.

2-02-01 ACCESS AND RIGHT-OF-WAY PERMIT

2-02-01-01 PURPOSE

The purpose of this section is to provide processing requirements for access or right-of-way permits in order to review, consider, approve, approve with modifications, or deny a request for permission to access a County road, install utilities within a public right-of-way, landscape within a public right-of-way, install a mailbox within a public right-of-way, or otherwise work or construct within a County right-of-way.

2-02-01-02 APPLICABILITY

All access or right-of-way permits must be processed in accordance with this section. An access or right-of-way permit is the only authorization under which access to a County road may be installed or constructed or work within a public right-of-way may be performed including, but not limited to, construction, landscaping, utility placement, alteration, or repair of any existing facilities or utilities within a public right-of-way or County road.

2-02-01-03 WHO CAN INITIATE AN ACCESS PERMIT

An access or right-of-way permit may be requested by, without limitation, the owner(s) of the property to which access is to be extended, the owner of the utility or mailbox, or any person(s) performing work within the public right-of-way or County road.

The applicant has the burden of proof to demonstrate the access or right-of-way permit fully complies with these standards and regulations and meets the criteria for approval.

2-02-01-04 ACCESS PERMIT REVIEW PROCEDURES

An access or right-of-way permit may be approved by the Director of Community and Economic Development.

The processing of an access or right-of-way permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: Applicable. All items or documents required for an access or right-of-way permit as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. No notification of adjacent property owners is required. No application shall be processed if any taxes due are not paid.
5. Staff Report: Not applicable.
6. Notice: Not applicable
7. Public Hearing: Not applicable. In substitution, an application for access or right-of-way permit shall be reviewed and approved, approved with modifications, or denied by the Director of Community and Economic Development based on its compliance with these standards and regulations.
8. Standards: Not applicable. In substitution, an application for access or right-of-way permit shall be reviewed for compliance with these standards and regulations.
9. Conditions of Approval: Applicable. The Director of Community and Economic Development may impose any conditions determined to be necessary to assure the safety of the general public, protect the County's infrastructure, adequately accommodate the type and volume of traffic during the work, and deal with anticipated traffic volumes and road improvements.
10. Amendments: Not applicable. In substitution, an amendment to an access or right-of-way permit may be authorized by the Director of Community and Economic Development provided the access or right-of-way permit remains in compliance with all applicable standards and regulations.

2-02-01-05 CRITERIA FOR APPROVAL

The Director of Community and Economic Development in issuing an access or right-of-way permit shall find:

1. The access or right-of-way permit is consistent and complies with the requirements of these standards and regulations for the type of work to be performed.

2. The access or work to be performed will be of such a standard and condition to safely and adequately accommodate the type and volume of traffic currently using the access, including emergency and fire equipment and vehicles, plus any increase in traffic that may be added by the use accessing the road.
3. Adequate controls have been established to ensure compliance and safety during the course of work.
4. Adequate financial guarantees have been provided to ensure that any problems arising from the work to be performed can be reasonably remedied by the County, if necessary.

2-02-01-06 LAPSE OF APPROVAL

The access or right-of-way permit shall be valid for a period of six (6) months from the time such access or right-of-way permit is issued unless fully and properly acted upon and completed.

2-02-01-07 EXTENSION OF APPROVAL

One six (6) month extension may be granted by the Director of Community and Economic Development. In order to be eligible for an extension, the applicant shall file a request for extension with the Director of Community and Economic Development at least thirty (30) days prior to the date the access or right-of-way permit would lapse, unless waived by the Director of Community and Economic Development.

2-02-02 BUILDING PERMIT

2-02-02-01 PURPOSE

The purpose of this section is to provide processing requirements for building permits in order to review, consider, approve, approve with modifications, or deny a request for permission to erect, move, place, or alter a structure, sign, oil wells, temporary structure, or to excavate or fill land.

2-02-02-02 APPLICABILITY

All building permits must be processed in accordance with this section. A building permit is the only authorization under which a structure may be constructed, moved, placed, or altered; a sign may be placed, altered, moved, constructed, or replaced; an oil well and appurtenant facilities may be placed, drilled, altered,

moved, or constructed; land may be filled or excavated; temporary buildings may be placed; or utilities may be installed. All structures shall comply with the requirements of these standards and regulations even if the building permit requirement is waived by the Chief Building Official.

2-02-02-03 WHO CAN INITIATE A BUILDING PERMIT

A building permit may be requested by, without limitation, the owner(s) of the property on which the structure, sign, landfill, temporary building, or utility is to be erected, moved, placed, altered, excavated, or filled.

The applicant has the burden of proof to demonstrate the building permit fully complies with these standards and regulations and meets the criteria for approval.

2-02-02-04 BUILDING PERMIT REVIEW PROCEDURES

A building permit may be approved by the Chief Building Official.

The processing of a building permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: Applicable. All items or documents required for a building permit as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. No notification of adjacent property owners is required. No application shall be processed if any taxes due are not paid.
5. Staff Report: Not applicable.
6. Notice: Not applicable.
7. Public Hearing: Not applicable. In substitution, an application for a building permit shall be reviewed and approved, approved with modifications, or denied by the Chief Building Official based on its compliance with any development plan, these standards and regulations, and the building code adopted by the County by reference or otherwise, as amended.
8. Standards: Not applicable. In substitution, an application for a building permit shall be reviewed for compliance with any development plan, these standards and regulations, and all building code regulations adopted by the County.

9. Conditions of Approval: Applicable.
10. Amendments: Not applicable. In substitution, an amendment to a building permit may be authorized by the Chief Building Official provided the building permit remains in compliance with all applicable standards and regulations.

2-02-02-05 CRITERIA FOR APPROVAL

The Director of Community and Economic Development in issuing a building permit shall find:

1. The building permit is consistent with and complies with the requirements of these standards and regulations and any applicable development plans or conditional use permits.
2. Legal access exists to the property for which the building permit has been requested.
3. The building permit complies with all requirements of the building code in effect at the time of issuance of the permit.

2-02-02-06 LAPSE OF APPROVAL

The building permit shall be valid for a period of six (6) months from the time such building permit is issued unless fully and properly acted upon and completed.

2-02-02-07 EXTENSION OF APPROVAL

One six (6) month extension may be granted by the Chief Building Official. In order to be eligible for an extension, the applicant shall file a request for extension with the Chief Building Official at least thirty (30) days prior to the date the building permit would lapse, unless waived by the Chief Building Official.

2-02-03 CERTIFICATE OF DESIGNATION

2-02-03-01 PURPOSE

The purpose of this section is to detail the steps for obtaining a certificate of designation. Certificates of designation are required for those solid waste and hazardous waste disposal sites and/or processing facilities, which are presumptively incompatible with other land uses, authorized or permitted in a zone district and may have long-term ramifications to the use of surrounding

lands. In addition to meeting applicable performance standards, certificates of designation may require the imposition of conditions in order to ensure the number of solid waste and hazardous waste disposal sites and/or processing facilities and their location, design, configuration, and operation are appropriate at a particular location.

2-02-03-02 APPLICABILITY

All uses that require a certificate of designation must be processed in accordance with this section. A certificate of designation shall be required for all solid waste and hazardous waste disposal sites and/or processing facilities that may include, but not be limited to:

1. Sites and facilities where the collection, storage, treatment, utilization, processing, and/or final disposal of solid waste occurs except as specifically exempted;
2. Infectious waste treatment facilities;
3. Hazardous waste disposal sites;
4. Waste impoundment operations;
5. Commercial composting operations when meeting the Colorado Department of Public Health and Environment Regulations 6CCR 1007-2, Section 14;
6. Inert fills when meeting the criteria for a certificate of designation;
7. Construction and demolition landfills;
8. Scrap tire recycling facilities with an inventory of over ten thousand (10,000) processed and unprocessed scrap tires; or
9. Other sites or facilities not specifically mentioned herein as may be required by C.R.S. §§30-20-101, *et seq.*, C.R.S. §§25-15-101, *et seq.*, and C.R.S. §§25-15-201, *et seq.*

Only the Board of County Commissioners may, after recommendation of the Planning Commission, adopt a resolution approving a certificate of designation to locate in accordance with these standards and regulations. Only those uses that are authorized as permitted principal uses or conditional uses in a zone district may be approved. The designation of a use as a permitted principal use or conditional use does not constitute an authorization or an assurance that such a use will be approved.

2-02-03-03 WHO CAN INITIATE A CERTIFICATE OF DESIGNATION REQUEST

A certificate of designation may be requested by, without limitation, any owner or person having an interest in the property on which the facility requiring the certificate of designation is proposed to be located. The applicant has the burden of proof to demonstrate the use fully complies with these standards and regulations and meets the criteria for approval.

2-02-03-04 CERTIFICATE OF DESIGNATION REVIEW PROCEDURES

A certificate of designation may be approved by the Board of County Commissioners by resolution. Any proposed certificate of designation shall be processed through two (2) public hearings before the Planning Commission, which shall provide a recommendation to the Board of County Commissioners (See Steps 1 through 10 below). Upon completion of each hearing by the Planning Commission, the application for a certificate of designation and the recommendation of the Planning Commission shall be forwarded to the Board of County Commissioners. The Board of County Commissioners shall, after receiving a recommendation from the Planning Commission, hold a public hearing. The Board of County Commissioners shall then approve, approve with conditions, or deny the certificate of designation based on its consideration of the staff report, the Planning Commission's recommendation and findings, the evidence from the public hearings, and the certificate of designation's compliance with the criteria for approval.

2-02-03-05 CERTIFICATE OF DESIGNATION REVIEW STEPS

The processing of a proposed certificate of designation shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Optional, unless the Director of Community and Economic Development determines the development proposal could have significant neighborhood impacts. A neighborhood meeting may be required prior to accepting an application for a certificate of designation at either or both stages of the review process including the initial application and upon submittal of the operations plan and technical report following review and approval, denial, or approval with conditions of the initial application.
3. Development Application Submittal: In the case of a certificate of designation, there shall be two (2) submittals. The first submittal shall be to determine preliminary findings of fact regarding use compatibility and

siting impact issues. Following the determination of findings of fact regarding land use compatibility and siting impact issues, a second set of submittals shall be made to allow the review of the operations plan and technical report and approval or disapproval of the certificate of designation.

- a. All items or documents required for a certificate of designation as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least fifty (50) days prior to the first unfilled Planning Commission public hearing agenda for the first submittal.
 - b. All items or documents required for a certificate of designation as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least two hundred thirty (230) days prior to the first unfilled Planning Commission public hearing agenda for the second submittal.
4. **Determination of Sufficiency:** Applicable. No application shall be processed if any taxes due are not paid. Upon receipt of a written recommendation for approval from the Colorado Department of Health, public hearings on the operations plan and technical report shall be set before the Planning Commission and Board of County Commissioners. No hearings shall be set if the Colorado Department of Public Health and Environment recommends disapproval pursuant to C. R. S. 30-20-104, Section 3.
 5. **Staff Report:** Applicable.
 6. **Notice:** Applicable, except notice shall be sent to all property owners within fifteen hundred (1,500') feet in urban areas and one (1) mile in agricultural areas at a minimum, or greater, as determined by the Director of Community and Economic Development.
 7. **Public Hearing:** Applicable. Two (2) sets of public hearings shall be held before both the Planning Commission and Board of County Commissioners. A hearing shall be held to review the certificate of designation's compatibility with land use and to make preliminary findings. A hearing shall also be held to review the operations plan and technical report.

The Director of Community and Economic Development may waive the public hearings to determine preliminary findings of fact regarding land use compatibility and siting impact issues of a proposal upon request of the applicant or with the applicant's concurrence, if the following determination is made:

- a. That due to the nature of the proposed operation, issues related to land use compatibility and siting impact cannot be separated from the information required in the operations plan and technical report; or
 - b. That due to the nature of the proposed operation, the operation plan and technical report is minor in nature and no public purpose would be served by separating the two (2) components of the request.
8. **Standards: Applicable.** At the first hearing concerning a certificate of designation, the Planning Commission shall conduct a preliminary fact finding and consider all relevant evidence regarding land use compatibility and site impacts concerning the application. This hearing shall include, but not be limited to, information of the impact on the surrounding land uses, access and traffic impact, conformance with requirements of these standards and regulations, and conformance with policies of the Adams County Comprehensive Plan. At such hearing, the Planning Commission shall forward a recommendation in the form of recommended findings of fact to the Board of County Commissioners as to whether or not the proposed land use is in accordance with the criteria. The Board of County Commissioners shall then conduct a preliminary fact finding public hearing and consider all relevant evidence regarding land use compatibility and site impacts concerning the application. If the Board of County Commissioners finds the proposed land use is not in accordance with the criteria, it shall make a finding of fact, and such findings may be the basis of a denial at future hearings should the applicant wish to proceed with the remainder of the permitting process.

After receiving the operations plan and technical report submittal and completing Steps 1 through 7, the Planning Commission shall forward a recommendation of disapproval, approval, or approval subject to conditions, to the Board of County Commissioners of the certificate of designation. The Board of County Commissioners shall then conduct a public hearing. The Board of County Commissioners may approve the request, in whole or in part, with or without modifications and requirements, or deny the request. Approval, if given, shall not be in conflict with the Colorado Department of Health's recommendation, but the Board of County Commissioners may impose any additional requirements or conditions it deems necessary to meet the purpose and intent of these standards and regulations.

9. **Conditions of Approval: Applicable.** The Board of County Commissioners in approving a certificate of designation may attach any conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses or protect the environment. The Board of County Commissioners in approving a certificate of designation may impose any additional requirements or conditions it deems necessary

to meet the purpose and intent of these regulations, which may include, but are not limited to, the following:

- a. A requirement to ensure the facility development proceeds in accordance with a specific site plan and/or development schedule;
- b. A requirement of public dedication of rights-of-way for roads, alleys, public ways, drainage and public facilities, and the installation of off-site improvements as are reasonably required by or related to the effect of the facility; or
- c. A requirement to ensure design and mitigation measures be put in place including, but not limited to, limits on the hours of operation and traffic generating uses; improvements to on-site and off-site vehicular circulation; alternative access or site and open space provisions to address site capacity and resource protection issues; controls on noise, light, odors, and other pollutants; construction of fencing and planting of landscaping; restrictions on signage and outdoor lighting; restrictions concerning the building bulk, height, setback, location, and external appearance; stipulations concerning adequate storm drainage or utilities; and limits on the duration of the certificate of designation.

10. Amendments: Applicable. In addition, the following shall be considered in determining if the change is a minor or major amendment:

- a. Amendments and Changes to Solid Waste Disposal Sites and/or Processing Facilities.

(1) State Review of Type of Change:

(a) A determination as to the type of the change under State regulations shall be made. The proposed change shall be referred to the Colorado Department of Health for a finding of fact as to whether or not the proposed change constitutes a significant change with regard to State regulations.

(b) The State will be afforded a twenty (20) working day period in which to respond. Upon receipt of a determination from the State as to the type of the change, the applicant will be advised of the determination and whether additional information is needed to complete the technical review of the change.

(c) If the State does not respond with a determination as to whether the change is significant or not within twenty (20) working days, the County may proceed based upon its own determination.

(2) County Review of Type of Change:

A determination shall be made as to the nature of the change with regard to County requirements as listed in the certificate of designation and with regard to potential impact on neighboring properties, the general public, or those intended to occupy or use the non-hazardous disposal site and/or processing facility. This determination shall be made by the Director of Community and Economic Development. The change shall fall into one (1) of the following categories:

(a) Minor:

A minor change from the permit (including approved plans) is one, which will have no discernible impact or will have limited impact on neighboring properties, the general public, or those intended to occupy or use the site and facility. No change which has been determined by the State to be a “significant change” under State regulations shall fall into this category. Minor changes are routine in nature. They may include, but are not limited to, corrections of typographical errors in the approved permit; equipment replacement or upgrading with functionally equivalent components; increased frequency in monitoring or maintenance activities; closure of the facility at an earlier than permitted date; changes in information listed in facility contacts or coordinators listed in the plan; replacement of a monitoring facility which has been damaged or rendered inoperable without change in location, design, or depth; changes in the site plan which provide for more efficient operations on site but have no impact on operation methods or the surrounding area. A change to allow additional elements in the wastestream may be determined to be minor provided the waste is not specifically prohibited by the permit, is a common variation in the type and quantity of the waste managed under the facility permit, and does not require a change in methods of operation, additional monitoring to assure public health requirements are met, nor result in a change in reclamation of the site. These items are listed as illustrations and are not intended to be all-inclusive.

Another type of minor change is a change necessary to comply with new regulations, where these changes can

be implemented without substantially changing design specifications or management practices in the permit.

(b) Major:

A major change from the permit (including approved plans) is one which has been determined to potentially have a significant impact on neighboring properties, the general public, or those intended to occupy or use the waste disposal site and facility. Changes which have been determined to be a “significant change” under State regulations shall fall into this category. They would include, but are not limited to, change in ownership of the facility, extension of the certificate’s duration, changes in the site plan which reduce or change the character of approved buffering, reduction in quantity or quality of monitoring (unless such change is mandated by regulatory requirements), or change in a specific condition, standard, or requirement of the Board of County Commissioners’ approval which would change the character of the facility or substantially increase the intensity of use. A change which allows additional elements in the wastestream which are prohibited by the permit, requires a change in the operations plan or the approved reclamation plan, or allows a waste which is not a common variation in the type and quantity of the waste managed under the facility permit, is a major change. These items are listed as illustrations and are not intended to be all-inclusive.

(3) State Review of the Substance of the Request:

If the State recommends:

(a) Approval of a significant change: See Section 4 (below).

(b) Disapproval of a significant change:

If the Colorado Department of Health recommends disapproval of the requested significant change, no public hearings shall be set. The request shall be denied.

(c) Approval of a non-significant change: See Section 4 (below).

- (d) Disapproval of a non-significant change: If the Colorado Department of Health recommends disapproval of the requested non-substantial change, the request shall be denied.
- (e) No comment within the review period on a non-significant change: If the State does not respond with a recommendation on the requested change as to whether the change is approved or not within sixty (60) calendar days, the County may proceed based upon its own determination. The applicant shall be advised that it is the operator's responsibility to ensure the minimum standards of the Solid Waste Disposal Sites and Facilities Act, C.R.S. §§30-20-101, *et seq.* have been met.

(4) County Review of the Substance of the Request:

- (a) If the Colorado Department of Health recommends approval of a non-significant change, and the change is a minor change as determined by the Director of Community and Economic Development, then the Director may approve the request with conditions determined necessary to assure the intent of these Regulations is met. If the Director of Community and Economic Development denies the request, the applicant may apply for a change in accordance with the procedure for a major change.
 - (b) If the Colorado Department of Health recommends approval of a significant or non-significant change, and the change is a major change as determined by the Director of Community and Economic Development, the review procedure as established in the Review Step 7 to Review the Operations Plan and Technical Report shall be followed. The request shall be evaluated in accordance with the Criteria for Approval.
- b. Information Requirements for an Amendment (major change) to a Solid Waste Disposal Site and Facility:
- (1) Application form and a review fee in accordance with a schedule established by the Board of County Commissioners as provided for in C.R.S. §30-20-103, as amended.
 - (2) Plans and written narrative which clearly describe the changes requested and their effect on the operation of the facility and the surrounding area.

- (3) Provision of any other relevant information required by the Director of Community and Economic Development in order to assure there is adequate information to review the amendment.
- c. Amendments or Substantial Changes and Modification to Hazardous Disposal Sites:
 - (1) For hazardous waste disposal sites, an amendment to the certificate of designation is required for all changes except for changes in:
 - (a) On-site operations.
 - (b) On-site monitoring requirements.
 - (c) Changes as described above in (a) and (b) are subject to regulation by the Colorado Department of Health pursuant to C.R.S. §§25-15-301, *et seq.*, and are not subject to County review unless it is a substantial change. Substantial changes require County approval pursuant to C.R.S. §25-15-206.
 - (2) Procedures for Review of Amendments to a Certificate of Designation for Hazardous Waste Disposal Sites:
 - (a) The proposed amendment or substantial change shall be referred to the Colorado Department of Health for a finding of fact as to whether or not the proposed amendment constitutes a substantial change, as defined in the rules and regulations promulgated by the Colorado Department of Health. The State will be afforded a twenty (20) working day period in which to respond. Upon receipt of a determination from the State as to the type of the change, the applicant will be advised of the determination and whether additional information is needed to complete the technical review of the change. If the State does not respond with a determination as to whether the change is substantial or not within twenty (20) working days, the County may proceed based upon its own determination.
 - (b) After receipt of the Colorado Department of Health's finding of fact or upon determination of staff that the required State review period has expired, a public hearing shall be set. Staff shall appear before the Board of County Commissioners during a public hearing and present relevant testimony concerning whether or not any proposed changes constitute a substantial change.

The Board of County Commissioners shall make a finding of fact based upon staff's testimony and recommendations of the Department of Health.

If the Board of County Commissioners finds that the proposed amendment constitutes a substantial change, public hearings shall be set in accordance with the procedures defined in Step 7 and the findings required by the Criteria for Approval.

If the Board of County Commissioners finds that the proposed amendment does not constitute a substantial change, no public hearings shall be set. A decision on changes determined to not be substantial is made by the Colorado Department of Health in accordance with State regulatory requirements and applicable State statutes.

- (c) If the recommendation of the Colorado Department of Health is denial, no public hearing shall be set and the request shall no longer be considered.
- d. Information Requirements for an Amendment or Substantial Change to a Hazardous Waste Disposal Site:
 - (1) Application form and a fee of ten thousand dollars (\$10,000);
 - (2) Plans and written narrative which clearly describe the changes requested and their effect on the operation of the facility and the surrounding area; and
 - (3) Provision of any other relevant information required by the Director of Community and Economic Development in order to assure there is adequate information to review the amendment.

2-02-03-06 CRITERIA FOR APPROVAL

The Planning Commission, in making their recommendation, and the Board of County Commissioners, in approving a certificate of designation for a solid waste disposal facility, shall find:

- 1. The proposed use is an acceptable use in the applicable zone district.
- 2. The certificate of designation is consistent with the purposes of these standards and regulations and meets the intent of the Adams County Comprehensive Plan.

3. The certificate of designation will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The certificate of designation is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the certificate of designation will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.
5. The certificate of designation has addressed all off-site impacts.
6. The site is suitable for the certificate of designation, including adequate usable space, adequate access, and absence of environmental constraints.
7. There is a need for the facility in the County.
8. The applicant has documented his ability to comply with the health standards and operating procedures as provided by the Colorado Department of Health, the Tri-County Health Department, and other relevant agencies.
9. The site is accessible to Adams County residents and other potential users.
10. The proposed facility will comply with all applicable laws and regulations relating to air pollution, water pollution, and noise. When standards do not exist for regulating emissions from a particular type of facility, the County will consider whether the facility may impact health and welfare of the community based upon specific facility design and operating procedures.
11. The site conforms to siting standards for the type of facility being proposed.

The Planning Commission, in making their recommendation, and the Board of County Commissioners, in approving a certificate of designation for a hazardous material facility, shall find:

1. The proposed use is an acceptable use in the applicable zone district;
2. The certificate of designation is consistent with the purposes of these standards and regulations and meets the intent of the Adams County Comprehensive Plan;
3. The certificate of designation will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards;
4. The certificate of designation is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the

immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the certificate of designation will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation;

5. The certificate of designation has addressed all off-site impacts;
6. The site is suitable for the certificate of designation, including adequate usable space, adequate access, and absence of environmental constraints;
7. There is a need for the facility in the County;
8. The applicant has documented his ability to comply with the health standards and operating procedures as provided by the Colorado Department of Health, the Tri-County Health Department, and other relevant agencies;
9. The site is accessible to Adams County residents and other potential users;
10. The proposed facility will comply with all applicable laws and regulations relating to air pollution, water pollution, and noise. When standards do not exist for regulating emissions from a particular type of facility, the County will consider whether the facility may impact health and welfare of the community based upon specific facility design and operating procedures;
11. The site conforms to siting standards for the type of facility being proposed; and
12. The certificate of designation complies with the requirements of C.R.S. §25-15-203.

2-02-03-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Board of County Commissioners shall issue a certificate of designation in conformance with the decision of the Board of County Commissioners and shall notify the Colorado Department of Health of the approval within five (5) days. The certificate of designation shall describe in detail the use allowed by the certificate, include all specific conditions applied by the Board of County Commissioners, and be accompanied by an official site plan and building elevations modified by the applicant to reflect the conditions of the certificate.

2-02-03-08 EFFECT OF APPROVAL

Issuance of a certificate of designation shall be deemed to authorize only the particular use and development plan for which it is issued. The applicant shall be subject to all other permits required by these standards and regulations to develop the land.

All conditions contained in the certificate of designation shall be binding upon the applicant, and any successors and assigns. The certificate of designation and its conditions shall limit and control the issuance and validity of certificates of occupancy, and shall restrict and limit the construction, location, use, and maintenance of all land and structures within the development. The Board of County Commissioners shall be required to sign the certificate of designation and have it recorded in the Office of the Adams County Clerk and Recorder.

2-02-04 CONSERVATION PLAN PERMIT

2-02-04-01 PURPOSE

The purpose of this section is to provide processing requirements for conservation plan permits in order to review, consider, approve, approve with modifications, or deny a request for permission to till fragile soils.

2-02-04-02 APPLICABILITY

All conservation plan permits must be processed in accordance with this section. A conservation plan permit is the only authorization under which fragile soils may be tilled.

2-02-04-03 WHO CAN INITIATE A CONSERVATION PLAN PERMIT

A conservation plan permit may be requested by, without limitation, the owner(s) of the property which is proposed to be tilled.

The applicant has the burden of proof to demonstrate the conservation plan permit fully complies with these standards and regulations, and meets the criteria for approval.

2-02-04-04 CONSERVATION PLAN PERMIT REVIEW PROCEDURES

A conservation plan permit may be approved by the Director of Community and Economic Development.

The processing of a conservation plan permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: Applicable. All items or documents required for a conservation plan permit as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development. The submittal shall include a recommendation from the appropriate Soil Conservation District Board obtained by the applicant after a hearing held by the appropriate Conservation District Board and after each owner abutting the property to be tilled was sent notice of the hearing at least ten (10) days prior to the scheduled hearing before the District Board.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Not applicable.
8. Standards: Not applicable.
9. Conditions of Approval: Applicable.
10. Amendments: Applicable.

2-02-04-05 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT

The Director of Community and Economic Development shall either issue or deny the issuance of a conservation plan permit within seven (7) days of receipt of the recommendation. The applicant, adjacent property owners, and Soil Conservation District shall be notified by mail of the Director of Community and Economic Development's decision within seven (7) days of the decision. The conservation plan permit shall describe in detail the proposed tillage plan allowed by the permit, and include all specific conditions applied by the Director of Community and Economic Development.

2-02-04-06 CRITERIA FOR APPROVAL

The Director of Community and Economic Development in issuing a conservation plan permit shall find:

1. The applicant has complied with the requirements of these standards and regulations.
2. The proposed conservation plan ensures that the tillage of the land for which the conservation plan permit is requested adequately controls wind and water erosion and minimizes any adverse impacts on surrounding property.

2-02-04-07 RECORDING AND VALIDITY OF THE PERMIT

The conservation plan permit approved by the Director of Community and Economic Development shall be recorded by the applicant with the Office of the Adams County Clerk and Recorder. Upon recording, the permit will be deemed valid and the applicant may begin to implement the conservation plan.

2-02-04-08 LAPSE OF APPROVAL

The conservation plan permit shall be valid for a period of five (5) years from the time such conservation plan permit is issued by the Director of Community and Economic Development. The permit shall not be considered valid and no tillage shall be permitted until the permit has been recorded in the Office of the Adams County Clerk and Recorder.

2-02-04-09 RENEWAL AND REVISION OF APPROVAL

Renewal applications shall be processed in the same manner as an initial application. An application for renewal shall be submitted prior to the lapse of approval of the initial permit.

2-02-05 CONTRACTOR REGISTRATION

2-02-05-01 REGISTRATION REQUIRED

Any contractor operating a business involving the construction, alteration, remodeling, repairing, or equipping of buildings or other structures, shall be registered as a contractor with Adams County. Those contractors performing work involving installation of underground utilities or construction of roads and streets and storm drainage facilities in Adams County are exempt from this registration requirement. However, other applicable standards and permits required by the County shall apply.

2-02-05-02 REGISTRATION PROCEDURE

2-02-05-02-01 *APPLICATION AND CERTIFICATE OF INSURANCE TO BE SUBMITTED*

Applications for contractor registration shall be submitted on forms provided by the Chief Building Official. Each application shall be accompanied by a certificate of insurance indicating the applicant has liability insurance coverage in an amount of at least one hundred thousand dollars (\$100,000) covering the type of registration requested.

2-02-05-02-02 *EXAMINATION WAIVED*

The Chief Building Official may register, without examination, applicants who are duly licensed under the laws of the State of Colorado, the City and County of Denver, and other counties, or municipalities within the State of Colorado for the licensing and the regulating of the plumbing trade, mechanical trade, building trade, etc., deemed by the Chief Building Official to be equivalent to the requirements of the County building code.

2-02-05-02-03 *REGISTRATION OF ELECTRICAL CONTRACTORS*

Electrical contractors shall be licensed by the State of Colorado and registered with the Chief Building Official before performing any electrical work within Adams County. Registrations shall be valid for one (1) year from the date of issuance.

2-02-05-02-04 *REGISTRATION OF PLUMBING CONTRACTORS*

Plumbing contractors shall be licensed by the State of Colorado and registered with the Chief Building Official before performing any plumbing work within Adams County. Registration shall be valid for one (1) year from the date of issuance.

2-02-05-02-05 *REGISTRATION OF ALL OTHER CONSTRUCTION CONTRACTORS*

All contractors performing work involving the construction, alteration, remodeling, repairing, or equipping of buildings or other structures in Adams County shall be licensed by the City and County of Denver, other counties, or municipalities within the State of Colorado. Registration shall be valid for one (1) year from the date of issuance.

2-02-05-03 CLASSIFICATION OF REGISTRATIONS

2-02-05-03-01 CLASS A REGISTRATION

To erect, add to, alter, or repair any building or structure, in all occupancy groups.

2-02-05-03-02 CLASS B REGISTRATION

To erect, add to, alter, or repair any building or structure not over two (2) stories in height, in group B, M, and R occupancies.

2-02-05-03-03 CLASS C REGISTRATION

To erect, add to, alter, or repair any building or structure of a non-structural nature, in group R and M occupancies.

2-02-05-03-04 CLASS D REGISTRATION

Any specialty contractor including, but not limited to, plumbing, electrical, siding, fences, glass and glazing, insulation, and heating.

2-02-05-04 EXPIRATION AND RENEWAL OF REGISTRATION

All registrations shall expire one (1) year from the date of issue. Application for renewal of registration shall follow the procedures for a new registration.

2-02-05-05 RESPONSIBILITY OF REGISTRATION

All registered contractors shall be responsible for work requiring a permit under the provisions of the County building code without limitation to the items as herein listed:

1. To provide minimum safety measures and equipment to protect workers and the public as proscribed by the County building code.
2. To present a registration card when requested by the Chief Building Official or his authorized representative.
3. To obtain a permit when required.
4. To construct faithfully without substantial departure from or disregard of drawings and specifications when such drawings and specifications have been filed and approved by the Department of Community and Economic Development.

5. To complete all work authorized on the permit issued under the authority of the County building code, unless good cause is shown.
6. To obtain inspection services when the same are required by the County building code.
7. To pay any fee assessed under the authority of the County building code.
8. To obey any order issued under the authority of the County building code.
9. To provide honest, factual and complete information on all applications for permits.

2-02-05-06 VALIDITY OF REGISTRATION

A change in name, business designation, or ownership of a registered contractor shall have the legal effect of operating without a valid registration. All such changes shall be reported by the registrant to the Department of Community and Economic Development within ten (10) days after such change occurs.

In the case where it is desired to change the name of a presently registered firm, partnership, or corporation where there is no change in ownership, a new license shall be issued under the new name, without charge, upon the surrender of the registration originally issued.

2-02-05-07 SUSPENSION OR REVOCATION OF REGISTRATION

2-02-05-07-01 AUTHORITY

The Chief Building Official may suspend or revoke a registration when the registrant commits one (1) or more of the following acts or omissions:

1. Failure to comply with any of the registrant's responsibilities as set forth herein.
2. Knowingly combining or conspiring with a person, firm or corporation by permitting one's registration to be used by such other person, firm or corporation.
3. By acting as agent, partner, associate or in any other capacity with person, firms or corporations to evade the provisions of the County building code.
4. Willfully refusing to correct the registrant's violation of any provision of the County building code, these standards and regulations, or other County requirements including provisions of development agreements or subdivision improvements agreements.

2-02-05-07-02 *PROCEDURE*

When any act or omission as herein enumerated is committed by a contractor, and the Chief Building Official deems such registration shall be suspended, the procedure shall be as follows:

1. The registrant shall be notified, in writing, by Certified Mail or by personal service, at least seven (7) days prior to the effective date of the suspension or revocation.
2. Upon the receipt of the notice, the registrant may request a hearing. Such request shall be in writing to the Chief Building Official within seven (7) days of the receipt of the notice.
3. If a hearing is requested by the registrant, the Chief Building Official shall set a time, date, and place for the hearing and shall so notify the registrant.
4. When a hearing is conducted, the registrant and other interested parties may be in attendance. The hearing shall be conducted in accordance with the procedures and requirements outlined in the bylaws of the Board of Appeals. The hearing shall be conducted by the Board of Appeals:
 - a. At the hearing, the Board of Appeals shall consider all the evidence presented and shall determine whether the suspension or revocation of the registrant was justified.
 - b. The burden of proof at said hearing shall be upon the Chief Building Official by a preponderance of the evidence.
 - c. The Board of Appeals shall issue a written order within ten (10) business days from the hearing date. The order or a copy thereof shall be available to the registrant at the Department of Community and Economic Development. The date of such availability shall be deemed the date of the order. Failure to issue an order within ten (10) business days from the date of the hearing shall be deemed to be a final order reversing the decision of the Chief Building Official.
 - d. If the registration is revoked, the contractor shall not be granted another registration for at least twelve (12) months after the date of revocation.

2-02-05-07-03 *TEMPORARY SUSPENSION*

A registrant shall not be permitted to perform any construction activities in Adams County after the effective date of the suspension or revocation by the Chief Building Official until the occurrence of one of the following circumstances:

1. The Board of Appeals rules the suspension or revocation was not justified;
2. The registrant posts a performance bond for the construction being performed, where applicable, or for five thousand dollars (\$5,000), whichever is the greater amount; or
3. The period of suspension expires.

2-02-05-08 PENALTIES

Any person, firm or corporation violates these regulations:

1. By performing in a business involving the construction, alteration, remodeling, repairing, or equipping of buildings or other structures or performing any other activity requiring the registration of contractors hereunder; and
2. Failing to register with the Chief Building Official of Adams County; or
3. Performing any of the activities requiring a registration while said registrant is suspended or revoked or without having first posted an adequate performance bond, when required under these regulations, is a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than one hundred dollars (\$100), or by imprisonment in the County jail for not more than ten (10) days, or by both such fine and imprisonment. Each day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, remodeled, used, or maintained in violation of these license registration regulations, the Board of County Commissioners, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus, or abatement to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, remodeling, maintenance, or use.

2-02-06 BIOSOLIDS APPLICATION PERMIT (DOMESTIC SLUDGE)

2-02-06-01 PURPOSE

The purpose of this section is to provide processing requirements for biosolids application permits in order to review, consider, approve, approve with modifications, or deny a request for permission to discharge or dispose of biosolids through land application.

2-02-06-02 APPLICABILITY

All biosolids application permits must be processed in accordance with this section. A biosolids application permit is the only authorization under which biosolids may be discharged or applied to land for disposal. *Land applications of sewage, sewage sludge, or septage are prohibited.*

***Adopted by the BOCC on December 13, 2010**

2-02-06-03 WHO CAN INITIATE A BIOSOLIDS APPLICATION PERMIT

A biosolids application permit may be requested by, without limitation, the owner(s) of the property where the biosolids are proposed to be discharged or disposed.

The applicant has the burden of proof to demonstrate the biosolids application permit fully complies with these standards and regulations, and meets the criteria for approval.

2-02-06-04 BIOSOLIDS APPLICATION PERMIT REVIEW PROCEDURES

A biosolids application permit may be approved by the Director of Community and Economic Development.

The processing of a biosolids application permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Applicable.
3. Development Application Submittal: Applicable. All items or documents required for a biosolids application permit as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development. The application will be reviewed by the Soil Conservation District according to their rules and regulations regarding standards required for acceptable farming practices and in accordance with the time schedule for review.

Upon receipt of a recommendation from the Soil Conservation District, the Director of Community and Economic Development shall either approve, deny, or conditionally approve the request based upon the Soil Conservation District's recommendation and compliance with County regulations.

4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid. The applicant shall contact all property owners within one (1) mile from the boundaries of the site where

sludge is to be placed as part of the information submitted to the Department of Community and Economic Development. The applicant shall survey residents to gauge their acceptance of biosolids being placed at the site.

In its review of the application materials the Director of Community and Economic Development shall:

- a. Contact the residents who responded negatively to the survey with a letter notifying the residents of the County's intent to issue a permit for the placing of biosolids.
 - b. Invite the residents to review the application and State rules and regulations in the County offices and provide comments with technical information relevant to the issuance of a biosolids permit.
 - c. Investigate and review comments of a technical nature, and if necessary, refer to the Colorado Department of Public Health and Environment for their review and determination.
5. Staff Report: Not applicable.
 6. Notice: Not applicable.
 7. Public Hearing: Not applicable.
 8. Standards: Applicable. The Director of Community and Economic Development shall make a determination of whether or not the application meets the criteria for approval.
 9. Conditions of Approval: Applicable. Conditions mitigating nuisance conditions related to the land placement of biosolids may be placed on the permit.
 10. Amendments: Applicable.

2-02-06-05 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT

Upon receipt of a complete application, the Director of Community and Economic Development shall either issue or deny the issuance of a biosolids application permit within forty-five (45) days of receipt of the complete application. The applicant shall be notified by mail of the Director of Community and Economic Development's decision within forty-five (45) days of the decision. The biosolids application permit shall describe in detail the proposed biosolids application allowed by the permit, including all specific conditions applied by the Director of Community and Economic Development. Applicants and residents may protest the decision of the Director of Community and Economic Development concerning the granting of a permit to apply biosolids before the Board of Adjustment as outlined in Section 2-02-16.

2-02-06-06 CRITERIA FOR APPROVAL

The Director of Community and Economic Development in issuing a biosolids application permit shall find:

1. The applicant has complied with the requirements of these standards and regulations.
2. The proposed biosolids application permit ensures the protection of ground and surface water quality and minimizes any adverse impacts on surrounding property.
3. The application is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to health, safety, or welfare of the inhabitants of the area and the County.
4. The application shall not result in excessive traffic, noise, vibration, dust, fumes, odors, or hours of operation after 10:00pm and before 6:00am on any day.
5. The applicant has obtained a Notice of Authorization for the Use and Distribution of Biosolids from the Colorado Department of Public Health and Environment.

2-02-06-07 RECORDING AND VALIDITY OF THE PERMIT

The biosolids application permit approved by the Director of Community and Economic Development shall be recorded by the applicant with the Office of the Adams County Clerk and Recorder. Upon recording the application, the permit will be deemed valid and the applicant may begin to apply the biosolids as provided for by the permit.

2-02-06-08 LAPSE OF APPROVAL

The biosolids application permit shall be valid unless the State permit lapses. The permit shall not be considered valid and no application shall be permitted until the permit has been recorded in the Office of the Adams County Clerk and Recorder.

2-02-07 FLOODPLAIN USE PERMIT

2-02-07-01 PURPOSE

The purpose of this section is to provide processing requirements for floodplain use permits in order to review, consider, approve, approve with modifications, or deny a request for permission to erect, move, place, or alter a structure or facility

within the flood control overlay zone district; place any fill within the flood control overlay zone district; store or process any materials or equipment within the flood control overlay zone district; or conduct certain land uses as described in Chapter 3 of these Standards and Regulations; or change a channel of a watercourse within the flood control overlay zone district.

2-02-07-02 APPLICABILITY

All floodplain use permits must be processed in accordance with this section. A floodplain use permit is the only authorization under which a structure may be erected, moved, placed, or altered within the flood control overlay zone district; fill may be placed within the flood control overlay zone district; materials or equipment may be stored or processed within the flood control overlay zone district; or a channel of a watercourse may be changed within the flood control overlay zone district.

2-02-07-03 WHO CAN INITIATE A FLOODPLAIN USE PERMIT

A floodplain use permit may be requested by, without limitation, the owner(s) of the property on which a structure is proposed to be erected, moved, placed, or altered within the flood control overlay zone district; fill is proposed to be placed within the flood control overlay zone district; materials or equipment are proposed to be stored or processed within the flood control overlay zone district; or a channel of a watercourse is proposed to be changed within the flood control overlay zone district.

The applicant has the burden of proof to demonstrate the floodplain use permit fully complies with these standards and regulations and meets the criteria for approval.

***Adopted by the BOCC on June 27, 2011.**

2-02-07-04 FLOODPLAIN USE PERMIT REVIEW PROCEDURES

A floodplain use permit may be approved by the Director of Community and Economic Development.

The processing of a floodplain use permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.

3. Development Application Submittal: Applicable. All items or documents required for a floodplain use permit as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. No notification of adjacent property owners is required. No application shall be processed if any taxes due are not paid.
5. Staff Report: Not applicable.
6. Notice: Not applicable.
7. Public Hearing: Not applicable. In substitution, an application for a floodplain use permit shall be reviewed and approved, approved with modifications, or denied by the Director of Community and Economic Development based on its compliance with any development plan and these standards and regulations.
8. Standards: Not applicable. In substitution, an application for a floodplain use permit shall be reviewed for compliance with any development plan, these standards and regulations, and all floodplain regulations adopted by the County.
9. Conditions of Approval: Applicable.
10. Amendments: Not applicable. In substitution, an amendment to a floodplain use permit may be authorized by the Director of Community and Economic Development provided the floodplain use permit remains in compliance with all applicable standards and regulations.

2-02-07-05 CRITERIA FOR APPROVAL

The Director of Community and Economic Development in issuing a floodplain use permit shall find:

1. The floodplain use permit is consistent and complies with the requirements of these standards and regulations and any applicable development plans or conditional use permits.

2-02-07-06 LAPSE OF APPROVAL

The floodplain use permit shall be valid for a period of six (6) months from the time such floodplain use permit is issued unless fully and properly acted upon and completed.

2-02-07-07 EXTENSION OF APPROVAL

One six (6) month extension may be granted by the Director of Community and Economic Development. In order to be eligible for an extension, the applicant shall file a request for extension with the Director of Community and Economic Development at least thirty (30) days prior to the date the floodplain use permit would lapse.

2-02-08 CONDITIONAL USE PERMIT

2-02-08-01 PURPOSE

The purpose of this section is to detail the steps for obtaining a conditional use permit. Conditional uses are those uses which are presumptively compatible with other land uses authorized or permitted in a zone district, but, if approved, which require more discretionary review than those uses which are authorized. In addition to meeting applicable performance standards, conditional uses may require the imposition of conditions in order to ensure the number of conditional uses and their location, design, and configuration are appropriate at a particular location.

2-02-08-02 APPLICABILITY

All uses that require a conditional use permit must be processed in accordance with this section. Only the Board of County Commissioners may, after recommendation of the Planning Commission, adopt a resolution approving a conditional use to locate in accordance with these standards and regulations. Only those uses that are authorized as conditional uses in a zone district may be approved. The designation of a use as a conditional use does not constitute an authorization or an assurance that such a use will be approved.

2-02-08-02-01 *INERT FILLS APPLICABILITY*

Inert material fills meeting the following criteria may obtain a conditional use permit issued in accordance with the procedures outlined in this chapter.

1. Total amount of inert fill material is over 500,000 cubic yards.
2. Time to completion of filling operation is greater than 365 days.
3. Fill material to be used meets the definition of inert fill as defined in Chapter 11.
4. Site operator has sole discretion over the source of fill material.
5. Fill material is not likely to contaminate ground water.*

*

2-02-08-03 WHO CAN INITIATE A CONDITIONAL USE PERMIT REQUEST

A conditional use permit may be requested by, without limitation, any owner or person having an interest in the property on which the conditional use is proposed to be located. The applicant has the burden of proof to demonstrate the use fully complies with these standards and regulations and meets the criteria for approval.

2-02-08-04 CONDITIONAL USE PERMIT REVIEW PROCEDURES

A conditional use permit may be approved by the Board of County Commissioners by resolution. Any proposed conditional use permit shall be processed through a public hearing before the Planning Commission, which shall provide a recommendation to the Board of County Commissioners (See Steps 1 through 10 below). Upon completion of a hearing by the Planning Commission, the application for a conditional use permit and the recommendation of the Planning Commission shall be forwarded to the Board of County Commissioners. The Board of County Commissioners shall, after receiving a recommendation from the Planning Commission, hold a public hearing. The Board of County Commissioners shall then approve, approve with conditions, or deny the conditional use permit based on consideration of the staff report, the Planning Commission's recommendation and findings, the evidence from the public hearings, and the conditional use permit's compliance with the criteria for approval.

2-02-08-05 CONDITIONAL USE PERMIT REVIEW STEPS

The processing of a proposed conditional use permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Optional, unless the Director of Community and Economic Development determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for conditional use permits as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least fifty (50) days prior to the first unfilled Planning Commission public hearing agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.

5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before both the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of County Commissioners in approving a conditional use permit may attach any conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses. The Board of County Commissioners in approving a conditional use permit may condition the approval on one or more of the following:
 - a. A requirement to ensure development proceeds in accordance with a specific site plan and/or development schedule.
 - b. A requirement of public dedication of rights-of-way for roads, alleys, public ways, drainage and public facilities, and the installation of off-site improvements as are reasonably required by or related to the effect of the Zoning Map amendment.
 - c. A requirement to ensure design and mitigation measures be put in place including, but not limited to, limits on the hours of operation and traffic generating uses; improvements to on-site and off-site pedestrian, bicycle, and vehicular circulation; alternative access or open space provisions to address site capacity and resource protection issues; controls on noise, light, odors and other potential nuisances; measures to protect and improve the aesthetic value of high traffic areas; requirements to protect air and water quality; construction of fencing and planting of landscaping; restrictions on signage and outdoor lighting; changes in off-street parking layout and design; restrictions concerning the building bulk, height, setback, location, and external appearance; stipulations concerning adequate storm drainage or utilities; and limits on the duration of the conditional use permit.
10. Amendments: Applicable.

2-02-08-06 CRITERIA FOR APPROVAL

The Planning Commission, in making their recommendation, and the Board of County Commissioners, in approving a conditional use permit, shall find:

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.

3. The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.
5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

2-02-08-07 ADDITIONAL CRITERIA FOR APPROVAL

The Planning Commission, in making their recommendation, and the Board of County Commissioners, in approving a conditional use permit for solid waste transfer stations, solid waste composting facilities, scrap tire recycling facilities, inert fills, or outdoor storage shall find:

2-02-08-07-01 *SOLID WASTE TRANSFER STATION CRITERIA FOR APPROVAL*

1. There is a need for the facility for the benefit of Adams County.
2. The request is compatible with the Adams County Comprehensive Plan, complies with the minimum zoning requirements of the zone district in which the Conditional Use Permit is to be granted, and complies with all other applicable requirements of the Adams County Zoning and Subdivision Regulations.
3. The applicant has documented his ability to comply with the health standards and operating procedures as provided by the Colorado Department of Public Health and Environment, Tri-County Health Department, Fire District, and other relevant agencies.

4. The proposed facility will not cause significant traffic congestion or traffic hazards.
5. The request is compatible with the surrounding area.
6. The site is accessible to Adams County residents and other potential users.
7. The site will not impact health and welfare of the community based upon specific facility design and operating procedures.

2-02-08-07-02

SOLID WASTE COMPOSTING FACILITIES CRITERIA FOR APPROVAL

1. There is a need for the facility for the benefit of Adams County.
2. The request is compatible with the Adams County Comprehensive Plan, complies with the minimum zoning requirements of the zone district in which the Conditional Use Permit is to be granted, and complies with all other applicable requirements of the Adams County Zoning and Subdivision Regulations.
3. The applicant has documented his ability to comply with the health standards and operating procedures as provided by the Colorado Department of Public Health and Environment, Tri-County Health Department, Fire District, and other relevant agencies.
4. The proposed facility will not cause significant traffic congestion or traffic hazards.
5. The request is compatible with the surrounding area.
6. The site is accessible to Adams County residents and other potential users.
7. The site will not impact health and welfare of the community based upon specific facility design and operating procedures.

2-02-08-07-03

RECYCLING FACILITIES, INCLUDING SCRAP TIRE, CRITERIA FOR APPROVAL

1. There is a need for the tire recycling operation for the benefit of Adams County and the proposed end use of the recycled material is a viable marketable material.
2. The request is compatible with the Adams County Comprehensive Plan, complies with the minimum zoning requirements of the zone district in which the Conditional Use Permit is to be granted, and complies with all other applicable requirements of the Adams County Zoning and Subdivision Regulations.
3. The applicant has documented his ability to comply with the health standards and operating procedures as provided by the Colorado

Department of Public Health and Environment, Tri-County Health Department, Fire District, and other relevant agencies.

4. The proposed facility will not cause significant traffic congestion or traffic hazards.
5. The request is compatible with the surrounding area.
6. The site will not impact health and welfare of the community based upon specific tire recycling facility design and operating procedures.

2-02-08-07-04 *INERT FILLS CRITERIA FOR APPROVAL*

1. There is a need for the inert filling operation for the benefit of Adams County.
2. The request is compatible with the Adams County Comprehensive Plan, complies with the minimum zoning requirements of the zone district in which the Conditional Use Permit is to be granted, and complies with all other applicable requirements of the Adams County Zoning and Subdivision Regulations.
3. The applicant has documented his ability to comply with the health standards and operating procedures as provided by the Colorado Department of Public Health and Environment, Tri-County Health Department, Fire District, and other relevant agencies.
4. The proposed inert fill will not cause significant traffic congestion or traffic hazards.
5. The request is compatible with the surrounding area.
6. The site will not impact health and welfare of the community based upon specific fill design and operating procedures.

2-02-08-07-05 *OUTDOOR STORAGE CRITERIA FOR APPROVAL*

1. There is a need for the outdoor storage operation for the benefit of Adams County.
2. The request is compatible with the Adams County Comprehensive Plan, complies with the minimum zoning requirements of the zone district in which the Conditional Use Permit is to be granted, and complies with all other applicable requirements of the Adams County Zoning and Subdivision Regulations.
3. The proposed outdoor storage is clearly subordinate to a principal use of the property.
4. Aesthetic concerns have been taken into consideration during the site design and placement of the outdoor storage.

2-02-08-07-06 SOLID WASTE RECYCLING FACILITIES CRITERIA FOR APPROVAL

1. There is a need for the facility and it will provide a benefit to Adams County.
2. The request is compatible with the Adams County Comprehensive Plan, complies with the minimum zoning requirements of the zone district in which the Conditional Use Permit is to be granted, and complies with all other applicable requirements of the Adams County Zoning and Subdivision Regulations.
3. The applicant has documented his ability to comply with the health standards and operating procedures as provided by the Colorado Department of Public Health and Environment, Tri-County Health Department, Fire District, and other relevant agencies.
4. The proposed facility will not cause significant traffic congestion or traffic hazards.
5. The request is compatible with the surrounding area.
6. The site is accessible to Adams County residents and other potential users.
7. The site will not adversely impact health and welfare of the community based upon specific design and operating procedures.

2-02-08-08 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall issue a conditional use permit in conformance with the decision of the Board of County Commissioners. The conditional use permit shall describe in detail the conditional use allowed by the permit, include all specific conditions applied by the Board of County Commissioners, and be accompanied by an official site plan and building elevations modified by the applicant to reflect the conditions of the permit.

2-02-08-09 EFFECT OF APPROVAL

Issuance of a conditional use permit shall be deemed to authorize only the particular use and development plan for which it is issued. The conditional use permit shall run with the land. The applicant shall be subject to all other permits required by these standards and regulations to develop the land.

All conditions contained in the conditional use permit shall be binding upon the applicant, and any successors and assigns. The conditional use permit and its conditions shall limit and control the issuance and validity of certificates of

occupancy, and shall restrict and limit the construction, location, use, and maintenance of all land and structures within the development. The applicant shall be required to sign the conditional use permit and have it recorded in the Office of the Adams County the Clerk and Recorder.

If at the expiration of one (1) year, a building permit has not been issued for the use for which the conditional use permit was approved or the approved conditional use has not been established, the conditional use permit shall expire and the use of the property shall revert to its formerly allowed uses without action by the Board of County Commissioners.

2-02-08-10 EXTENSION OF APPROVAL

An extension of time to obtain a building permit for the approved conditional use or to establish the approved conditional use may be granted by the Planning Commission. In order to be eligible for an extension, the applicant shall file an application for extension with the Director of Community and Economic Development at least thirty (30) days prior to the end of the reversion period. A progress report and revised schedule shall be submitted with the request for extension. An extension may be granted only if the Planning Commission finds that:

1. The applicant has maintained a continuous good faith effort in commencing the activity including, but not limited to, preparing financing, securing state or federal permits, undertaking engineering and design, etc.; and
2. Conditions near the site, these standards and regulations, and the Adams County Comprehensive Plan have not changed in a way to render the original findings erroneous.

2-02-09 URBAN RENEWAL PLAN*

2-02-09-01 PURPOSE

The purpose of this section is to detail the steps to follow for the adoption of an urban renewal plan pursuant to Section 31-25-112.5, C.R.S., which allows a City and County to cooperate in the development and redevelopment of an area subject to the provisions of the Colorado Urban Renewal Law. An urban renewal plan, urban renewal project, or urban renewal area may include unincorporated territory that is outside the boundaries of a municipality but contiguous to a portion of the urban renewal area located within the municipality. No such territory shall be included in the plan, project, or area without the consent of the Board of County Commissioners and the consent of each owner of, and each holder of a recorded

mortgage or deed of trust encumbering, real property within the unincorporated area proposed for inclusion

2-02-09-02 APPLICABILITY

All urban renewal plans approved for land within unincorporated Adams County must be processed in accordance with this section. The Board of County Commissioners may, after recommendation of the Planning Commission, adopt an urban renewal plan. This process shall be applicable to land within unincorporated areas only. Lands that have been annexed into municipalities shall only be subject to the applicable sections of the local municipal codes and Colorado state law.

2-02-09-03 WHO CAN INITIATE THE ADOPTION OF AN URBAN RENEWAL PLAN

The adoption of an urban renewal plan may be proposed, without limitation, by the Planning Commission, the Board of County Commissioners, or the owner(s) of the property to be included.

In addition, a municipality or urban renewal authority may propose an urban renewal plan.

No area that has been designated as an urban renewal area shall contain any agricultural land unless:

- The agricultural land is a brownfield site;
- Not less than one-half of the urban renewal area as a whole consists of parcels of land containing urban-level development that, at the time of the designation of such area, are determined to constitute a slum or blighted area, or a combination thereof, in accordance with state statute and not less than two-thirds of the perimeter of the urban renewal area as a whole is contiguous with urban-level development as determined at the time of the designation of such area;
- The agricultural land is an enclave within the territorial boundaries of a municipality and the entire perimeter of the enclave has been contiguous with urban-level development for a period of not less than three years as determined at the time of the designation of the area;
- Each public body that levies an ad valorem property tax on the agricultural land agrees in writing to the inclusion of the agricultural land within the urban renewal area; or
- The agricultural land was included in an approved urban renewal plan prior to June 1, 2010.
- Or as otherwise allowed by state statute.

Where an authority intends to acquire private property by eminent domain within the urban renewal area to be subsequently transferred to a private party in accordance with the requirements of section 31-25-105.5 (2), the governing body, prior to the commencement of the acquisition of such property, shall first hold a public hearing on the use of eminent domain as a means to acquire such property after written notice of the time, date, place, and purpose of the hearing has been provided to each owner of property within the urban renewal area at least thirty days prior to the date of the hearing. In order to authorize the use of eminent domain as a means to acquire property, the Board of County Commissioners shall base its decision on such authorization on a finding of blighted or slum conditions without regard to the economic performance of the property to be acquired

2-02-09-04 URBAN RENEWAL PLAN PROCEDURES

An urban renewal plan may be approved by the Board of County Commissioners by resolution. Any proposed urban renewal plan shall be processed through a public hearing before the Planning Commission for a determination as to the conformity of the urban renewal plan with the Adams County Comprehensive Plan. The Planning Commission shall also provide a recommendation as to the adoption of the plan to the Board of County Commissioners (See Steps 1 through 10 below). Upon completion of a hearing by the Planning Commission, the urban renewal plan and recommendation of the Planning Commission shall be forwarded to the Board of County Commissioners. The Board of County Commissioners shall, after receiving a recommendation from the Planning Commission, hold a public hearing. The Board of County Commissioners shall then approve, approve with conditions, or deny the adoption of the urban renewal plan based on consideration of the staff report, the Planning Commission's recommendation and findings, the evidence from the public hearings, and the urban renewal plan's compliance with the criteria for approval.

2-02-09-05 URBAN RENEWAL PLAN REVIEW STEPS

The processing of an urban renewal plan shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Required.
3. Development Application Submittal: All items or documents required for the urban renewal plan as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development.

4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable. Notice shall comply with Section 31-25- 112.5 and Section 31-25-107, C.R.S., as well as the notice requirements within Section 2-01-06 of these regulations. The Board of County Commissioners shall hold a public hearing on an urban renewal plan or substantial modification of an approved urban renewal plan no less than thirty days after public notice thereof by publication in a newspaper having a general circulation in the County. The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal plan under consideration.
7. Public Hearing: Applicable. A public hearing shall be held before both the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of County Commissioners in approving an urban renewal plan may attach conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses.
10. Amendments: Applicable.

2-02-09-06 CRITERIA FOR APPROVAL

2-02-09-06-01 *URBAN RENEWAL PLAN ADOPTION*

The Planning Commission, in making their recommendation shall find:

1. The proposal is consistent with the goals and policies of the Adams County Comprehensive Plan.
2. The proposal is consistent and/or compatible with the land use, transportation, and open space maps in the Adams County Comprehensive Plan.
3. The proposal advances the health, safety, and welfare of the citizens and property owners of Adams County.
4. The land use designation within the Adams County Comprehensive Plan is consistent with the Urban Renewal Plan.

The Board of County Commissioners, in approving an urban renewal plan amendment shall find:

1. The Urban Redevelopment Area described in the Plan is found and declared to be a blighted area as defined in the Colorado Urban Renewal Law. This is a legislative finding by the Board of County Commissioners based upon the Blight Study and other evidence presented to Board of County Commissioners.
2. It is proper to include the unincorporated land located in Adams County and described as follows within the plan.
3. The Adams County Planning Commission has determined that the Plan conforms to the Adams County Comprehensive Plan, which is the general plan for development of Adams County as a whole.
4. The boundaries of the Urban Redevelopment Area have been drawn as narrowly as feasible to accomplish the planning and development objectives of the Plan.
5. The applicable school district has been permitted to participate in an advisory capacity with respect to the inclusion in the Plan of the tax allocation provisions authorized by Section 31-25-107(9) of the Colorado Urban Renewal Law, and the Authority will consult further with such school district as part of the financial planning for the activities and undertakings of the Authority pursuant to the Plan.
6. No relocation of individuals and families will be required in connection with the Plan.

OR

A feasible method exists for the relocation of individuals and families who will be displaced by the urban renewal project in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such individuals and families;

7. No relocation of business concerns will be required in connection with the Plan.

OR

A feasible method exists for the relocation of business concerns that will be displaced by the urban renewal project in the urban renewal area or in other areas that are not generally less desirable with respect to public utilities and public and commercial facilities.

8. The Authority has taken reasonable efforts to provide written notice of

the public hearing prescribed by Section 31-25-107(3) of the Act to all property owners, residents and owners of business concerns in the proposed Urban Renewal Area at their last known addresses at least thirty days prior to the public hearing on the Plan.

9. The provisions of Section 31-25-107(9) of the Colorado Urban Renewal Law shall apply to the unincorporated territory of Adams County included in the Urban Renewal Area and the County Administrator is directed to arrange for the notification of the County Assessor as required by law.
10. Section 31-25-107(4)(d) of the Colorado Urban Renewal Law does not apply because no more than 120 days have passed since the commencement of the public hearing on the Plan.
11. Section 31-25-107(4)(e) of the Colorado Urban Renewal Law does not apply because there has been no previous failure to approve this Plan.

OR

If the urban renewal plan contains property that was included in a previously submitted urban renewal plan that the governing body failed to approve pursuant to this section, at least twenty-four months shall have passed since the commencement of the prior public hearing concerning such property pursuant to subsection (3) of this section unless substantial changes have occurred since the commencement of such hearing that result in such property constituting a blighted area pursuant to section 31-25-103

12. The Plan will afford maximum opportunity, consistent with the sound needs of the County as a whole, for the rehabilitation or redevelopment of the Urban Renewal Area by private enterprise.
13. Agreements are in place to finance any additional County infrastructure and services required to serve development within the Urban Renewal Area for the period in which all or any portion of the property taxes levied by the County are paid to the Authority.
14. No land acquisition by eminent domain is contemplated by the Plan at this time.

OR

All applicable requirements of state statute regarding the use of eminent domain have been satisfied.

15. The Urban Renewal Plan does not consist of any area of open land which is to be developed for residential uses.

OR

A shortage of housing of sound standards and design which is decent, safe, and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas (including other portions of the urban renewal area); that the conditions of blight in the urban renewal area and the shortage of decent, safe, and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality.

16. To the extent that the Urban Renewal Area described in the Plan may consist of open land, the nonresidential uses under the Plan are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives.
17. The property owner(s) in the Urban Renewal Area have consented to inclusion of its land in the Urban Redevelopment Area.
18. The Urban Renewal Plan has been duly reviewed and considered and is hereby approved.

2-02-09-06-02 *URBAN RENEWAL PLAN AMENDMENTS*

An urban renewal plan may be modified at any time; but, if modified after the lease or sale by the authority of real property in the urban renewal project area, such modification shall be subject to such rights at law or in equity as a lessee or purchaser or his successor in interest may be entitled to assert.

Any proposed modification for lands within Unincorporated Adams County shall be submitted to the Board of County Commissioners, the applicable urban renewal authority, and the City Council of the applicable municipality for a resolution as to whether or not such modification will substantially change the urban renewal plan in land area, land use, design, building requirements, timing, or procedure, as previously approved, and, if it finds that there will be a substantial change, its approval of such modification shall be subject to the

requirements of this section. A modification shall be approved by the Board of County Commissioners, the City Council of the applicable municipality, and the applicable urban renewal authority.

2-02-09-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall cause to have filed a copy of the Board of County Commissioners' resolution granting approval.

The County Administrator shall arrange for the notification of the County Assessor as required by law.

2-02-10 PLANNED UNIT DEVELOPMENT

2-02-10-01 PURPOSE / OBJECTIVES

The purpose of this section is to detail the steps for obtaining a Zoning Map amendment for a Planned Unit Development (P.U.D.) which may or may not involve a division of land. The Standard P.U.D. process requires a minimum of two (2) approvals prior to development of a site, a Preliminary Development Plan (PDP) and Final Development Plan (FDP).

In accordance with the Planned Unit Development Act of 1972, the objective of a Planned Unit Development is to establish an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational, or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk, or type of use, density, lot coverage, open space, or other restriction to the existing land use regulations.

2-02-10-01-01 PRELIMINARY DEVELOPMENT PLAN (PDP)

The Preliminary Development Plan establishes vested rights to develop a property in accordance with the plan. Approval of a PDP does not allow for construction. Minor site preparation may be allowed as determined by the Director of Community and Economic Development. The PDP should include the proposed land uses, the layout of landscaping, circulation, architectural elevations, buildings and, if required, a preliminary plat.

2-02-10-01-02 *FINAL DEVELOPMENT PLAN (FDP)*

The Final Development Plan is the site specific development plan which describes and establishes the type and intensity of uses for a specific parcel or parcels of land. The Final Development Plan includes a final subdivision plat, development agreement, and utility plan, as well as any detailed engineering that may be required. Approval of a FDP establishes a vested right to develop property in accordance with the plan.

2-02-10-01-03 *OVERALL DEVELOPMENT PLAN (ODP)*

For P.U.D. Zoning Map amendments involving two (2) or more separate Preliminary Development Plans, an Overall Development Plan is also required for review and approval prior to submittal of the first Preliminary Development Plan. The Overall Development Plan establishes general planning and development control parameters for projects developed in phases with multiple submittals while allowing sufficient flexibility to permit detailed planning in subsequent submittals. Approval of an ODP does not establish any vested right to develop a property in accordance with the plan.

Each successive development application builds on the previously approved application by providing additional details and meeting additional restrictions and standards.

2-02-10-02 *OVERALL DEVELOPMENT PLAN (ODP)*

2-02-10-02-01 *PURPOSE*

The purpose of this section is to detail the steps for establishing general planning and development control parameters for projects developed in phases with multiple submittals while allowing sufficient flexibility to permit detailed planning in subsequent submittals. Approval of an Overall Development Plan (ODP) does not establish any vested right to develop property in accordance with the plan.

2-02-10-02-02 *APPLICABILITY*

An ODP shall be required for any property intended for development over time in two (2) or more separate preliminary Development Plan submittals.

2-02-10-02-03 *WHO CAN INITIATE AN OVERALL DEVELOPMENT PLAN (ODP)*

An ODP shall be proposed by, without limitation, the owner(s) of the property within the boundaries of the proposed ODP.

The applicant has the burden of proof to demonstrate the ODP fully complies with these standards and regulations and meets the criteria for approval.

2-02-10-02-04

OVERALL DEVELOPMENT PLAN REVIEW PROCEDURES

An ODP may be approved by the Board of County Commissioners by resolution. Any ODP shall be processed through a public hearing before the Planning Commission, which shall provide a recommendation to the Board of County Commissioners (See Steps 1 through 10 below). Upon completion of a hearing by the Planning Commission, the ODP and recommendation of the Planning Commission shall be forwarded to the Board of County Commissioners. The Board of County Commissioners shall, after receiving a recommendation from the Planning Commission, hold a public hearing. The Board of County Commissioners shall then approve, approve with conditions, or deny the ODP based on consideration of the staff report, the Planning Commission's recommendation and findings, the evidence from the public hearings, and the ODP compliance with the criteria for approval.

The processing of an ODP shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Applicable. All P.U.D.s shall be subject to a neighborhood meeting.
3. Development Application Submittal: All items or documents required for an ODP as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development. Once the application has been determined to be complete, the application shall be scheduled for public hearing before the Board of County Commissioners within sixty (60) days of notice of public hearing. Written notices shall be mailed at least fifteen (15) days prior to the first public hearing date concerning the application. All other factors of the Common Development Review Procedures within Chapter 2 shall be followed.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.

9. Conditions of Approval: Applicable. The Board of County Commissioners in approving an ODP may attach conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses.

10. Amendments: Applicable.

2-02-10-02-05

CRITERIA FOR APPROVAL

The Planning Commission in making their recommendation and the Board of County Commissioners in approving an ODP shall find:

1. The ODP is in general conformity with the Adams County Comprehensive Plan and any applicable area plan.
2. The ODP is consistent with the purpose of these standards and regulations.
3. The ODP is compatible or designed to mitigate externalities with the existing or allowed land uses adjacent to the proposed ODP.
4. The ODP conforms to the Adams County Transportation Plan and will not negatively impact utilities or traffic in the area or otherwise have a detrimental impact on property in sufficient proximity to the proposed development to be affected by it.
5. The ODP is consistent with any applicable drainage plans.
6. The ODP allows for the regulation of use and development of land and buildings where specific issues or concerns must be mitigated due to unusual and unique circumstances; or where alternative design concepts are desired; or are necessary to mitigate specific conditions.
7. The ODP is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.

2-02-10-02-06

ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall file a copy of the approved ODP in the office of the Department of Community and Economic Development. The Director of

Community and Economic Development shall not change the official Zoning Map, but shall note the date of approval and case number on the map to facilitate tracking.

2-02-10-02-07 *LAPSE OF APPROVAL*

The ODP approval shall lapse one (1) year from the date of approval if a preliminary Development Plan is not submitted.

2-02-10-02-08 *EXTENSION OF APPROVAL*

A ninety (90) day extension of the ODP to allow the applicant to submit the preliminary Development Plan may be granted by the Planning Commission. In order to be eligible for an extension, the applicant shall file an application for extension with the Director of Community and Economic Development at least thirty (30) days prior to the date the ODP would lapse. A progress report and revised schedule shall be submitted with the request for extension. An extension may only be granted if the Planning Commission finds:

1. The applicant has maintained a continuous effort in good faith in preparing a preliminary Development Plan including, but not limited to, preparing financing, securing state or federal permits, undertaking engineering and design, etc.; and
2. Conditions near the site, these standards and regulations, and the Adams County Comprehensive Plan have not changed in a way to render the original findings erroneous.
3. An ODP shall be limited to one ninety (90)-day extension.

2-02-10-03 *PRELIMINARY DEVELOPMENT PLAN (PDP)*

2-02-10-03-01 *PURPOSE*

The purpose of this section is to detail the steps for establishing the requirements for approval of the proposed land uses, the layout of landscaping, circulation, architectural elevations, buildings and, if required, a preliminary plat within a Preliminary Development Plan (PDP). Approval of a PDP establishes vested rights to develop property in accordance with the plan.

2-02-10-03-02 *APPLICABILITY*

A PDP shall be required for any property that is intended to be developed as a Planned Unit Development. The PDP application shall be accompanied by an application to rezone the property to the PUD zone district.*

Amended by the BoCC on January 28, 2013

2-02-10-03-03 *WHO CAN INITIATE A PRELIMINARY DEVELOPMENT PLAN (PDP)*

A PDP may be proposed by, without limitation, the owner(s) of the property within the boundaries of the proposed PDP.

The applicant has the burden of proof to demonstrate the PDP fully complies with these standards and regulations and meets the criteria for approval.

2-02-10-03-04 *PRELIMINARY DEVELOPMENT PLAN REVIEW PROCEDURES*

A PDP shall be approved by the Board of County Commissioners by resolution. Any PDP shall be processed through a public hearing before the Planning Commission, which shall provide a recommendation to the Board of County Commissioners (See Steps 1 through 10 below). Upon completion of a hearing by the Planning Commission, the PDP and recommendation of the Planning Commission shall be forwarded to the Board of County Commissioners. The Board of County Commissioners shall, after receiving a recommendation from the Planning Commission, hold a public hearing. The Board of County Commissioners shall then approve, approve with conditions, or deny the PDP based on consideration of the staff report, the Planning Commission's recommendation and findings, the evidence from the public hearings, and the PDP compliance with the criteria for approval.

The processing of a PDP shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Applicable. All PDPs shall be subject to a neighborhood meeting.
3. Development Application Submittal: All items or documents required for a PDP as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development. An application for rezoning from the traditional zone district to the Planned Unit Development zone district shall also be submitted at this time. Once the application has been determined to be complete, the application shall be scheduled for public hearing before the Board of County Commissioners within sixty (60) days of notice of public hearing. Written notices shall be mailed at least fifteen (15) days prior to the first public hearing date concerning the application. All other factors of the Common Development Review Procedures within Chapter 2 shall be followed.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.

6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of County Commissioners in approving a PDP may attach conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses.
10. Amendments: Applicable.

2-02-10-03-05

CRITERIA FOR APPROVAL

The Planning Commission in making their recommendation and the Board of County Commissioners in approving a PDP shall find:

1. The PDP is in general conformity with the Adams County Comprehensive Plan and any -applicable area plan.
2. The PDP is consistent with the purposes of these standards and regulations.
3. The PDP is compatible or designed to mitigate externalities with the existing or allowed land uses adjacent to the proposed PDP.
4. The PDP conforms to the Adams County Transportation Plan and will not negatively impact utilities or traffic in the area or otherwise have a detrimental impact on property in sufficient proximity to the proposed development to be affected by it.
5. The PDP is consistent with any applicable drainage plans.
6. The PDP allows for the regulation of use and development of land and buildings where specific issues or concerns must be mitigated due to unusual and unique circumstances; or where alternative design concepts are desired; or are necessary to mitigate specific conditions.
7. The PDP is consistent with any approved ODP for the property.
8. The PDP is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. The proposed development has established an adequate level of compatibility by:

- a. Incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use;
- b. Incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County;
- c. Incorporating physical design features in the development to provide a transition between the project and adjacent land uses through the provision of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures;
- d. Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design;
- e. Incorporating public facilities or infrastructure, or cash-in-lieu, reasonably related to the proposed development so the proposed development will not negatively impact the levels of service of the County services and facilities; and
- f. Incorporating an overall plan for the design of the streetscape within the project, including landscaping, auto parking, bicycle and pedestrian circulation, architecture, placement of buildings, and street furniture.

2-02-10-03-06

ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall file a copy of the approved PDP in the office of the Department of Community and Economic Development and shall make the approved changes to the Official County Zone District Maps indicating the change to the P.U.D. zone district. No construction activities shall be permitted, except for minor site preparation, as determined by the Director of Community and Economic Development, until the Final Development Plan is approved by the Board of County Commissioners.

2-02-10-03-07

LAPSE OF APPROVAL

The PDP approval shall lapse three (3) years from the date of approval if a Final Development Plan is not submitted. If the PDP approval lapses prior to

the submittal of a Final Development Plan, future development of the property shall require rezoning in accordance with these regulations.*

Amended by the BoCC on January 28, 2013

2-02-10-03-08 *EXTENSION OF APPROVAL*

A one (1)-year extension may be granted by the Planning Commission. However, the Planning Commission may approve a shorter time period for the extension. In order to be eligible for an extension, the applicant shall file an application for extension with the Director of Community and Economic Development at least thirty (30) days prior to the date the PDP would lapse. A progress report and revised schedule shall be submitted with the request for extension. An extension may only be granted if the Planning Commission finds:

1. The applicant has maintained a continuous effort in good faith in preparing a Final Development Plan including, but not limited to, preparing financing, securing state or federal permits, undertaking engineering and design, etc.; and
2. Conditions near the site, these standards and regulations, and the Adams County Comprehensive Plan have not changed in a way to render the original findings erroneous.
3. A PDP shall be limited to a one (1)-year extension.

2-02-10-04 *FINAL DEVELOPMENT PLAN (FDP)*

2-02-10-04-01 *PURPOSE*

The purpose of this section is to provide processing requirements for the site specific development plan which describes and establishes the type and intensity of uses for a specific parcel or parcels of land. The Final Development Plan (FDP) includes a final subdivision plat, development agreement, and utility plan, as well as any additional plans, studies, or reports the County may require. Approval of a FDP establishes a vested right to develop property in accordance with the Plan.

2-02-10-04-02 *APPLICABILITY*

A FDP shall be required for any property that is intended to be developed as a Planned Unit Development.

2-02-10-04-03 *WHO CAN INITIATE A FINAL DEVELOPMENT PLAN (FDP)*

A FDP may be proposed by, without limitation, the owner(s) of the property within the boundaries of the proposed FDP.

The applicant has the burden of proof to demonstrate the FDP fully complies with these standards and regulations and meets the criteria for approval.

2-02-10-04-04 *FINAL DEVELOPMENT PLAN REVIEW PROCEDURES*

A FDP shall be approved by the Board of County Commissioners by resolution. Any FDP shall be processed through a public hearing before the Board of County Commissioners (See Steps 1 through 10 below). The Board of County Commissioners shall then approve or deny the FDP based on consideration of the staff report, the evidence from the public hearing, and the FDP compliance with the criteria for approval.

The processing of a FDP shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Not applicable.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a FDP as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development. Once the application has been determined to be complete, the application shall be scheduled for public hearing before the Board of County Commissioners within sixty (60) days of notice of public hearing. Written notices shall be mailed at least fifteen (15) days prior to the first public hearing date concerning the application. All other factors of the Common Development Review Procedures within Chapter 2 shall be followed.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of County Commissioners, where the application may be placed on the consent calendar.
8. Standards: Applicable.
9. Conditions of Approval: Applicable.

10. Amendments: Applicable.

2-02-10-04-05 *CRITERIA FOR APPROVAL*

The Board of County Commissioners in approving an FDP shall find:

1. The FDP is in general conformity with the Adams County Comprehensive Plan and any applicable area plan.
2. The FDP conforms to the P.U.D. standards.
3. The FDP is consistent with any approved PDP for the property.
4. The FDP construction plans meet the requirements of these standards and regulations and have been approved by the Director of Community and Economic Development, all infrastructure and utility providers, Tri-County Health Department, and all other referral agencies.

2-02-10-04-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall make the approved changes to the Official County Zone District Maps indicating the P.U.D. approval. In addition, the FDP will be recorded with the Office of the Adams County Clerk and Recorder.

2-02-10-05 *EFFECT OF FINAL DEVELOPMENT PLAN APPROVAL*

2-02-10-05-01 *LIMITATIONS ON OTHER USES*

After obtaining Final Development Plan approval, the subject property may not be developed in any other fashion than in accordance with the Final Development Plan unless:

1. The property owner obtains approval of the Board of County Commissioners to abandon the right to develop the property in accordance with the approved Final Development Plan;
2. The property owner obtains approval of the Board of County Commissioners to amend the approved Final Development Plan in accordance with the amendment procedures; or
3. The right to develop the property in accordance with the Final Development Plan has expired.

2-02-10-05-02 *NON-CONFORMING USES*

Non-conforming uses and structures shall not be expanded, replaced, or changed.

2-02-10-05-03 *PROCESS*

Any owner seeking approval of the Board of County Commissioners to abandon or amend a Final Development Plan shall submit an application complying with the procedures for amendments.

2-02-10-05-04 *CRITERIA*

In considering whether to approve a request for amendment or abandonment of a Final Development Plan, the Board of County Commissioners shall be governed by the following:

1. The application shall not be approved when any portion of the property would remain developed or to be developed in accordance with the Final Development Plan if the remaining parcel would no longer qualify for Final Development Approval pursuant to the criteria for approval of a Final Development Plan.
2. The application shall not be approved if the County's ownership of or practical use of any road, easement, right-of-way, or other public area would be denied or diminished to the detriment of the public good.

2-02-10-05-05 *DECISION*

If the Board of County Commissioners finds the forgoing criteria have been satisfied, the Board of County Commissioners shall approve the amendment or abandonment of the Final Development Plan.

2-02-11 *SPECIAL USE PERMIT*

2-02-11-01 *PURPOSE*

The purpose of this section is to detail the steps for obtaining a special use permit. Special uses are those uses which are non-permanent (less than five (5) years) and often support other land uses authorized or permitted in a zone district or public utilities or services, but which, because of their potential zone impacts require more discretionary review than those uses which are authorized. In addition to meeting applicable performance standards, special uses may require the imposition of conditions in order to ensure the number of special uses and their location, design, and configuration are appropriate at a particular location during

the duration of operation or use in order to protect the health, safety and welfare of the County and inhabitants of the area.

2-02-11-02 APPLICABILITY

All uses that require a special use permit must be processed in accordance with this section. The Board of Adjustment is the permit issuing authority for Special Use Permits. The designation of a use as a special use does not constitute an authorization or an assurance that such a use will be approved.

2-02-11-03 WHO CAN INITIATE A SPECIAL USE PERMIT REQUEST

A special use permit may be requested by, without limitation, any owner of, or person having an interest in the property on which the special use is proposed to be located. The applicant has the burden of proof to demonstrate the use fully complies with these standards and regulations and meets the criteria for approval.

2-02-11-04 SPECIAL USE PERMIT REVIEW PROCEDURES

A special use permit may be approved by the Board of Adjustment and requires a public hearing. (See Steps 1 through 10 below). The Board of Adjustment shall approve, approve with conditions, or deny the special use permit based on consideration of the staff report, the evidence from the public hearings, and compliance with the criteria for approval.

2-02-11-05 SPECIAL USE PERMIT REVIEW STEPS

The processing of a proposed special use permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional, unless the County Manager or his or her designee waives this requirement.
2. Neighborhood Meeting: Optional, unless the County Manager or his or her designee determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for special use permits requiring a public hearing as described in the development application submittal requirements shall be submitted to the County Manager or his or her designee at least thirty (30) days prior to the first unfilled Board of Adjustment public hearing agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if taxes due are not paid.

5. Staff Report: Applicable.
6. Notice: Applicable. However, published notice is not required.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of Adjustment.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of Adjustment in approving a special use permit may attach any conditions necessary to implement the Adams County Comprehensive Plan and to ensure compatibility with adjacent uses. In addition to other conditions the Board of Adjustment may place on a special use permit, the Board of Adjustment shall specify the term of the special use permit. The term of a special use permit shall be limited to the absolute minimum term necessary for the proposed use, but in no case shall exceed five (5) years. A special use permit may be renewed following the same procedure used in granting the initial permit. The Board of Adjustment in approving a special use permit may condition the approval on one (1) or more of the following:
 - a. A requirement the development or activity proceeds in accordance with a specific site plan and/or development schedule.
 - b. A requirement the design and mitigation measures be put in place including, but not limited to, limits on the hours of operation and traffic generating uses; improvements to on-site and off-site pedestrian, bicycle, and vehicular circulation; alternative access and open space provisions to address site capacity and resource protection issues; controls on noise, light, odors and other potential nuisances; measures to protect and improve the aesthetic value of high traffic areas; aesthetic value of high traffic areas; requirements to protect air and water quality; construction of fencing and planting of landscaping; restrictions on signage and outdoor lighting; changes in off-street parking layout and design; restrictions concerning the building bulk, height, setback, location, and external appearance; stipulations concerning adequate storm drainage or utilities; and other appropriate conditions in order to protect the health, safety and welfare of Adams County residents, and to provide for sound environmental practices.
10. Amendments: Applicable.

2-02-11-06 GENERAL CRITERIA FOR APPROVAL

The Board of Adjustment, in approving a special use permit, shall consider:

1. The special use is consistent with the purposes of these standards and regulations.

2. The special use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
3. The special use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
4. The Special Use Permit has addressed all off-site impacts.
5. The site is suitable for the special use including adequate usable space, adequate access, and absence of environmental constraints.
6. The site plan for the proposed special use will provide adequate parking, traffic circulation, open space, fencing, screening, and landscaping.
7. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the special use as designed and proposed.

2-02-11-09 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all requirements of the Board of Adjustment, the Director of Community and Economic Development shall issue a special use permit in conformance with the decision of the permit issuing authority. The special use permit shall describe in detail the special use allowed by the permit, include all specific conditions applied by the permit issuing authority, and be accompanied by an official site plan modified by the applicant to reflect the conditions of the permit.

2-02-11-10 EFFECT OF APPROVAL

Issuance of a special use permit shall be deemed to authorize only the particular use and activity for which it is issued. The special use permit is nontransferable unless otherwise conditioned by the Board of Adjustment. The applicant shall be subject to all other permits required by these standards and regulations to use the land in accordance with the special use permit.

2-02-12 TEMPORARY USE PERMIT

2-02-12-01 PURPOSE

The purpose of this section is to detail the steps for obtaining a temporary use permit. Temporary uses are those uses which are non-permanent (less than one (1) year) and often support other land uses authorized or permitted in a zone district or public utilities or services, but which, because of their potential impacts require more discretionary review than those uses which are authorized. In addition to meeting applicable performance standards, temporary uses may require the imposition of conditions in order to ensure the number of temporary uses and their location, design, and configuration are appropriate at a particular location during the duration of operation or use.

2-02-12-02 APPLICABILITY

All uses that require a temporary use permit must be processed in accordance with this section. The Director of Community and Economic Development is the permit issuing authority for Temporary Use Permits. The designation of a use as a temporary use does not constitute an authorization or an assurance that such a use will be approved.

2-02-12-03 WHO CAN INITIATE A TEMPORARY USE PERMIT REQUEST

A temporary use permit may be requested by, without limitation, any owner of, or person having an interest in the property on which the temporary use is proposed to be located. The applicant has the burden of proof to demonstrate the use fully complies with these standards and regulations and meets the criteria for approval.

2-02-12-04 TEMPORARY USE PERMIT REVIEW PROCEDURES

A temporary use permit may be approved by the Director of Community and Economic Development (See Steps 1 through 10 below). The Director of Community and Economic Development shall approve, approve with conditions, or deny the temporary use permit based on compliance with the criteria for approval.

2-02-12-05 TEMPORARY USE PERMIT REVIEW STEPS

The processing of a proposed temporary use permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Optional, unless the Director of Community and Economic Development determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for temporary use permits as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least fourteen (14) days prior to the commencement date of the temporary use.
4. Determination of Sufficiency: Applicable. No application shall be processed if taxes due are not paid.
5. Staff Report: Not applicable.
6. Notice: Not applicable.
7. Public Hearing: Not applicable.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Director of Community and Economic Development in approving a temporary use permit may attach any conditions necessary to implement the Adams County Comprehensive Plan and to ensure compatibility with adjacent uses. In addition to other conditions the Director of Community and Economic Development may place on a temporary use permit, the Director of Community and Economic Development shall specify the term of the temporary use permit. The term of a temporary use permit shall be limited to the absolute minimum term necessary for the proposed use, but in no case shall exceed ninety (90) days. Section 4-05 specifies the maximum time frame or expiration of specific temporary uses eligible for the temporary use permit. A temporary use permit may be issued annually for the same project. The Director of Community and Economic Development in approving a temporary use permit may condition the approval on one (1) or more of the following:
 - a. A requirement the development or activity proceeds in accordance with a specific site plan and/or development schedule.
 - b. A requirement the design and mitigation measures be put in place including, but not limited to, limits on the hours of operation and traffic generating uses; improvements to on-site and off-site pedestrian, bicycle, and vehicular circulation; alternative access and open space provisions to address site capacity and resource protection issues; controls on noise, light, odors and other potential nuisances; requirements to protect air and water quality; construction of fencing and planting of landscaping; restrictions on signage and outdoor lighting; changes in off-street parking layout and design; restrictions

concerning the building bulk, height, setback, location, and external appearance; and stipulations concerning adequate storm drainage or utilities.

10. Amendments: Applicable.

2-02-12-06 CRITERIA FOR APPROVAL

The Director of Community and Economic Development, in approving a temporary use permit, shall consider:

1. The temporary use is consistent with the purposes of these standards and regulations.
2. The temporary use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
3. The temporary use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
4. The Temporary Use Permit has addressed all off-site impacts.
5. The site is suitable for the temporary use including adequate usable space, adequate access, and absence of environmental constraints.
6. The site plan for the proposed temporary use will provide adequate parking, traffic circulation, open space, fencing, screening, and landscaping.
7. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the temporary use as designed and proposed.

2-02-12-06-01 *ADDITIONAL CRITERION FOR APPROVAL FOR PERMISSIBLE FIREWORKS STAND/TENT*

The Director of Community and Economic Development, in approving a temporary use permit for permissible fireworks stand/tent, shall find:

1. The applicant has demonstrated the ability and, if applicable, a history of their ability to comply with these regulations.

2-02-12-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all requirements of the Director of Community and Economic Development, the Director of Community and Economic Development shall issue a temporary use permit. The temporary use permit shall describe in detail the temporary use allowed by the permit, include all specific conditions applied by the permit issuing authority, and be accompanied by an official site plan modified by the applicant to reflect the conditions of the permit.

2-02-12-08 EFFECT OF APPROVAL

Issuance of a temporary use permit shall be deemed to authorize only the particular use and activity for which it is issued. The temporary use permit is nontransferable. The applicant shall be subject to all other permits required by these standards and regulations to use the land in accordance with the temporary use permit.

2-02-14

OIL AND GAS FACILITY (OGF) PERMIT

2-02-14-01 PURPOSE

The purpose of the oil and gas facility regulation is to allow for reasonable development of oil and gas in unincorporated Adams County while ensuring that facilities are sited in appropriate areas and utilize best practices to protect the health, safety, and welfare of our residents and the environment and wildlife.

The purpose of an OGF Permit is to regulate the surface land use of oil and gas production in order to protect the public safety, health, welfare and the environment of Adams County and its residents by ensuring that facilities are constructed and operated in accordance with best practices, to provide for sound environmental practices to protect the County's natural resources, to provide for the orderly siting and development of oil and gas operations, as well as to prevent damage to County roads and bridges.

The Colorado Oil and Gas Conservation Commission (COGCC), the Colorado Department of Public Health and the Environment (CDPHE) and the federal government have authority to regulate certain aspects of oil and gas mineral extraction. Requirements contained in this section shall not exempt the owner or operator of an oil and gas facility from compliance with the requirements of the COGCC, CDPHE, or any other regulatory authority.

The provisions of these standards and regulations shall apply to the construction, installation, alteration, repair, erection, location, maintenance, and abandonment

of all new or substantially modified oil and gas facilities within the unincorporated areas of the County. Substantially modified for the purposes of this section means anything requiring a Major Amendment.

2-02-14-02 APPLICABILITY

All uses that require an OGF must be processed in accordance with this Section. The Director of Community and Economic Development (CED) is the permit issuing authority for OGF Permits that do not require any waiver from approval criteria or performance standards. OGF Permits requiring waivers from approval criteria or performance standards must be approved by the Board of County Commissioners through the designated Waiver process.

2-02-14-03 WHO CAN INITIATE AN OGF PERMIT

An OGF Permit may be requested, without limitation, by any owner of, or person demonstrating a legal interest in property on which the OGF use is proposed to be located. The applicant has the burden of proof to demonstrate the use fully complies with these standards and regulations and meets the criteria for approval.

2-02-14-04 OGF PERMIT REVIEW PROCEDURES

An OGF Permit may be approved by the Director of Community and Economic Development if the application does not require waiver or modification from any approval criteria or performance standards. An OGF Permit requiring a waiver or modification from any of the approval criteria or performance standards must be approved by the Board of County Commissioners and requires a public hearing. The Director of Community and Economic Development or the Board of County Commissioners shall approve, approve with conditions, or deny the OGF Permit based on consideration of the staff report, the evidence from the public hearing (if applicable), and compliance with the criteria for approval.

2-02-14-05 OGF PERMIT REVIEW STEPS

The processing of a proposed OGF permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures (although not necessarily conducted in the following order) as follows:

1. Conceptual review. Operator shall identify three proposed locations for the oil and gas facility for the Alternative Site Analysis process outlined below. For each location, operator shall identify, and visually depict the same on a map, the following items that are located within a half-mile radius of the parcel boundary of the proposed facility:

existing or platted residences, occupied buildings, parks, open space, schools, future school facilities, state licensed daycares, known areas of environmental contamination such as superfund sites, hospitals, water bodies, floodplains, floodways, water supply facilities including wells, existing active and decommissioned wells, and roadways. Proposed access routes to the site should also be provided. This information must be submitted to Community and Economic Development for review. Following that, a conceptual review meeting shall be held with the operator. Operators are encouraged to schedule a conceptual review prior to entering into any surface use agreements.

- a. **Alternative Site Analysis:** Prior to submittal of Form 2 or 2A to the COGCC and during the conceptual review, the applicant must consult with the County on an Alternative Site Analysis as outlined below:
 1. In General. The County seeks to site OGFs in areas that have the least off-site impact possible in order to protect the health, safety, and welfare of its residents and to protect the environment and wildlife. In order to determine whether proposed siting is appropriate, CED staff must evaluate alternative sites.
 2. Description of potential sites. Applicant must submit descriptions of at least three (3) potential sites for the OGF that were considered by applicant. Potential sites must be a minimum of 1,000 feet away from each other, but can be located on the same parcel. Description must include description of site locations considered, whether mineral extraction is possible and reasonable from those sites, the off-site impacts associated with those sites, and why a particular site is proposed, if any.
 3. Evaluation materials. CED staff will evaluate the potential sites to determine which site is likely to have the least off-site impacts. The CED Director will determine whether applicant is required to provide traffic impact studies, engineering studies, Environmental Impact Analysis as defined in these standards and regulations, or other evaluation tools in order to adequately evaluate site options. If not required by the CED Director as part of the alternative site analysis, these site-specific evaluation tools can be submitted by the applicant after site selection has occurred.

4. Evaluation criteria. In determining which sites are likely to have the least off-site impact, CED may consider the following:
 - i. Distance from existing or platted residences, schools, state licensed daycares, high occupancy buildings, active open spaces, environmentally sensitive areas, public drinking water supply areas, or other areas likely to be adversely impacted;
 - ii. Traffic impacts and impact to roads, bridges, and other infrastructure;
 - iii. Access to water and other operational necessities;
 - iv. Whether the site allows for utilization of impact mitigation, such as use of proximate pipelines;
 - v. Noise impacts;
 - vi. The impact on the surrounding land;
 - vii. The impact on wildlife; and
 - viii. Impact on nearby environmental resources such as water bodies.
5. Site Selection. The county shall review all proposed locations in order to determine which location(s) best protects public health, safety, welfare, and the environment and will choose the location that best satisfies this goal. The Director of Community and Economic Development will determine if any proposed sites meet this goal. If no location satisfies this goal, Operator shall submit three new proposed locations. The County may recommend denial of the OGF Permit if it does not believe that any of the proposed sites meet the siting goal.
2. Neighborhood Meeting: Applicable. At the neighborhood meeting, the applicant shall provide an overview of its proposed oil and gas operation and allow those in attendance to provide input as to the proposed operation, including, but not limited to, issues that arise from application of these regulations to the proposed operation, and suggested mitigation to adequately ensure compliance with these regulations.
3. Development Application Submittal: Community and Economic Development has developed a check list of required submittals for OGF Permits that may change from time to time. At a minimum, the following items are required as part of an OGF application submittal:
 - a. **Application Form**: a completed OGF Permit application form.
 - b. **Application Fee**: OGF application fee

c. Operations Plan:

1. Plan Format: Two hard copies of all plans shall be provided and one copy of the plans shall be provided in digital format, on either a thumb drive or CD. No plans shall contain copyright restrictions or public use restrictions.
2. Cover Sheet: The cover sheet shall have a title block with the reference to an Oil and Gas Facility Permit, project name, and location by section, township and range. The cover sheet shall also include a legal description of the area, date of the drawing, existing zoning of the site, a sheet key, a vicinity map with north arrow (scale of 1" = 2,000' preferred) with an emphasis on the major roadway network within two (2) miles of the proposal, and all applicable County notes, an approval signature block and a block to insert the COGCC Permit number when approved.
3. Impact Area Map: The second sheet shall contain an Impact Area Map that shows the proposed location of the Oil and Gas Facility, locations of all producing oil and gas wells and other oil and gas operations within the one-mile impact area; locations of all abandoned and shut-in wells within one quarter (1/4) mile radius of the projected track of the borehole; locations of all permitted registered water wells within 1/2 mile of the proposed Oil and Gas Operation; existing improvements within 1,500 feet of the location on which the operation is proposed, and all existing and proposed roads within the one-mile impact area.
4. Drilling Operations Plan: The third sheet shall provide a site plan of drilling operations with drilling equipment with existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County. The applicant shall verify current information regarding what datum is acceptable to the County, prior to submitting the application for the Oil and Gas Facility Permit. The layout of the drilling equipment may be shown as a typical plan, if the County deems it appropriate for the extent of development of the proposed Oil and Gas Facility.
5. Production Plan: The fourth sheet shall provide a site plan of production operations with production equipment such as tanks and compressor stations with

existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County. The production plan shall also identify tentative drilling and completion schedules. A seed mix shall be provided for reseeding the well pad.

Equipment layout may be a typical plan appropriate to the degree of development for the Oil and Gas Facility, if the County deems it appropriate for the extent of development of the proposed Oil and Gas Facility.

6. **Signage Plan/Sign Detail:** A dimensioned Signage Plan or Sign Detail shall be included on one of the sheets describing and illustrating the appearance, size, location, type, color, material, and illumination of all signs. Directional signs for emergency responders and inspectors shall be included, along with a 24-hour, 7-days per week contact information to deal with all noise complaints. The sign with the 24-hour contact information must be placed close to the intersection of the access road and the right of way so that it is legible from the public right of way.
 7. **Final Plan:** Once the review process is complete and staff has determined that all outstanding issues have been resolved, staff will request a final copy of the Oil and Gas Operations Plan. The final Oil and Gas Operations Plan shall contain the information listed above unless otherwise specified by the County staff.
- d. **Emergency Preparedness and Response:** in accordance with the Emergency Preparedness and Response requirements in Section 4-10-02-03-03(8).
1. **Emergency Service Providers:** The applicant must provide a commitment to serve ("will serve") letter from the authority having jurisdiction for providing emergency services (fire protection and emergency medical services) for that facility, or, where no authority has jurisdiction, from an emergency services provider with the ability to provide such emergency services.
- e. **Engineering Documents:** The following technical Engineering documents are required by the CED staff unless otherwise waived:
1. **Construction Plans:** If applicable, Construction Plans for the proposed Oil and Gas Operation's public

improvements including road plan and profile sheets, storm drainage improvements plans and other public improvements, prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter 9).

2. Pavement Design Report: If applicable, a Pavement Design Report prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter 7).
3. Grading Erosion and Sediment Control: If applicable, a Grading, Erosion, Sediment Control Report and Plan as defined in the latest version of the Adams County Development Standards and Regulations (Chapter 9).
4. Transportation, roads, access standards, and fees:
 - a. The applicant's transportation plan must be designed and implemented to ensure public safety and maintain quality of life for other users of the county transportation system, adjacent residents, and affected property owners.
 - b. Where available, existing private roads shall be used to minimize land disturbance unless traffic safety, visual or noise concerns, or other adverse surface impacts clearly dictate otherwise.
 - c. Access roads on the site and access points to public roads as identified in the application materials shall be reviewed by the CED department and shall be built and maintained in accordance with the engineering specifications and access road standards defined in the Adams County Development Standards and Regulations (Chapter 8).
 - d. All applicable transportation fees shall be paid prior to issuance of a development construction permit, including without limitation:
 - i. Access permit fees
 - ii. Oversize/overweight permit fees
 - iii. Right of way construction permit fees; and
 - iv. Traffic impact and road maintenance fees.

- e. Oil and gas operations must minimize impacts to the physical infrastructure of the county transportation system. Any costs to improve county transportation system infrastructure necessitated by the proposed oil and gas operation shall be the responsibility of the Applicant. All transportation system infrastructure improvements and associated costs shall be determined by the CED department. The County shall perform the work or arrange for it to be performed. If the Applicant disagrees with the infrastructure improvements or associated costs as assessed by CED, it may request that the department approve a different route for its proposed oil and gas operation that avoids the need for such improvements. Alternatively, the Applicant may engage a licensed civil engineering firm to perform a traffic impact study in accordance with Chapter 8 of the Development Standards and Regulations to independently evaluate county transportation system infrastructure improvements necessitated by the proposed oil and gas operation.
- 5. Drainage study/technical drainage letter/plan: If applicable, a Drainage Study/Technical Drainage Letter/Plan prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter 9).
- 6. Floodplain Use Permit: The applicant must obtain a Floodplain Use Permit, in accordance with the latest version of the Adams County Development Standards and Regulations, if the proposed Oil and Gas construction disturbance or operation encroaches into the 100-year floodplain, or the access is crossing a major drainage way, as defined by the latest version of the Adams County Development Standards and Regulations (Chapter 9).
- 7. Natural Resource Conservation Overlay (NRCO): if the Oil and Gas Facility is located in the NRCO, a Resource Review may be required.
- f. **Water Supply:** the applicant must provide proof of adequate water supply. Operator shall identify a water resource lawfully

- available for industrial use, including oil and gas development, to be utilized by Operator and its suppliers.
- g. **Surface Owner Documentation:** Documentation as to whether the surface owner and others with interest in the property have authorized the proposed OGF.
 - h. **Additional Information:** Community and Economic Development will develop an application check list that may require additional information to process an OGF Permit application. In addition to the items required on the check list, the Director of Community and Economic Development may require additional information deemed necessary to evaluate particular applications.
- 4. Determination of Sufficiency: Applicable. No application shall be processed if taxes due on the requested property(ies) are not paid, if inspection fees are not paid, or if fines assessed against the applicant have not been paid.
 - 5. Staff Report: Applicable.
 - a. Concurrent Referral and Review. County staff may refer the complete application review by the various County Departments and the County Attorney's Office, as deemed appropriate. An application may require review by outside experts or agencies such as the U.S. Army Corps of Engineers, if the project impacts a floodplain, life-safety providers, adjacent jurisdictions, local public health departments, and others as may be deemed appropriate. Operator shall reimburse the County for reasonable costs incurred in connection with the use of third-party expert reviewers.
 - 6. Notice: Applicable, except notice shall be sent by the applicant to all property owners and current residents within a half mile at a minimum, or greater, as determined by the Director of Community and Economic Development. The Notice shall meet the format prescribed by the County. The notice shall contain a statement informing the recipients of the notice that they may request written notification by the Applicant of the commencement of construction and commencement of drilling operations. The applicant shall provide written notification by U.S. Mail, which shall include an offer to consult, to any municipality, special district, or county whose boundaries are within ½ mile of the proposed parcel where an application for an Oil and Gas Facility has been filed with the County. Posted notice shall be required for all OGF Permits. The signs shall be posted by the County on the subject property in a manner and at a location to afford the best notice to the public. Posting for an OGF Permit shall take place no later than ten days after the Operator selects a site for the facility.

7. Public Hearing. Applicable if the OGF Permit requires waiver from any approval criteria or performance standards. In cases requiring a waiver, a public hearing shall be held in front of the Board of County Commissioners.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Director of Community and Economic Development in approving a permit for an OGF may attach any conditions necessary to implement the Adams County Comprehensive Plan and to ensure the compatibility with adjacent uses. Conditions may include a requirement of an Access Permit or Oversize Load Permit prior to development of the Oil and Gas Facility, a Floodplain Use Permit prior to any work within the floodplain, or a building permit prior to construction of certain structures within the Oil and Gas Facility.
 - a. Term: The approving authority shall specify the term of the OGF Permit as the following: provided that at least one well is drilled and completed during the initial three (3) year period following approval of a multi-well pad location, such approval permanently vests the permitted location for the number of wells contained within the initial permit approval. If wells permitted as part of the initial OGF permit are to be drilled at the multi-well pad location following expiration of the initial three (3) year period, those permit(s) for those wells shall be renewed following the OGF permit process as outlined in these regulations.
10. Amendments. Applicable. All amendments must be processed in accordance with Section 2-01-10, Amendments. Major Amendments for OGFs include:
 - a. New wells
 - b. New well connects
 - c. Increases in on-site storage
 - d. Addition of production equipment
 - e. Increase to well pad disturbance site area

2-02-14-06 CRITERIA FOR APPROVAL

The Board of County Commissioners or Director of Community and Economic Development, in approving an OGF Permit, shall consider:

1. The OGF is consistent with the purposes of these standards and regulations.

2. The OGF will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards, unless specifically waived or modified by the Board of County Commissioners after public hearing.
3. The siting of the OGF, after evaluation of alternative sites, is the most compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, welfare, the environment and wildlife of the County.
4. The siting of the OGF does not create any site specific conditions that present significant or material impacts to nearby land uses.
5. The OGF has addressed off-site impacts and complies with all applicable performance standards, unless specifically waived or modified by the Board of County Commissioners after public hearing.
6. The site is suitable for the use, including adequate usable space, adequate access, and adherence of environmental or wildlife stipulations.
7. The site plan for the proposed use will provide adequate parking, traffic circulation, fencing, screening, and landscaping.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are available and adequate to serve the needs of the OGF as designed and proposed.
9. Cultural and Historical Resources: the OGF does not cause significant degradation of cultural, historic, or archaeological sites eligible for County landmarking, or the National Historic Register.
10. Water Bodies and Water Quality: the OGF does not cause adverse impacts to surface or ground waters within Adams County. The operator shall comply with all applicable water quality standards.
11. Emergency Preparedness and Response: the oil and gas facility does not cause unreasonable risks of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, and hazardous material vehicle accidents or spills.
12. Air Quality: The OGF meets all required air quality standards.

2-02-14-07 OIL AND GAS FACILITY PERMIT WAIVER

2-02-14-07-01 PURPOSE

The purpose of this section is to establish criteria and detail the steps whereby the Board of County Commissioners, at public meeting, may grant waivers or modifications from approval criteria or performance standards normally required for OGF Permits, allow the OGF use in an area not zoned for OGFs, or allow applicant to develop an OGF site not selected by Community and Economic Development.

2-02-14-07-02 APPLICABILITY

If the OGF permit application is denied based on noncompliance with the approval criteria or performance standards, if the applicant seeks to develop in an area not zoned for OGF development, or if an applicant seeks to develop on a site not approved by CED staff, an applicant may apply for an Oil and Gas Facility Permit Waiver.

2-02-14-07-03 WHO CAN INITIATE A WAIVER

A waiver may be proposed by any applicant that may apply for an OGF.

The applicant has the burden of proof to demonstrate that the waiver or proposed site selection meets the criteria for approval.

2-02-14-07-04 WAIVER REVIEW PROCEDURES

Any waiver shall be processed through a public hearing before the Board of County Commissioners (See Steps 1 through 10 below). Waiver applications will be heard by the Board of County Commissioners at a public hearing. At such public hearing, the Board of County Commissioners may waive or modify specific regulations or standards requested by the applicant and approve the application, may approve with conditions, or may deny the application.

Applicants may only seek a waiver after submitting a complete application for an OGF Permit and participating in a conceptual review meeting with Community and Economic Development staff. If applicant is unable to meet all approval criteria and comply with all performance standards required for an OGF Permit, applicant may choose to seek a waiver from the Board of County Commissioners. The processing of a waiver shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Must be completed prior to application for waiver as part of OGF Permit process.

2. Neighborhood Meeting: Director of Community and Economic Development will determine whether neighborhood meetings are required after evaluating steps taken as part of OGF process.
3. Development Application Submittal: In addition to all requirements for an OGF Permit, applicant must provide a request for waiver that articulates the specific waivers sought and explains why waivers are necessary.
4. Determination of Sufficiency: Applicable. No application shall be processed if taxes due on the requested property(ies) are not paid, if inspection fees are not paid, or if fines assessed against the applicant have not been paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of County Commissioners. Any requested waiver shall be reviewed and acted upon by the Board of County Commissioners prior to issuance of an OGF Permit.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of County Commissioners, in approving a waiver for an OGF Permit, may attach any conditions necessary to implement the Adams County Comprehensive Plan and to ensure the compatibility with adjacent uses.
10. Amendments: Applicable.

2-02-14-07-05 *CRITERIA FOR APPROVAL*

The Board of County Commissioners, in approving a waiver, shall find:

1. Extraordinary hardships or practical difficulties result from strict compliance with these standards and regulations
2. The purpose of these standards and regulations are served to a greater extent by the alternative proposal.
3. The waiver does not have the effect of nullifying the purpose of these standards and regulations.

2-02-14-07-06 *ADDITIONAL CRITERIA FOR A ZONE DISTRICT WAIVER*

The Board of County Commissioners, in approving zone district waiver, in addition to the criteria outlined above, shall find:

1. The proposed Oil and Gas Facility is consistent with the Adams County Comprehensive Plan.

2. The proposed Oil and Gas Facility is compatible with the surrounding area, harmonious with the character of the neighborhood, and not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, welfare or the environment of the inhabitants of the area and the County.

**2-02-15 AMENDMENT TO TEXT OF THE STANDARDS AND REGULATIONS
AND/OR ZONING MAP (REZONING) AND/OR COMPREHENSIVE
PLAN**

2-02-15-01 PURPOSE

The purpose of this section is to detail the steps to follow for changing the text of these standards and regulations, or the boundaries of the zone districts shown on the Zoning Map (Rezoning), or the Comprehensive Plan.

2-02-15-02 APPLICABILITY

All amendments to the text of these standards and regulations and any changes to the Zoning Map or Comprehensive Plan must be processed in accordance with this section. Only the Board of County Commissioners may, after recommendation of the Planning Commission, adopt a resolution amending the text of these standards and regulations, or the Zoning Map, or the Comprehensive Plan.

**2-02-15-03 WHO CAN INITIATE A TEXT, ZONING MAP, OR
COMPREHENSIVE PLAN AMENDMENT**

2-02-15-03-01 AMENDMENT TO ZONING MAP (REZONING)

An amendment to the Zoning Map may be proposed, without limitation, by the Planning Commission, the Board of County Commissioners, or the owner(s) of the property to be rezoned.

In addition, a municipality, airport authority, or other owner or operator of an aviation facility available for public use may propose an amendment to the Zoning Map to establish or amend an Aviation Zone or Influence Area Overlay District for the area including area surrounding an aviation facility.

2-02-15-03-02 *AMENDMENT TO COMPREHENSIVE PLAN*

An amendment to the Comprehensive Plan may be proposed, without limitation, by the Planning Commission, the Board of County Commissioners, the Director of Community and Economic Development or the owner(s) of the property to be amended on the plan.

2-02-15-03-03 *TEXT AMENDMENT*

An amendment to the text of these standards and regulations may be proposed by the Planning Commission, Board of County Commissioners, the Director of Community and Economic Development, the Director of Public Works,* any owner or person having an interest in land located within the unincorporated area of the County, or any resident of the County.

The applicant has the burden of proof to demonstrate a text or a Zoning Map amendment fully complies with these standards and regulations and meets the criteria for approval.

***Adopted by the BOCC on June 27, 2011.**

2-02-15-04 *TEXT, ZONING MAP, AND COMPREHENSIVE PLAN AMENDMENT REVIEW PROCEDURES*

An amendment to the text of these standards and regulations, an amendment to the Zoning Map, or an amendment to the Comprehensive Plan may be approved by the Board of County Commissioners by resolution. Any proposed amendment shall be processed through a public hearing before the Planning Commission, which shall provide a recommendation to the Board of County Commissioners (See Steps 1 through 10 below). Upon completion of a hearing by the Planning Commission, the amendment and recommendation of the Planning Commission shall be forwarded to the Board of County Commissioners. The Board of County Commissioners shall, after receiving a recommendation from the Planning Commission, hold a public hearing. The Board of County Commissioners shall then approve, approve with conditions, or deny the amendment based on consideration of the staff report, the Planning Commission's recommendation and findings, the evidence from the public hearings, and the amendment's compliance with the criteria for approval. In the case of a Comprehensive Plan amendment, the Planning Commission shall make a decision on the amendment and the matter will be referred to the Board of County Commissioners to ratify the decision at a public hearing.

2-02-15-05 TEXT, ZONING MAP, AND COMPREHENSIVE PLAN AMENDMENT REVIEW STEPS

The processing of a proposed text, Zoning Map, or Comprehensive Plan amendment shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Optional, unless the Director of Community and Economic Development, or in the case of Comprehensive Plan Amendment the Director of Community and Economic Development, determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for amendment of the text of these standards and regulations and/or to the Zoning Map as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least fifty (50) days prior to the first unfilled Planning Commission public hearing agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice:
 - a. Text Amendments: Partially applicable. Publication in the official County newspaper is required. Written notice and posting are not required.
 - b. Zoning Map Amendments (Rezoning): Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before both the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of County Commissioners in approving a Zoning Map amendment may attach conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses. The Board of County Commissioners in approving a Zoning Map amendment may condition the approval on one (1) or more of the following:
 - a. A requirement to ensure development proceeds in accordance with a specific site plan and/or development schedule.
 - b. A requirement of public dedication of rights-of-way for roads, alleys, public ways, drainage and public facilities, and the installation of off-

site improvements as are reasonably required by or related to the effect of the Zoning Map amendment.

10. Amendments: Applicable.

2-02-15-06 CRITERIA FOR APPROVAL

2-02-15-06-01 *TEXT AMENDMENTS*

The Planning Commission, in making their recommendation, and the Board of County Commissioners, in approving a text amendment, shall find:

1. The text amendment is consistent with the Adams County Comprehensive Plan.
2. The text amendment is consistent with the purposes of these standards and regulations.
3. The text amendment will not be detrimental to the majority of persons or property in the surrounding areas nor to the community in general.

2-02-15-06-02 *ZONING MAP AMENDMENTS (REZONING)*

The Planning Commission, in making their recommendation, and the Board of County Commissioners, in approving a Zoning Map amendment, shall find:

1. The Zoning Map amendment is consistent with the Adams County Comprehensive Plan.
2. The Zoning Map amendment is consistent with the purposes of these standards and regulations.
3. The Zoning Map amendment will comply with the requirements of these standards and regulations.
4. The Zoning Map amendment is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.

2-02-15-06-03 *COMPREHENSIVE PLAN AMENDMENTS*

The Planning Commission, in making their decision, and the Board of County Commissioners in ratifying a Comprehensive Plan amendment, shall find:

1. The Comprehensive Plan amendment is consistent with the goals and policies of the Adams County Comprehensive Plan.

2. The Comprehensive Plan amendment is consistent and/or compatible with the land use, transportation, and open space maps in the Adams County Comprehensive Plan.
3. The Comprehensive Plan amendment advances the health, safety, and welfare of the citizens and property owners of Adams County.

2-02-15-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic shall make the approved changes to the Official County Zoning Maps, Comprehensive Plan, or text of these standards and regulations.

2-02-16 EXEMPTION

2-02-16-01 PURPOSE

The purpose of this section is to establish criteria and detail the steps whereby the Board of County Commissioners may grant exemptions from the definitions of the terms “subdivision” and “subdivided land” for any division of land if the Board determines that such a division is not within the purpose of Article 28, Title 30 of the Colorado Revised Statutes.

2-02-16-02 APPLICABILITY

An exemption approval is required to obtain a release from the requirements of platting by resolution of the Board of County Commissioners in accordance with the terms set forth in these standards and regulations.

2-02-16-03 WHO CAN INITIATE A SUBDIVISION EXEMPTION

A Subdivision Exemption may be proposed by, without limitation, the owner(s) of, or person having an interest in the property to be divided.

The applicant has the burden of proof to demonstrate the Subdivision Exemption fully complies with these standards and regulations, and meets the criteria for approval.

2-02-16-04 SUBDIVISION EXEMPTION REVIEW PROCEDURES

A Subdivision Exemption shall be approved by the Board of County Commissioners by resolution. Any Subdivision Exemption shall be processed through a public meeting before the Board of County Commissioners (See Steps 1 through 10 below). The Board of County Commissioners shall then approve or deny the Subdivision Exemption based on consideration of the staff report, the evidence from the public meeting, and the Subdivision Exemption's compliance with the criteria for approval.

The processing of a Subdivision Exemption shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a Subdivision Exemption as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least thirty (30) days prior to the first unfilled Board of County Commissioners public meeting agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid. No notification of the adjacent property owners is required.
5. Staff Report: Applicable. No notification of referral agencies is required.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of County Commissioners. The Board of County Commissioners may take testimony from the public at the public meeting.
8. Standards: Applicable.
9. Conditions of Approval: Applicable.
10. Amendments: Applicable.

2-02-16-05 CRITERIA FOR APPROVAL

The Board of County Commissioners, in approving a Subdivision Exemption, shall find:

1. The Subdivision Exemption is consistent with and conforms to these standards and regulations.

2. The Subdivision Exemption is a division of land determined not to be within the purpose of Article 28, Title 30 of the Colorado Revised Statutes and is consistent with one (1) of the following criteria:
 - a. Boundary line adjustments where no additional parcels are created (unplatted land only).
 - b. Exemptions creating additional parcels shall be permitted for parcels with more than one (1) principal residence provided all of the following criteria are met:
 - (1) Each residence was constructed in conformance with the applicable County regulations in effect at the time the residence was constructed, and provided the structures were not previously considered uninhabitable or accessory to a principal residence (e.g., a guest house, resort or seasonal cabins used in conjunction with a lodge operation or housing for tenant labor);
 - (2) Each residence shall have a documented history of continuous use as a single-family dwelling; and
 - (3) Legal and physical access shall be provided to all parcels by public right-of-way or recorded easement, acceptable to the Adams County Director of Public Works in compliance with the Adams County Engineering Design and Construction Standards.
 - c. Other divisions of land affected by a deed recorded in the Office of the Adams County Clerk and Recorder that the Board of County Commissioners determines is not within the purposes of this resolution. If it is determined the applicant is using the exemption process to circumvent the subdivision regulations, the applicant shall be required to comply with the applicable sections of this resolution.
 - d. The property which is the subject of the Exemption may not be within any recorded subdivision plat.
 - e. The property which is the subject of the Exemption may not be zoned for commercial or industrial uses.

**2-02-16-06 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC
DEVELOPMENT FOLLOWING APPROVAL**

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall cause to have filed in the Office of the Adams County Clerk and Recorder the deeds, plan exhibit, required easements and maintenance agreements and a copy of the Board of County Commissioners' Resolution granting approval.

2-02-16-07 LAPSE OF APPROVAL

The Subdivision Exemption approval shall lapse one (1) year from the date of approval if the required deeds and other supporting materials are not submitted.

2-02-16-08 EXTENSION OF APPROVAL

A ninety (90)-day extension of the Subdivision Exemption approval may be granted by the Planning Commission. In order to be eligible for an extension, the applicant shall file an application for extension with the Director of Community and Economic Development at least thirty (30) days prior to the date the Subdivision Exemption approval would lapse. A progress report and revised schedule shall be submitted with the request for extension. An extension may only be granted if the Planning Commission finds:

1. The applicant has maintained a continuous good faith effort in preparing the Subdivision Exemption submittals including, but not limited to, preparing financing, securing state or federal permits, undertaking engineering and design, etc.; and
2. Conditions near the site, these standards and regulations, and the Adams County Comprehensive Plan have not changed in a way to render the original findings erroneous.

A Subdivision Exemption shall be limited to one ninety (90)-day extension.

2-02-17 WAIVER FROM SUBDIVISION DESIGN STANDARDS*

Adopted by the BoCC on January 28, 2013

2-02-17-01 PURPOSE

The purpose of this section is to establish criteria and detail the steps whereby the Board of County Commissioners may grant waivers from subdivision design and improvement standards.

2-02-17-02 APPLICABILITY

A waiver is required to obtain a release from the requirements of subdivision design by resolution of the Board of County Commissioners in accordance with the terms set forth in these standards and regulations.

2-02-17-03 WHO CAN INITIATE A WAIVER

A waiver may be proposed by, without limitation, the owner(s) of, or person having an interest in the property to be divided.

The applicant has the burden of proof to demonstrate that the waiver meets the criteria for approval.

2-02-17-04 WAIVER REVIEW PROCEDURES

A waiver shall be approved by the Board of County Commissioners by resolution. Any waiver shall be processed through a public meeting before the Board of County Commissioners (See Steps 1 through 10 below). The Board of County Commissioners shall then approve or deny the waiver based on consideration of the staff report, the evidence from the public meeting, and the waiver's compliance with the criteria for approval.

The processing of a waiver shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a waiver as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least thirty (30) days prior to the first unfilled Board of County Commissioners public meeting agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid. No notification of the adjacent property owners is required.
5. Staff Report: Applicable. No notification of referral agencies is required.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of County Commissioners. Any requested waiver shall be reviewed and acted upon by the Board of County Commissioners prior to scheduling a final development plan (plat) hearing. The Board of County Commissioners may take testimony from the public at the public meeting.
8. Standards: Applicable.
9. Conditions of Approval: Applicable.
10. Amendments: Applicable.

2-02-17-05 CRITERIA FOR APPROVAL

The Board of County Commissioners, in approving a waiver, shall find:

1. Extraordinary hardships or practical difficulties result from strict compliance with these standards and regulations
2. The purpose of these standards and regulations are served to a greater extent by the alternative proposal.
3. The waiver does not have the effect of nullifying the purpose of these standards and regulations.

2-02-17-06 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall cause to have filed in the Office of the Adams County Clerk and Recorder a copy of the Board of County Commissioners' Resolution granting approval.

2-02-17-07 LAPSE OF APPROVAL

The waiver approval shall lapse two (2) years from the date of approval if the final plat application is not submitted.

2-02-17-08 EXTENSION OF APPROVAL

A ninety (90)-day extension of the waiver approval may be granted by the Planning Commission. In order to be eligible for an extension, the applicant shall file an application for extension with the Director of Community and Economic Development at least thirty (30) days prior to the date the waiver approval would lapse. A progress report and revised schedule shall be submitted with the request for extension. An extension may only be granted if the Planning Commission finds:

1. The applicant has maintained a continuous good faith effort in preparing the final plat submittals including, but not limited to, preparing financing, securing state or federal permits, undertaking engineering and design, etc.; and
2. Conditions near the site, these standards and regulations, and the Adams County Comprehensive Plan have not changed in a way to render the original findings erroneous.

A Waiver shall be limited to one ninety (90)-day extension.

2-02-18 PLAT CORRECTION; REPLAT OF LOT, EASEMENT OR BUILDING ENVELOPE; VACATION OF RECORDED PLAT, RIGHT-OF-WAY OR EASEMENT; OR REPLAT OF SUBDIVISION

2-02-18-01 PURPOSE

The purpose of this section is to detail the steps for obtaining approval to correct a plat; replat a lot, easement or building envelope; vacate a recorded plat, right-of-way or easement; or replat a subdivision. The process is designed to ensure the intent of the original subdivision is not substantially altered.

The process varies according to the nature or the proposed amendment based on, but not limited to, the following: degree of change, design, size, impact to public facilities, services, roads, and overall impacts. The Director of Community and Economic Development has the discretionary authority to modify the application procedures upon the determination adequate public notice and input on the replat or vacation can be attained through a modified process and the modified process will not substantially impair the intent and purpose of these standards and regulations.

2-02-18-02 PLAT CORRECTION

2-02-18-02-01 PURPOSE

The purpose of this section is to detail the steps for making changes to recorded plats, due to errors and omissions, i.e. dimensions, road names and plat notes.

2-02-18-02-02 APPLICABILITY

An approved plat correction certificate shall be required to effect any change to a recorded subdivision plat.

2-02-18-02-03 WHO CAN INITIATE A PLAT CORRECTION

A plat correction may be proposed by, without limitation, the owner(s) of, or person having an interest in the subdivided property.

2-02-18-02-04 PLAT CORRECTION REVIEW PROCEDURES

A plat correction shall be approved by the Director of Community and Economic Development. Plat corrections shall be processed administratively (See Steps 1 through 10 below). Upon completion of a review of the submitted information, the Director of Community and Economic

Development shall approve or deny the plat correction and shall forward a written administrative analysis concerning the decision and a copy of the plat correction certificate to the applicant and Office of the Adams County Clerk and Recorder. The Director of Community and Economic Development decision shall be based on the criteria for approval.

The processing of a plat correction shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a plat correction as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid. No notice to adjacent property owners is required. However, when the plat correction involves a road name change, the applicant shall notify all affected property owners by certified mail, return receipt requested at least ten (10) days prior to application submittal. The return receipts shall be submitted to the Director of Community and Economic Development as part of the application submittals.
5. Staff Report: Applicable.
6. Notice: Not applicable.
7. Public Hearing: Not applicable.
8. Standards: Applicable. The Director of Community and Economic Development in approving a plat correction shall find the plat correction certificate meets the criteria for approval. Upon approval, the plat correction certificate shall be signed by the Director of Community and Economic Development and recorded in the Office of the Adams County Clerk and Recorder.
9. Conditions of Approval: Not applicable.
10. Amendments: Not applicable.

2-02-18-02-05

CRITERIA FOR APPROVAL

The Director of Community and Economic Development, in approving a plat correction, shall find:

1. The correction complies with these standards and regulations, and the original conditions of approval.

2. Nonconforming lots are not created, and in the case of nonconforming lots, the nonconformity is not increased.
3. The correction is in keeping with the purpose and intent of the subdivision regulations.
4. The approval will not adversely affect the public health, safety, and welfare.

2-02-18-02-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

Upon approval, the Director of Community and Economic shall sign the plat correction certificate and cause it to be recorded in the Office of the Adams County Clerk and Recorder.

2-02-18-02-07 *APPEAL*

A denial of a plat correction may be appealed to the Board of County Commissioners at a regular business meeting when a request for appeal is submitted, in writing, to the Director of Community and Economic Development within thirty (30) days of the denial.

2-02-18-03 *LOT LINE VACATION*

2-02-18-03-01 *PURPOSE*

The purpose of this section is to detail the steps for vacating a lot line, i.e. the combination of two (2) or more lots into one (1) lot.

2-02-18-03-02 *APPLICABILITY*

An approved vacation map, vacation approval certificate, and correction deed shall be required to vacate any lot line on a recorded subdivision plat.

2-02-18-03-03 *WHO CAN INITIATE A LOT LINE VACATION*

A lot line vacation may be proposed by, without limitation, the owner(s) of, or person having an interest in the affected property.

2-02-18-03-04 *LOT LINE VACATION REVIEW PROCEDURES*

A lot line vacation shall be approved by the Director of Community and Economic Development. Lot line vacations shall be processed administratively (See Steps 1 through 10 below). Upon completion of a review of the submitted information, the Director of Community and

Economic Development shall approve or deny the lot line vacation and shall forward a written administrative analysis concerning the decision and a copy of the vacation map, vacation approval certificate, and correction deed, to the applicant and Office of the Adams County Clerk and Recorder. The Director of Community and Economic Development's decision shall be based on the criteria for approval.

The processing of a lot line vacation shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a lot line vacation as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid. No notice to adjacent property owners is required.
5. Staff Report: Applicable. Referral agencies shall not be notified except all Special Districts and easement holders shall be notified to review the lot line vacation.
6. Notice: Not applicable.
7. Public Hearing: Not applicable.
8. Standards: Applicable. The Director of Community and Economic Development in approving a lot line vacation shall find the vacation map, vacation approval certificate, and correction deed meets the criteria for approval. Upon approval, the vacation approval certificate shall be signed by the Director of Community and Economic Development and the vacation map, vacation approval certificate, and correction deed shall be recorded in the Office of the Adams County Clerk and Recorder.
9. Conditions of Approval: Not applicable.
10. Amendments: Not applicable.

2-02-18-03-05

CRITERIA FOR APPROVAL

The Director of Community and Economic Development, in approving a lot line vacation, shall find:

1. The vacation complies with these standards and regulations and the original conditions of approval.

2. Nonconforming lots are not created, and in the case of nonconforming lots, the nonconformity is not increased.
3. The vacation is in keeping with the purpose and intent of the subdivision regulations.
4. The approval will not adversely affect the public health, safety, and welfare.

2-02-18-03-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

Upon approval, the Director of Community and Economic Development shall sign the vacation approval certificate and cause the vacation map, vacation approval certificate, and correction deed to be recorded in the Office of the Adams County Clerk and Recorder.

2-02-18-03-07 *APPEAL*

A denial of a lot line vacation may be appealed to the Board of County Commissioners at a regular business meeting when a request for appeal is submitted, in writing, to the Director of Community and Economic Development within thirty (30) days of the denial.

2-02-18-04 *LOT LINE/BUILDING ENVELOPE ADJUSTMENT*

2-02-18-04-01 *PURPOSE*

The purpose of this section is to detail the steps for a realignment of a lot line or building envelope, or replatting of several lots (e.g., three (3) lots into two (2)), in which the original subdivision is not substantially modified and additional lots are not created. However, tracts may be created provided the intended use of the tract(s) does not include a structure.

2-02-18-04-02 *APPLICABILITY*

An approved lot line/building envelope adjustment map, lot line/building envelope adjustment approval certificate, and correction deeds shall be required to realign any lot lines or adjust a building envelope on a recorded subdivision plat.

2-02-18-04-03 *WHO CAN INITIATE A LOT LINE/BUILDING ENVELOPE ADJUSTMENT*

A lot line/building envelope adjustment may be proposed by, without limitation, the owner(s) of, or person having an interest in the affected property.

2-02-18-04-04 *LOT LINE/BUILDING ENVELOPE ADJUSTMENT REVIEW PROCEDURES*

A lot line/building envelope adjustment shall be approved by the Director of Community and Economic Development. Lot line/building envelope adjustments shall be processed administratively (See Steps 1 through 10 below). Upon completion of a review of the submitted information, the Director of Community and Economic Development shall approve or deny the lot line/building envelope adjustment and shall forward a written administrative analysis concerning the decision and a copy of the lot line/building envelope adjustment map, lot line/building envelope adjustment approval certificate, and correction deeds, to the applicant and the Office of the Adams County Clerk and Recorder. The Director of Community and Economic Development's decision shall be based on the criteria for approval.

The processing of a lot line/building envelope adjustment shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a lot line/building envelope adjustment as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid. Notice to adjacent property owners is only required when a change in the building envelope is proposed.
5. Staff Report: Applicable. Referral agencies shall not be notified except all Special Districts and easement holders shall be notified to review the lot line vacation.
6. Notice: Not applicable.
7. Public Hearing: Not applicable.
8. Standards: Applicable. The Director of Community and Economic Development in approving a lot line/building envelope adjustment shall find the lot line/building envelope adjustment map, lot

line/building envelope adjustment approval certificate, and correction deeds meet the criteria for approval. Upon approval, the lot line/building envelope adjustment approval certificate shall be signed by the Director of Community and Economic Development and the lot line/building envelope adjustment map, lot line/building envelope adjustment approval certificate, and correction deeds shall be recorded in the Office of the Adams County Clerk and Recorder.

9. Conditions of Approval: Not applicable.
10. Amendments: Not applicable.

2-02-18-04-05 *CRITERIA FOR APPROVAL*

The Director of Community and Economic Development, in approving a lot line/building envelope adjustment, shall find:

1. The lot line/building envelope adjustment complies with these standards and regulations, and the original conditions of approval.
2. Nonconforming lots are not created, and in the case of nonconforming lots, the nonconformity is not increased.
3. The lot line/building envelope adjustment is in keeping with the purpose and intent of the subdivision regulations.
4. The approval will not adversely affect the public health, safety, and welfare.

2-02-18-04-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

Upon approval, the Director of Community and Economic Development shall sign the lot line/building envelope adjustment approval certificate and cause the lot line/building envelope adjustment map, lot line/building envelope adjustment approval certificate, and correction deeds to be recorded in the Office of the Adams County Clerk and Recorder.

2-02-18-04-07 *APPEAL*

A denial of a lot line/building envelope adjustment may be appealed to the Board of County Commissioners at a regular business meeting when a request for appeal is submitted, in writing, to the Director of Community and Economic Development within thirty (30) days of the denial.

2-02-18-05 SUBDIVISION REPLAT

2-02-18-05-01 *PURPOSE*

The purpose of this section is to detail the steps for replatting a subdivision or several lots, in which the original subdivision is substantially modified and/or additional lots are created.

2-02-18-05-02 *APPLICABILITY*

An approved subdivision plat shall be required to substantially alter an existing recorded subdivision plat.

2-02-18-05-03 *WHO CAN INITIATE A SUBDIVISION REPLAT*

A subdivision replat may be proposed by, without limitation, the owner(s) of, or person having an interest in the affected properties.

2-02-18-05-04 *SUBDIVISION REPLAT REVIEW PROCEDURES*

A subdivision replat shall be approved by the Board of County Commissioners. The Director of Community and Economic Development shall determine whether the proposed subdivision replat is substantial or insubstantial based upon, but not limited to, the following factors: design, size, public concern, public facilities, services, access, and transportation network. If the Director determines the subdivision replat is insubstantial, the subdivision replat shall be processed as a minor subdivision. If the Director of Community and Economic Development determines the replat is substantial, the subdivision replat shall be processed as a major subdivision.

2-02-18-05-05 *CRITERIA FOR APPROVAL*

The Director of Community and Economic Development, in approving the sketch plan in the case where a replat is processed as a minor subdivision, the Planning Commission, in making their recommendation in the case where a replat is processed as a major subdivision, and the Board of County Commissioners, in approving a replat, shall find:

1. The subdivision replat complies with these standards and regulations, and the original conditions of approval.
2. Nonconforming lots are not created, and in the case of nonconforming lots, the nonconformity is not increased.
3. The subdivision replat is in keeping with the purpose and intent of the subdivision regulations.

4. The approval will not adversely affect the public health, safety, and welfare.

2-02-18-05-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall cause to have filed in the Office of the Adams County Clerk and Recorder the replat of the subdivision, correction deeds and any subdivision improvements agreement.

2-02-18-06 *PLAT VACATION-NO PUBLIC INFRASTRUCTURE OR DEDICATION*

2-02-18-06-01 *PURPOSE*

The purpose of this section is to detail the steps for vacation of a subdivision plat that has no public infrastructure or dedication.

2-02-18-06-02 *APPLICABILITY*

An approved vacation certificate shall be required to vacate any recorded subdivision plat.

2-02-18-06-03 *WHO CAN INITIATE A PLAT VACATION*

A plat vacation may be proposed by, without limitation, the owner(s) of, or person having an interest in the affected property.

2-02-18-06-04 *PLAT VACATION REVIEW PROCEDURES*

A plat vacation shall be approved by the Director of Community and Economic Development. Plat vacations shall be processed administratively (See Steps 1 through 10 below). Upon completion of a review of the submitted information, the Director of Community and Economic Development shall approve or deny the plat vacation and shall forward a written administrative analysis concerning the decision and a copy of the plat vacation certificate, and correction deeds, to the applicant and the Office of the Adams County Clerk and Recorder. The Director of Community and Economic Development's decision shall be based on the criteria for approval.

The processing of a plat vacation shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a plat vacation as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid. No notification of adjacent property owners shall be required.
5. Staff Report: Applicable. No notification of referral agencies shall be required.
6. Notice: Not applicable.
7. Public Hearing: Not applicable.
8. Standards: Applicable. The Director of Community and Economic Development in approving a plat vacation shall find the plat vacation certificate, and correction deeds meet the criteria for approval. Upon approval, the plat vacation certificate shall be signed by the Director of Community and Economic Development and recorded in the Office of the Adams County Clerk and Recorder.
9. Conditions of Approval: Not applicable.
10. Amendments: Not applicable.

2-02-18-06-05

CRITERIA FOR APPROVAL

The Director of Community and Economic, in approving a plat vacation, shall find:

1. The plat vacation complies with these standards and regulations, and the original conditions of approval.
2. Nonconforming lots are not created, and in the case of nonconforming lots, the nonconformity is not increased.
3. The plat vacation is in keeping with the purpose and intent of the subdivision regulations.
4. The approval will not adversely affect the public health, safety, and welfare.

2-02-18-06-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

Upon approval, the Director of Community and Economic Development shall sign the plat vacation certificate, and record the plat vacation certificate and correction deeds with the Office of the Adams County Clerk and Recorder.

2-02-18-06-07 *APPEAL*

A denial of a plat vacation may be appealed to the Board of County Commissioners at a regular business meeting when a request for appeal is submitted, in writing, to the Director of Community and Economic Development within thirty (30) days of the denial.

2-02-18-07 *PLAT VACATION- PUBLIC INFRASTRUCTURE OR DEDICATION*

2-02-18-07-01 *PURPOSE*

The purpose of this section is to detail the steps for vacation of a subdivision plat that has associated public infrastructure or dedication.

2-02-18-07-02 *APPLICABILITY*

An approved vacation resolution and vacation map shall be required to vacate any recorded subdivision plat that has associated public infrastructure or dedication.

2-02-18-07-03 *WHO CAN INITIATE A PLAT VACATION*

A plat vacation may be proposed by, without limitation, the owner(s) of, or person having an interest in the affected property.

2-02-18-07-04 *PLAT VACATION REVIEW PROCEDURES*

A plat vacation shall be approved by the Board of County Commissioners. Plat vacations shall be processed through a public hearing before the Board of County Commissioners (See Steps 1 through 10 below). The Board of County Commissioners shall then approve or deny the plat vacation based on consideration of the staff report, the evidence from the public hearing, and the plat vacation's compliance with the criteria for approval.

The processing of a plat vacation shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.

2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a plat vacation as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A hearing shall be held before the Board of County Commissioners only.
8. Standards: Applicable.
9. Conditions of Approval: Applicable.
10. Amendments: Not applicable.

2-02-18-07-05

CRITERIA FOR APPROVAL

The Board of County Commissioners, in approving a plat vacation, shall find:

1. The plat vacation complies with these standards and regulations and the original conditions of approval.
2. Nonconforming lots are not created, and in the case of nonconforming lots, the nonconformity is not increased.
3. The plat vacation is in keeping with the purpose and intent of the subdivision regulations.
4. The approval will not adversely affect the public health, safety, and welfare.

2-02-18-07-06

ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic development shall cause the vacation resolution, vacation map, and correction deeds to be recorded in the Office of the Adams County Clerk and Recorder.

2-02-18-08 ROADWAY VACATION

2-02-18-08-01 *PURPOSE*

The purpose of this section is to detail the steps for vacation of roadways, which include any public street, alley, lane, parkway, avenue, road, trail, or other public way designated or dedicated on a plat, conveyed by deed or recorded easement, or acquired by prescriptive use, whether or not it has ever been used as such. A street or road, established as part of a subdivision, but never constructed or used as such, may be vacated and replatted through the replat process.

2-02-18-08-02 *APPLICABILITY*

Any roadway dedicated to the County or public, may only be vacated through the following procedures, which have been adopted in accordance with C.R.S. §§43-2-101, *et seq.*

2-02-18-08-03 *WHO CAN INITIATE A ROADWAY VACATION*

A roadway vacation may be proposed by, without limitation, the owner(s) of, or person having an interest in the affected property or the Board of County Commissioners.

2-02-18-08-04 *ROADWAY VACATION REVIEW PROCEDURES*

A roadway vacation shall be approved by the Board of County Commissioners. Roadway vacations shall be processed through a public hearing before the Board of County Commissioners (See Steps 1 through 10 below). The Board of County Commissioners shall then approve or deny the roadway vacation based on consideration of the staff report, the evidence from the public hearing, and the roadway vacation's compliance with the criteria for approval.

The processing of a roadway vacation shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Optional, unless the Director of Community and Economic Development determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for a roadway vacation as described in the application submittal

requirements shall be submitted to the Director of Community and Economic Development.

4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable. At least fourteen (14) days prior to the Board of County Commissioners hearing, a notice shall be mailed by first-class mail to the last known address of each abutting property owner.
7. Public Hearing: Applicable. A hearing shall be held before the Board of County Commissioners only.
8. Standards: Applicable.
9. Conditions of Approval: Applicable.
10. Amendments: Not applicable.

2-02-18-08-05

CRITERIA FOR APPROVAL

The Board of County Commissioners, in approving a roadway vacation, shall find:

1. The roadway vacation complies with these standards and regulations and the original conditions of approval.
2. Nonconforming lots are not created, and in the case of nonconforming lots, the nonconformity is not increased.
3. The roadway vacation is in keeping with the purpose and intent of the subdivision regulations.
4. The approval will not adversely affect the public health, safety, and welfare.
5. The vacation does not leave any land adjoining the roadway without an established public road or private access easement connecting said land with another established public road.
6. If the roadway is a state or federal highway, the vacation has been approved by the state transportation commission.

2-02-18-08-06

ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall cause the vacation resolution, vacation/replat map, and correction deeds to be recorded in the Office of the Adams County Clerk and Recorder.

2-02-19 SUBDIVISION, MAJOR

2-02-19-01 PURPOSE

The purpose of this section is to detail the steps for obtaining approval to develop a major subdivision. All major subdivisions are required to obtain two (2) approvals prior to development of a site.

The first approval required is an approval of the preliminary plat. The preliminary plat provides an in-depth analysis of the proposed subdivision, including a refinement of the design considering the geologic hazards, environmentally sensitive areas, source of required services, vehicular/pedestrian circulation, and the relationship to surrounding land uses.

The second approval required is an approval of the final plat. The final plat provides a review of all final engineering plans, subdivision improvements agreements, and other legal requirements.

For more complicated subdivision proposals, the sketch plan approval may be obtained prior to submission of an application for preliminary plat. The sketch plan is a conceptual plan analysis of the feasibility of the subdivision including conceptual design, ability to obtain water/sanitation, location of geologic hazards, identification of environmentally sensitive areas, sources of required services, vehicular and pedestrian circulation, relationship to surrounding land uses, and conformance with zoning, design standards, and the Adams County Comprehensive Plan.

Each process involves the submittal of an application, an application fee, required plans and reports, referrals of the proposal to other agencies, staff analysis and meetings with staff or public hearings/meetings. Each successive application builds on the previously approved application by providing additional details and by meeting additional restrictions and standards. This progression relieves the applicant from major and potentially unnecessary expenses in situations that may require a redesign and therefore, a revision of expensive engineering or planning reports. Approval at any step in the process does not ensure approval at the next step.

The sketch plan shall be reviewed by the Director of Community and Economic Development and Director of Public Works with written staff analysis provided, prior to submittal of the preliminary plat. The preliminary plat shall be reviewed by the Planning Commission and the Board of County Commissioners at a public hearing. The final plat shall be reviewed by the Board of County Commissioners at a public meeting. The final plat may not be submitted prior to the preliminary plat approval.

2-02-19-02 SKETCH PLAN

2-02-19-02-01 *PURPOSE*

The purpose of this section is to detail the steps for examining the feasibility of a subdivision of land including the review of conceptual design, ability to obtain water and sanitation, location of geologic hazards, identification of environmentally sensitive areas, sources of required services, vehicular and pedestrian circulation, relationship to surrounding land uses, and conformance with zoning, design standards, and the Adams County Comprehensive Plan. Approval of a sketch plan does not establish a vested right to develop property in accordance with the plan.

2-02-19-02-02 *APPLICABILITY*

A sketch plan approval is optional for all major subdivisions.

2-02-19-02-03 *WHO CAN INITIATE A SKETCH PLAN*

A sketch plan may be proposed by, without limitation, the owner(s) of, or person having an interest in the property to be subdivided.

The applicant has the burden of proof to demonstrate the sketch plan fully complies with these standards and regulations and meets the criteria for approval.

2-02-19-02-04 *SKETCH PLAN REVIEW PROCEDURES*

A sketch plan shall be approved by the Director of Community and Economic Development. Sketch plans shall be processed administratively (See Steps 1 through 10 below). Upon completion of a review of the submitted information, the Director of Community and Economic Development shall approve, approve with conditions, or deny the sketch plan and shall forward a written administrative analysis concerning the decision and application to the applicant. The Director of Community and Economic Development's decision shall be based on the criteria for approval.

The processing of a sketch plan shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Applicable, unless the Director of Community and Economic Development determines the development proposal may not have significant neighborhood impacts.

3. Development Application Submittal: All items or documents required for a sketch plan as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Not applicable.
7. Public Hearing: Not applicable.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Director of Community and Economic Development in approving a sketch plan may attach conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses.
10. Amendments: Not applicable.

2-02-19-02-05

CRITERIA FOR APPROVAL

The Director of Community and Economic Development, in approving a sketch plan, shall find:

1. The sketch plan is consistent with the Adams County Comprehensive Plan and any applicable area plan.
2. The sketch plan is consistent with the purpose of these standards and regulations.
3. The sketch plan is in conformance with the subdivision design standards.
4. The applicant has provided reasonable evidence that a sufficient water supply has been acquired in terms of quantity, quality and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards.
5. The applicant has provided reasonable evidence that a public sewage disposal system has been established and, if other methods of sewage disposal are proposed, adequate evidence indicating that the system complies with state and local laws and regulations.
6. The applicant has provided reasonable evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified by the applicant and the proposed uses of these areas are compatible with such conditions.

7. The applicant has provided reasonable evidence showing adequate drainage improvements can be provided.
8. Significant cultural, archaeological, natural/historical resources and unique landforms will be reasonably protected in accordance with resources inventory provisions of these standards and regulations.
9. Necessary services, including fire/police protection, schools, recreation, utilities, open space and transportation system, appear to be available to serve the proposed subdivision.
10. The sketch plan appears to be compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.

2-02-19-02-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

Upon approval, the Director of Community and Economic Development shall file a copy of the approved sketch plan in the offices of the Department of Community and Economic Development.

2-02-19-02-07 *LAPSE OF APPROVAL*

The sketch plan approval shall lapse one (1) year from the date of approval if a preliminary plat is not submitted.

2-02-19-02-08 *EXTENSION OF APPROVAL*

A sketch plan approval may not be extended.

2-02-19-03 *PRELIMINARY PLAT*

2-02-19-03-01 *PURPOSE*

The purpose of this section is to detail the steps for an in-depth analysis of the proposed subdivision including a refinement of the design considering the geologic hazards, environmentally sensitive areas, source of required services, vehicular/pedestrian circulation, and the relationship to surrounding land uses. Approval of a preliminary plat establishes a vested right to develop property in accordance with the plat.

2-02-19-03-02 *APPLICABILITY*

A preliminary plat shall be required for any property intended for subdivision. A preliminary plat shall be approved prior to filing an application for final plat.

2-02-19-03-03 *WHO CAN INITIATE A PRELIMINARY PLAT*

A preliminary plat may be proposed by, without limitation, the owner(s) of, or person having an interest in the property to be subdivided.

The applicant has the burden of proof to demonstrate the preliminary plat fully complies with these standards and regulations and meets the criteria for approval.

2-02-19-03-04 *PRELIMINARY PLAT REVIEW PROCEDURES*

A preliminary plat shall be approved by the Board of County Commissioners. Any preliminary plat shall be processed through a public hearing before the Planning Commission, which shall provide a recommendation to the Board of County Commissioners (See Steps 1 through 10 below). Upon completion of a hearing by the Planning Commission, the preliminary plat and recommendation of the Planning Commission shall be forwarded to the Board of County Commissioners. The Board of County Commissioners shall, after receiving a recommendation from the Planning Commission, hold a public hearing. The Board of County Commissioners shall then approve, approve with conditions, or deny the preliminary plat based on consideration of the staff report, the Planning Commission's recommendation and findings, the evidence from the public hearings, and the preliminary plat's compliance with the criteria for approval.

The processing of a preliminary plat shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Applicable, unless the Director of Community and Economic Development determines the development proposal may not have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for a preliminary plat as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least fifty (50) days prior to the first unfilled Planning Commission public hearing agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.

5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of County Commissioners in approving a preliminary plat may attach conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses.
10. Amendments: Applicable.

2-02-19-03-05

CRITERIA FOR APPROVAL

The Planning Commission, in making their recommendation, and the Board of County Commissioners, in approving a preliminary plat, shall find:

1. The preliminary plat is consistent with the Adams County Comprehensive Plan and any available area plan.
2. The preliminary plat is consistent with the purposes of these standards and regulations.
3. The preliminary plat is in conformance with the subdivision design standards and any approved sketch plan.
4. The applicant has provided evidence that a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards.
5. The applicant has provided evidence that a public sewage disposal system has been established and, if other methods of sewage disposal are proposed, adequate evidence indicating that such system complies with state and local laws and regulations.
6. The applicant has provided evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified by the applicant and the proposed uses of these areas are compatible with such conditions.
7. The applicant has provided evidence that adequate drainage improvements comply with these standards and regulations.
8. The overall density of development within the proposed subdivision conforms to the zone district density allowances.

9. The proposed subdivision is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. The proposed subdivision has established an adequate level of compatibility by:
 - a. Incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use;
 - b. Incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County;
 - c. Incorporating physical design features in the subdivision to provide a transition between the project and adjacent land uses through the provision of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures;
 - d. Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design; and
 - e. Incorporating public facilities or infrastructure, or cash-in-lieu, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of the County services and facilities.

2-02-19-03-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT*****

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall file a copy of the approved preliminary plat in the Community and Economic Development Department.

2-02-19-03-07 *LAPSE OF APPROVAL*****

The preliminary plat approval shall lapse two (2) years from the date of approval if a final plat is not submitted.

2-02-19-03-08 *EXTENSION OF APPROVAL*

A ninety (90)-day extension of the preliminary plat approval may be granted by the Planning Commission. In order to be eligible for an extension, the applicant shall file an application for extension with the Director of Community and Economic Development at least thirty (30) days prior to the date the preliminary plat would lapse. A progress report and revised schedule shall be submitted with the request for extension. An extension may only be granted if the Planning Commission finds:

1. The applicant has maintained a continuous good faith effort in preparing a final development plan including, but not limited to, preparing financing, securing state or federal permits, undertaking engineering and design, etc.; and
2. Conditions near the site, these standards and regulations, and the Adams County Comprehensive Plan have not changed in a way to render the original findings erroneous.

A preliminary plat shall be limited to one ninety (90)-day extension.

2-02-19-04 *FINAL PLAT*

2-02-19-04-01 *PURPOSE*

The purpose of this section is to detail the steps and requirements for a review of all final engineering plans, subdivision improvements agreements, and other legal requirements for platting a major subdivision. Approval of a final plat establishes a vested right to develop property in accordance with the plan.

2-02-19-04-02 *APPLICABILITY*

A final plat shall be required for any property intended to be subdivided.

2-02-19-04-03 *WHO CAN INITIATE A FINAL PLAT*

A final plat may be proposed by, without limitation, the owner(s) of, or person having an interest in the property to be subdivided. A final plat may only be submitted if a preliminary plat for the subject property has been approved. The final plat shall conform to the preliminary plat.

The applicant has the burden of proof to demonstrate the final plat fully complies with these standards and regulations and meets the criteria for approval.

2-02-19-04-04 *FINAL PLAT REVIEW PROCEDURES*

A final plat shall be approved by the Board of County Commissioners by resolution. Any final plat shall be processed through a public meeting before the Board of County Commissioners (See Steps 1 through 10 below). The Board of County Commissioners shall then approve or deny the final plat based on its consideration of the staff report, the evidence from the public meeting, and the final plat's compliance with the criteria for approval.

The processing of a final plat shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Not applicable.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a final plat as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least thirty (30) days prior to the first unfilled Board of County Commissioners public meeting agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Not applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of County Commissioners. This item would be listed on the consent calendar. However, the Board of County Commissioners may take testimony from the public at the public hearing.
8. Standards: Applicable.
9. Conditions of Approval: Applicable.
10. Amendments: Applicable.

2-02-19-04-05 *CRITERIA FOR APPROVAL*

The Board of County Commissioners, in approving a final plat, shall find:

1. The final plat is consistent and conforms to the approved preliminary plat.
2. The final plat is in conformance with the subdivision design standards.
3. The applicant has provided evidence that a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the

type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards.

4. The applicant has provided evidence that a public sewage disposal system has been established and, if other methods of sewage disposal are proposed, adequate evidence indicating that the system complies with state and local laws and regulations.
5. The applicant has provided evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified by the applicant and the proposed uses of these areas are compatible with such conditions.
6. The proposed or constructed drainage improvements are adequate and comply with these standards and regulations.
7. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or financially guaranteed through cash-in-lieu or a subdivision improvements agreement so the proposed subdivision will not negatively impact the levels of service of the County.

2-02-19-04-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT*

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall cause to have filed in the Office of the Adams County Clerk and Recorder the final plat and subdivision improvements agreement.

2-02-20 SUBDIVISION, MINOR

2-02-20-01 PURPOSE

The purpose of this section is to detail the steps for obtaining approval to develop a minor subdivision. A minor subdivision shall only be used to divide parcels of less than twenty (20) acres into four (4) or fewer lots. All minor subdivisions are required to obtain two (2) approvals prior to development of a site.

The first required approval is an approval of the sketch plan. The sketch plan is a conceptual plan analysis of the feasibility of the subdivision including conceptual design, ability to obtain water/sanitation, location of geologic hazards, identification of environmentally sensitive areas, sources of required services, vehicular and pedestrian circulation, relationship to surrounding land uses, and

conformance with zoning, design standards, and the Adams County Comprehensive Plan.

The second required approval is an approval of the final plat. The final plat provides a review of all final engineering plans, subdivision improvements agreements, and other legal requirements.

An Applicant may also choose to process a minor subdivision in the same manner as a major subdivision and the process shall follow Section 2-02-16-03. Each process involves the submittal of an application, an application fee, required plans and reports, referrals of the proposal to other agencies, staff analysis and meetings with staff or public hearings/meetings. The final plat application builds on the previously approved application by providing additional details and by meeting additional restrictions and standards. This progression relieves the applicant from major and potentially unnecessary expenses in situations which may require a redesign, and, therefore, a revision of expensive engineering or planning reports. Approval at any step in the process does not ensure approval at the next step.

The sketch plan shall be reviewed by the Director of Community and Economic Development with written staff analysis provided, prior to submittal of the final plat. The final plat shall be reviewed by the Planning Commission and Board of County Commissioners at a public hearing. The final plat may not be submitted prior to obtaining a sketch plan approval.

If significant issues are identified or disclosed during the sketch plan process, including, but not limited to, public opposition, the applicant may choose to have the minor subdivision processed as a major subdivision. Where issues appear to be significant or public opposition to a subdivision is substantial, the applicant is advised that by filing a preliminary plat, the applicant may avoid the unnecessary expense in completing final engineering where final plat approval is less certain. If the applicant chooses to have the proposed minor subdivision processed as a major subdivision, the applicant shall submit a preliminary plat in conformance with the requirements of the major subdivision process.

2-02-20-02 SKETCH PLAN

2-02-20-02-01 *PURPOSE*

The purpose of this section is to detail the steps for examining the feasibility of a subdivision of land including the review of conceptual design, ability to obtain water and sanitation, location of geologic hazards, identification of environmentally sensitive areas, sources of required services, vehicular and pedestrian circulation, relationship to surrounding land uses, and conformance with zoning, design standards, and the Adams County Comprehensive Plan. Approval of a sketch plan does not establish any vested right to develop property in accordance with the plan.

2-02-20-02-02 *APPLICABILITY*

A sketch plan approval shall be required for all minor subdivisions prior to submission of an application for final plat.

2-02-20-02-03 *WHO CAN INITIATE A SKETCH PLAN*

A sketch plan may be proposed by, without limitation, the owner(s) of, or person having an interest in the property to be subdivided.

The applicant has the burden of proof to demonstrate the sketch plan fully complies with these standards and regulations and meets the criteria for approval.

2-02-20-02-04 *SKETCH PLAN REVIEW PROCEDURES*

A sketch plan shall be approved by the Director of Community and Economic Development. Sketch plans shall be processed administratively (See Steps 1 through 10 below). Upon completion of a review of the submitted information, the Director of Community and Economic Development shall approve, approve with conditions, or deny the sketch plan and shall forward a written administrative analysis concerning the decision and application to the applicant. The Director of Community and Economic Development's decision shall be based on the criteria for approval.

The processing of a sketch plan shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Optional, unless the Director of Community and Economic Development determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for a sketch plan as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Not applicable.
7. Public Hearing: Not applicable.
8. Standards: Applicable.

9. Conditions of Approval: Applicable. The Director of Community and Economic Development in approving a sketch plan may attach conditions necessary to implement the Adams County Comprehensive Plan and ensure compatibility with adjacent uses.
10. Amendments: Not applicable.

2-02-20-02-05 *CRITERIA FOR APPROVAL*

The Director of Community and Economic Development, in approving a sketch plan, shall find:

1. The sketch plan appears to be consistent with the Adams County Comprehensive Plan and any applicable area plan.
2. The sketch plan appears to be consistent with the purpose of these standards and regulations.
3. The sketch plan appears to be in conformance with the subdivision design standards.
4. The applicant has provided reasonable evidence that a sufficient water supply has been acquired in terms of quantity, quality and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards.
5. The applicant has provided reasonable evidence that a public sewage disposal system has been established and, if other methods of sewage disposal are proposed, adequate evidence indicating that the system complies with state and local laws and regulations.
6. The applicant has provided reasonable evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified by the applicant and the proposed uses of these areas are compatible with such conditions.
7. The applicant has provided reasonable evidence adequate drainage improvements can be provided.
8. Significant cultural, archaeological, natural/historical resources and unique landforms will be reasonably protected in accordance with resource inventory provisions of these standards and regulations.
9. Necessary services, including fire/police protection, schools, recreation, utilities, open space and transportation system, appear to be available to serve the proposed subdivision.
10. The sketch plan appears to be compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the

area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.

2-02-20-02-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

Upon approval, the Director of Community and Economic Development shall file a copy of the approved sketch plan in the Community and Economic Development Office.

2-02-20-02-07 *LAPSE OF APPROVAL*

The sketch plan approval shall lapse one (1) year from the date of approval if a preliminary plat is not submitted.

2-02-20-02-08 *EXTENSION OF APPROVAL*

A sketch plan approval may not be extended.

2-02-20-03 *FINAL PLAT*

2-02-20-03-01 *PURPOSE*

The purpose of this section is to detail the steps and requirements for a review of all final engineering plans, subdivision improvements agreements, and other legal requirements for platting a minor subdivision. Approval of a final plat establishes a vested right to develop property in accordance with the plan.

2-02-20-03-02 *APPLICABILITY*

A final plat shall be required for any property intended for subdivision.

2-02-20-03-03 *WHO CAN INITIATE A FINAL PLAT*

A final plat may be proposed by, without limitation, the owner(s) of, or person having an interest in the property to be subdivided. A final plat may only be submitted if a sketch plan for the subject property has been approved. The final plat shall conform to the sketch plan.

The applicant has the burden of proof to demonstrate the final plat fully complies with these standards and regulations and meets the criteria for approval.

2-02-20-03-04 *FINAL PLAT REVIEW PROCEDURES*

A final plat shall be approved by the Board of County Commissioners by resolution. Any final plat shall be processed through a public hearing before the Planning Commission, which shall provide a recommendation to the Board of County Commissioners (See Steps 1 through 10 below). Upon completion of a hearing by the Planning Commission, the final plat and recommendation of the Planning Commission shall be forwarded to the Board of County Commissioners. The Board of County Commissioners shall, after receiving a recommendation from the Planning Commission, hold a public hearing. The Board of County Commissioners shall then approve, approve with conditions, or deny the final plat based on consideration of the staff report, the Planning Commission's recommendation and findings, the evidence from the public hearings, and the final plat's compliance with the criteria for approval.

The processing of a final plat shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Not applicable.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for a final plat as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least fifty (50) days prior to the first unfilled Planning Commission public meeting agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Planning Commission and Board of County Commissioners.
8. Standards: Applicable.
9. Conditions of Approval: Not applicable.
10. Amendments: Applicable.

2-02-20-03-05 *CRITERIA FOR APPROVAL*

The Planning Commission, in making their recommendation, and the Board of County Commissioners, in approving a final plat, shall find:

1. The final plat is consistent and conforms to the approved sketch plan.

2. The final plat is in conformance with the subdivision design standards.
3. The applicant has provided evidence that a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards.
4. The applicant has provided evidence that provision has been made for a public sewage disposal system and, if other methods of sewage disposal are proposed, adequate evidence indicating that the system complies with state and local laws and regulations.
5. The applicant has provided evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the applicant and the proposed uses of these areas are compatible with such conditions.
6. The proposed or constructed drainage improvements are adequate and comply with these standards and regulations.
7. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or financially guaranteed through cash-in-lieu or a subdivision improvements agreement so the proposed subdivision will not negatively impact the levels of service of the County.
8. The final plat is consistent with the Adams County Comprehensive Plan and any available area plan.
9. The final plat is consistent with the purposes of these standards and regulations.
10. The overall density of development within the proposed subdivision conforms to the zone district density allowances.
11. The proposed subdivision is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. The proposed subdivision has established an adequate level of compatibility by:
 - a. Incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use;
 - b. Incorporating site planning techniques to foster the implementation of the County's plans and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit, and the cost effective delivery of

other services consistent with adopted plans, policies and regulations of the County;

- c. Incorporating physical design features in the subdivision to provide a transition between the project and adjacent land uses through the provision of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures; and
- d. Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design.

2-02-20-03-06 *ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL*

Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Director of Community and Economic Development shall cause to have filed in the Office of the Adams County Clerk and Recorder the final plat and subdivision improvements agreement.

2-02-21 **APPEAL FROM ADMINISTRATIVE DECISION**

2-02-21-01 **PURPOSE**

The purpose of this section is to detail the steps and requirements for appeals from decisions of administrative officials to ensure these standards and regulations are administered properly and consistently with the policies adopted by the County.

2-02-21-02 **APPLICABILITY**

All appeals from an administrative decision must be processed in accordance with this section. The Board of Adjustment shall have the authority to hear and decide appeals by any aggrieved person, where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of these standards and regulations. Only those provisions relating to the administration of these standards and regulations, the interpretation of performance and design standards, or zone district regulations and standards may be appealed to the Board of Adjustment. An alleged error in the interpretation and administration of any subdivision standards or regulations, or the administration and interpretation of any engineering design and construction standards may not be appealed to the Board of Adjustment, but must be appealed to the Board of County Commissioners.

2-02-21-03 WHO CAN INITIATE AN APPEAL

An appeal may be initiated by, without limitation, any person aggrieved by any decision of any administrative official of the County in the enforcement of these standards and regulations.

2-02-21-04 TIME LIMITATIONS

All appeals must be initiated within ten (10) calendar days of the date the order, requirement, decision, or determination was made or rendered by the administrative official. The Director Community and Economic Development may waive or extend this deadline only upon finding the person filing the appeal received no actual or constructive form of notice of the order, requirement, decision, or determination being appealed. Failure to file the appeal in a timely manner shall constitute a waiver of any rights to appeal under this section.

2-02-21-05 APPEAL REVIEW PROCEDURES

An appeal shall be decided by the Board of Adjustment. Any appeal shall be processed through an administrative hearing before the Board of Adjustment (See Steps 1 through 10 below). The Board of Adjustment shall grant the appeal, modify the administrative decision, or deny the appeal based on consideration of the staff report, the evidence from the public hearing, and compliance with the criteria for approval.

2-02-21-06 APPEAL REVIEW STEPS

The processing of an appeal shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Not applicable.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: All items or documents required for an appeal as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least thirty (30) days prior to the first unfilled Board of Adjustment public hearing agenda.
4. Determination of Sufficiency: Applicable. Upon a determination of sufficiency, the appeal shall stay any proceedings in furtherance of the contested action. The Director of Community and Economic Development may certify in writing to the Board of County Commissioners that a stay poses an imminent peril to life or property or would seriously interfere with the enforcement of these standards and regulations. The Board of

County Commissioners shall review the certification and may override the stay of further proceedings.

5. Staff Report: Applicable. The administrative official whose action is being appealed shall transmit to the Director of Community and Economic Development all administrative papers, records, and other information regarding the subject being appealed within seven (7) days of being given notice of the appeal by the Director of Community and Economic Development. The Director of Community and Economic Development shall give notice in writing to the administrative official whose decision is being appealed. Copies of all written materials transmitted to the Director of Community and Economic Development shall be incorporated into the staff report.
6. Notice: Not applicable.
7. Public Hearing: Not applicable. An administrative hearing shall be held before the Board of Adjustment.
8. Standards: Applicable.
9. Conditions of Approval: Not applicable.
10. Amendments: Not applicable.

2-02-21-07 CRITERIA FOR APPROVAL

The Board of Adjustment, in granting an appeal or modifying an administrative decision, shall have all the powers of the administrative official from whom the appeal is taken and shall, in making its decision, find an error in the application of these standards and regulations on the part of the administrative official rendering the order, requirement, decision, or determination. The motion regarding the appeal shall state the reasons the Board of Adjustment used and the findings of fact the Board made in reaching its decision.

2-02-21-08 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING THE GRANT OF AN APPEAL

Upon the granting of an appeal or modification of an administrative decision by the Board of Adjustment, the Director of Community and Economic Development shall send a letter of decision to the administrative officer whose decision was overturned or modified and the appellant. The letter of decision shall describe in detail the grant of appeal approved by the Board of Adjustment.

2-02-21-09 EFFECT OF APPROVAL

The applicant shall be subject to all permits required by these standards and regulations. All orders, decisions, determinations, and interpretations made under those permit procedures shall be consistent with the reversal or modification granted to the appellant.

2-02-22 FLOODPLAIN USE PERMIT VARIANCE

2-02-22-01 PURPOSE

The purpose of this section is to detail the processing steps and requirements for a variance from the provisions of the Floodplain Overlay Zone District requirements. The variance is a means whereby the literal terms of the Floodplain Overlay Zone District standards and regulations need not be applied if there are practical difficulties or unnecessary hardships associated with their application. In granting a variance, the spirit of the Floodplain Overlay Zone District standards and regulations shall be observed, public safety and welfare secured, and substantial justice done.

2-02-22-02 APPLICABILITY

All Floodplain Overlay Zone District variance requests must be processed in accordance with this section. Only the Board of Adjustment may approve a variance from the Floodplain Overlay Zone District standards and regulations. Variances to the Floodplain Overlay Zone District requirements shall be limited as follows:

1. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places;
2. Variances shall not be issued within any designated floodway if any increase in flood levels would occur during the base flood discharge or if increases within the channel exceed those standards specified in the storm drainage design and technical criteria of these standards and regulations;* and
3. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level.

2-02-22-03 WHO CAN INITIATE A VARIANCE REQUEST

A variance may be requested by, without limitation, any owner of, or person having an interest in the affected property. The applicant has the burden of proof to demonstrate the variance meets the criteria for approval.

2-02-22-04 VARIANCE REVIEW PROCEDURES

A variance may be approved by the Board of Adjustment. Any request for variance shall be processed through a public hearing before the Board of Adjustment (See Steps 1 through 10 below). The Board of Adjustment shall approve, approve with conditions, or deny the variance based on consideration of the staff report, the evidence from the public hearing, and the variance's compliance with the criteria for approval.

2-02-22-05 VARIANCE REVIEW STEPS

The processing of a variance shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Applicable.
2. Neighborhood Meeting: Optional, unless the Director of Community and Economic Development determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for obtaining a variance as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least twenty (20) days prior to the first unfilled Board of Adjustment public hearing agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable. However, published notice is not required.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of Adjustment.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of Adjustment in approving a variance may attach any conditions necessary to ensure the variance authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and

zone district in which the subject property is located and will protect the public health and safety.

10. Amendments: Applicable.

2-02-22-06 CRITERIA FOR APPROVAL

The Board of Adjustment in approving a variance shall find:

1. Special physical requirements or circumstances exist which are peculiar to the land, the lot or some aspect inherent in the land causes the hardship, and are not applicable to other lands in the same district.
2. The literal interpretation of the provisions of these standards and regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these standards and regulations.
3. Granting of the variance requested will not confer on the applicant any special privilege denied by these standards and regulations for other land in the same zone district.
4. Because of physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of the physical requirements of these standards and regulations.
5. The special circumstances applicable to the property have not been created by voluntary action or negligence by any person presently having an interest in the property.
6. The variance is the minimum necessary, considering the flood hazard, to afford relief.
7. The applicant has shown good and sufficient cause.
8. Granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, conflict with State or Federal law or regulations or conflict with existing local laws,* regulations or ordinances. ***Adopted by the BOCC on June 27, 2011.**
9. The Board of Adjustment has considered all technical evaluations, all relevant factors, standards specified in other sections of these standards and regulations, and:
 - a. The danger that materials may be swept onto other lands to the injury of others.
 - b. The danger to life and property due to flooding or erosion damage.
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

- d. The importance of services provided by the proposed facility to the community.
- e. The necessity of the facility to the water front location, where applicable.
- f. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
- g. The compatibility of the proposed use with the existing and anticipated development.
- h. The relationship of the proposed use to the Comprehensive Plan and floodplain management program of Adams County.
- i. The safety of access to the property in time of flood for ordinary and emergency vehicles.
- j. The expected height, velocity, duration, rate of rise, and sediment transport of the flood water and the effects of wave action as described by a registered professional engineer, if applicable, expected at the site.
- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, telephone, water systems, streets, and bridges.

2-02-22-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all conditions of the Board of Adjustment, the Director of Community and Economic Development shall file a variance decision letter with the Office of the Adams County Clerk and Recorder and the Federal Emergency Management Agency. The variance decision letter shall describe in detail the variance approved by the Board of Adjustment and include all specific conditions applied by the Board of Adjustment, and be accompanied by an official site plan and building elevations modified by the applicant to reflect the conditions of the variance.

The Director of Community and Economic Development shall also notify the applicant in writing over his or her signature that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required by this section. ***Adopted by the BOCC on June 27, 2011.**

2-02-22-08 EFFECT OF APPROVAL

Issuance of a variance shall be deemed to authorize only the particular variation from the Floodplain Overlay Zone District standards and regulations for which it is issued. The variance shall run with the land. The applicant shall be subject to all permits required by these standards and regulations to develop the land.

All conditions contained in the variance shall be binding upon the applicant, any successors, and assigns. The variance and its conditions shall limit and control the issuance and validity of certificates of occupancy and shall restrict and limit the construction, location, and maintenance of all land and structures within the boundaries of the property subject to the variance.

2-02-22-09 REVERSION OF APPROVAL

If at the expiration of one (1) year, a building permit has not been issued for the structure for which the variance was approved or the use associated with the variance has not been established, the variance shall expire and the use of the property shall be controlled by the Floodplain Overlay Zone District standards and regulations without action by the Board of Adjustment.

2-02-22-10 EXTENSION OF APPROVAL

An extension of the variance to allow for the application for a building permit or the establishment of the use or activity approved by the variance may be granted by the Board of Adjustment. In order to be eligible for an extension, the applicant shall file an application for extension with the Director of Community and Economic Development at least thirty (30) days prior to the end of the reversion period. A progress report and revised schedule shall be submitted with the request for extension. An extension may be granted only if the Board of Adjustment finds:

1. The applicant has maintained a continuous good faith effort in commencing the activity including, but not limited to, preparing financing, securing state or federal permits, undertaking engineering and design, etc.; and
2. Conditions near the site, these standards and regulations, and the Adams County Comprehensive Plan have not changed in a way to render the original findings erroneous.

2-02-23 VARIANCE

2-02-23-01 PURPOSE

The purpose of this section is to detail the processing steps and requirements for a variance. The variance is a means whereby the literal terms of these standards and regulations need not be applied if there are practical difficulties or unnecessary hardships associated with their application. In granting a variance, the spirit of these standards and regulations shall be observed, public safety and welfare secured, and substantial justice done.

2-02-23-02 APPLICABILITY

All variance requests must be processed in accordance with this section. The Board of Adjustment may approve a variance from these standards and regulations. A variance may only be approved from the dimensional requirements, performance standards, and other special physical requirements contained in these standards and regulations. The Board of Adjustment shall not have the authority to grant a variance to use of a property. In addition, the Board of Adjustment may not grant a variance from the noise and height restrictions within the Aviation Zone, the International Airport Clear Zone, or the Height and Noise Overlay Zone Districts.

2-02-23-03 WHO CAN INITIATE A VARIANCE REQUEST

A variance may be requested by, without limitation, any owner of, or person having an interest in the affected property. The applicant has the burden of proof to demonstrate the variance meets the criteria for approval.

2-02-23-04 VARIANCE REVIEW PROCEDURES

A variance may be approved by the Board of Adjustment. Any request for variance shall be processed through a public hearing before the Board of Adjustment (See Steps 1 through 10 below). The Board of Adjustment shall approve, approve with conditions, or deny the variance based on consideration of the staff report, the evidence from the public hearing, and the variance's compliance with the criteria for approval.

2-02-23-05 VARIANCE REVIEW STEPS

The processing of a variance shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Optional, unless the Director of Community and Economic Development determines the development proposal could have significant neighborhood impacts.
3. Development Application Submittal: All items or documents required for obtaining a variance as described in the development application submittal requirements shall be submitted to the Director of Community and Economic Development at least thirty (30) days prior to the first unfilled Board of Adjustment public hearing agenda.
4. Determination of Sufficiency: Applicable. No application shall be processed if any taxes due are not paid.
5. Staff Report: Applicable.
6. Notice: Applicable. However, published notice is not required.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of Adjustment.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of Adjustment in approving a variance may attach any conditions necessary to ensure the variance authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone district in which the subject property is located. Conditions serving to prevent or minimize adverse impacts upon other properties in the neighborhood shall include, but not be limited to limitations on the size and location, hours of operation, requirements for landscaping and screening, lighting limitations, and access requirements.
10. Amendments: Applicable.

2-02-23-06 CRITERIA FOR APPROVAL

The Board of Adjustment in approving a variance shall consider:

1. Special physical requirements or circumstances exist which are peculiar to the land, the lot, or some aspect inherent in the land causes the hardship, and are not applicable to other lands in the same district.
2. The literal interpretation of the provisions of these standards and regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these standards and regulations.
3. Granting of the variance requested will not confer on the applicant any special privilege denied by these standards and regulations for other land in the same zone district.

4. Because of physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of the physical requirements of these standards and regulations.
5. The special circumstances applicable to the property have not been created by voluntary action or negligence by any person presently having an interest in the property.
6. The granting of the variance will be in harmony with the general purpose and intent of these standards and regulations and with the Adams County Comprehensive Plan.
7. The granting of a variance from strict application of these standards and regulations will not cause substantial detriment to the public good or impair the intent of these standards and regulations.
8. The variance would not allow a use which (a) is not otherwise permitted in the zone district in which the property is located, (b) would result in the extension of a non-conforming use, or (c) would change the zone classification of any or all of the subject property.

2-02-23-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all conditions of the Board of Adjustment, the Director of Community and Economic Development shall file a variance decision letter with the Office of the Adams County Clerk and Recorder. The variance decision letter shall describe in detail the variance approved by the Board of Adjustment and include all specific conditions applied by the Board of Adjustment, and be accompanied by an official site plan and building elevations modified by the applicant to reflect the conditions of the variance.

2-02-23-08 EFFECT OF APPROVAL

Issuance of a variance shall be deemed to authorize only the particular variation from these standards and regulations for which it is issued. The variance shall run with the land. The applicant shall be subject to all permits required by these standards and regulations to develop the land.

All conditions contained in the variance shall be binding upon the applicant, any successors and assigns. The variance and its conditions shall limit and control the issuance and validity of certificates of occupancy, and shall restrict and limit the construction, location, and maintenance of all land and structures within the boundaries of the property subject to the variance.

2-02-23-09 REVERSION OF APPROVAL

If at the expiration of one (1) year, a building permit has not been issued for the structure for which the variance was approved or the use associated with the variance has not been established, the variance shall expire and the use of the property shall be controlled by these standards and regulations without action by the Board of Adjustment.

2-02-23-10 EXTENSION OF APPROVAL

An extension of the variance to allow for the application for a building permit or the establishment of the use or activity approved by the variance may be granted by the Board of Adjustment. In order to be eligible for an extension, the applicant shall file an application for extension with the Director of Community and Economic Development at least thirty (30) days prior to the end of the reversion period. A progress report and revised schedule shall be submitted with the request for extension. An extension may be granted only if the Board of Adjustment finds that:

1. The applicant has maintained a continuous good faith effort in commencing the activity including, but not limited to, preparing financing, securing state or federal permits, undertaking engineering and design, etc.; and
2. Conditions near the site, these standards and regulations, and the Adams County Comprehensive Plan have not changed in a way to render the original findings erroneous.

2-02-24 CLEARING AND GRADING PERMIT

2-02-24-01 PURPOSE

The purpose of this section is to provide processing requirements for clearing and grading permits in order to review, consider, approve, approve with modifications, or deny a request for permission to clear bush and/or vegetation, excavate or import soils, disturb land and/or, change the topography of land within unincorporated Adams County.

2-02-24-02 APPLICABILITY

All clearing and grading (GRD) permits must be processed in accordance with this section. A GRD permit is required if:

1. The total area of land disturbance is to be 3,000 square feet or greater, or
2. The cumulative fill and/or excavation exceeds 50-cubic yards.

A GRD permit is the mechanism to provide authorization under which land may be cleared of vegetation, excavated, receive imported soils, disturbed and/or, the topography of the land altered. In accordance with Section 5-02-02, properties that are the subject of an active Subdivision case cannot be issued a clearing and grading permit prior to the approval of the subdivision plat. Agricultural and farming activities are exempt from this requirement.

2-02-24-03 WHO CAN INITIATE A CLEARING AND GRADING PERMIT

A clearing and grading permit may be requested by, without limitation, the owner(s) of the property to which the clearing and grading work is to be performed, the owner of the utility, or any person(s) performing work within the County with legal right to perform such work. The applicant has the burden of proof to demonstrate the clearing and grading permit fully complies with these standards and regulations and meets the criteria for approval.

2-02-24-04 PERMIT APPLICATION

The applicant must submit to the County the following documentation to obtain a Clearing and Grading Permit:

1. A complete GRD Permit Application on the form prescribed by the County. The application shall be signed by a person responsible for compliance with the GRD permit throughout the duration of the permit's validity.
2. An Erosion and Sediment Control Plan (ESCP) that includes the narrative and civil Erosion Control (EC) Plan, according to Section 9-03-08 ESCP.
3. GRD Permit fee.
4. Other materials as deemed appropriate by the County to ensure compliance with this Regulation.

GRD permits are issued for a period of six (6) months, and solely for the specific applicant, scope of work, location and size of the proposed development. Any GRD permit renewal or modifications to the scope of work, location or size of the permitted area (area within the construction boundary line where land disturbing activities are allowed to take place) must be pre-approved in writing by the County. Amendments to the permit shall be filed by the Permittee with the County on a form prescribed by the County. GRD permits will not be approved until construction plans are approved. If there is no construction activity for a period longer than 6 months then any GRD permit issued will be automatically terminated.

2-02-24-05 PERMIT FEES

GRD Permit fees shall be established from time to time in the annual fee schedule adopted by the Board of County Commissioners. The permit fees shall be paid at the time of submittal of the GRD Permit application. All applicable permit fees are non-refundable.

2-02-24-06 CLEARING AND GRADING PERMIT REVIEW PROCEDURES

A clearing and grading permit may be approved by the Director of Community and Economic Development. The processing of an clearing and grading permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Optional.
2. Neighborhood Meeting: Not applicable.
3. Development Application Submittal: Applicable. All items or documents required for a clearing and grading permit as described in the application submittal requirements shall be submitted to the Director of Community and Economic Development.
4. Determination of Sufficiency: Applicable. Notification of adjacent property owners may be required if the proposed development could have offsite impacts. No application shall be processed if any taxes due are not paid.
5. Staff Report: Not applicable.
6. Notice: Not applicable
7. Public Hearing: Not applicable. In substitution, an application for a clearing and grading permit shall be reviewed and approved, approved with modifications, or denied by the Director of

Community and Economic Development based on its compliance with these standards and regulations.

8. Standards: Not applicable. In substitution, an application for clearing and grading permit shall be reviewed for compliance with these standards and regulations.
9. Conditions of Approval: Applicable. The Director of Community and Economic Development may impose any conditions determined to be necessary to assure the safety of the general public, protect the County's infrastructure, adequately accommodate the type and volume of traffic during the work, and deal with anticipated traffic volumes and road improvements.
10. Amendments: Not applicable. In substitution, an amendment to a clearing and grading permit may be authorized by the Director of Community and Economic Development provided the clearing and grading permit remains in compliance with all applicable standards and regulations.

2-02-24-07 CRITERIA FOR APPROVAL

The Director of Community and Economic Development in issuing a clearing and grading permit shall find:

1. The clearing and grading permit is consistent and complies with the requirements of these standards and regulations for the type of work to be performed.
2. The work to be performed will be of such a standard and condition as to prevent adverse effects to neighboring properties.
3. Adequate controls have been established to ensure compliance and safety during the course of work.
4. Adequate financial guarantees have been provided to ensure that any problems arising from the work to be performed can be reasonably remedied by the County, if necessary.

2-02-24-08 RIGHT OF ENTRY

Refer to Chapter 1 of these standards and regulations for the authority to enter onto private property within unincorporated Adams County for inspection purposes. Additionally, the landowner, developer, builder, or GRD Permittee must allow County staff the right-of-entry for the following:

1. To enter upon the construction project premises to investigate, within reason, any actual, suspected, or

potential source of water pollution, or violation of these regulations. The investigation may include, but is not limited to, the following: sampling of any discharge or process waters, the taking of photographs, interviewing associated personnel on alleged violations, and access to any and all facilities or areas within the project premises that may have any effect on the discharge, permit, or alleged violations.

2-02-24-09 EFFECT OF APPROVAL

The clearing and grading permit shall be valid for a period of six (6) months from the time such clearing and grading permit is issued unless fully and properly acted upon and completed.

2-02-24-10 EXTENSION OF APPROVAL

The Director of Community and Economic Development may grant extensions of up to six (6) months. In order to be eligible for an extension, the applicant shall file a request for extension with the Director of Community and Economic Development at least thirty (30) days prior to the date the clearing and grading permit would lapse, unless waived by the Director of Community and Economic Development.

2-02-24-11 FINAL CONSTRUCTION SITE STABILIZATION

The GRD permit shall remain active until Final Construction Site Stabilization has occurred. Final Construction Site Stabilization occurs when all ground disturbing activities are complete, and all disturbed areas have either been built on, paved over or a uniform vegetative cover has been established per conditionally accepted ESCP. Prior to GRD permit closeout, all items listed below must be completed in order for the construction site to be considered to have Final Construction Site Stabilization:

1. The site has a uniform vegetative cover with a density of at least seventy percent (70%) compared to the original undisturbed site. Vegetative cover shall be established with the approved seed mix, sod or a combination thereof.
2. If applicable, proper installation and maintenance of all approved permanent post-construction stormwater quality treatment BMPs.
3. Removal of all stockpiles of soil, construction material/debris, construction equipment, etc. from the construction site.

4. Streets, parking lots and other surrounding paved surfaces are clean and free of any sediment or debris.
5. Removal of sediment and debris within the private or adjacent public storm drainage system.
6. Restoration and stabilization of any damaged public infrastructure caused by the Permittee's construction activities.

Any acceptance of installed vegetative cover shall not be construed to relieve the property owner of the duty to warrant and maintain the installed vegetative measures as aforementioned.

2-02-24-12 PERMIT CLOSEOUT NOTIFICATION

The Permittee must contact the County to set up a Closeout Inspection. The purpose of the Closeout Inspection is to verify the site is adequately stabilized and/or covered with pavement or structures, per the County accepted plans. If the County needs to conduct more than one Closeout Inspection, an inspection fee may be assessed for each additional closeout inspection, as approved by Adams County Annual Fee Schedule adopted by the Board of County Commissioners.

2-02-24-13 AUTHORITY

Enforcement of the Adams County GRD Permit is the responsibility of the Department of Public Works. The Department of Public Works is hereby authorized to sign-off (or withhold the approval) of associated County permits (e.g. Building, Right-of-Way, Infrastructure, etc.) with a signature line once all GRD Permit conditions have been met.

The Department of Public Works is hereby authorized to sign off on the Certificate of Occupancy (C.O.) for buildings holding a GRD Permit. In order for the Department of Public Works to sign off on a C.O., the associated overall site shall be in compliance with the GRD Permit requirements. Sites that are under an enforcement action may not receive a sign off by the Department of Public Works.

2-02-24-14 ENFORCEMENT POLICIES

It is the policy of Adams County to encourage compliance with the approved GRD permit by working with the landowner, developer, builder, or GRD Permittee during construction. The County may allow the landowner, developer, builder, or GRD Permittee a reasonable amount of time to re-inspect the site to ensure necessary measures have been completed to bring a construction site into compliance prior to formal enforcement. The County considers the owner of the land the ultimate responsible party for all construction activities. It is ultimately the responsibility of the landowner to take all necessary measures to ensure the site is in compliance with County, State and Federal statutes, regulations, ordinances and permits. The County has, to the maximum extent practicable, made its Clearing and Grading Regulations consistent with the requirements of the Adams County Stormwater Quality Permit and the State CDPS Stormwater Discharge Permit for Construction Activities. In the event of conflicting requirements, the most stringent or restrictive shall govern.

2-02-24-15 VIOLATIONS

The following items are considered, but not limited to, a violation of the Clearing and Grading Regulations and/or Clearing and Grading (GRD) Permit:

1. Conducting a permit covered activity without a County GRD Permit.
2. Failure to prepare an Erosion and Sediment Control Plan (ESCP).
3. Failure to prepare an Erosion Control (EC) Plan
4. Conducting a permit covered activity without Adams County review and conditional acceptance of the ESCP.
5. Conducting activity without a State CDPS Stormwater Discharge Permit for Construction Activities (when applicable).
6. Failure to renew the GRD Permit.
7. Deficient ESCP.
8. Failure to update the ESCP adequately to reflect current site conditions.
9. Failure to install, maintain or properly select stormwater pollution prevention Best Management Practices (BMP).

10. Failure to correct findings from Adams County Regulatory Inspections.

2-02-24-16 PENALTIES

In addition to penalties listed under Chapter 1 of these standards and regulations, the following penalties may apply to any person, landowner, developer, builder, or GRD Permittee if such person fails to adequately comply with the measures required by the ESCP, EC Plan, GRD Permit, Stormwater Quality Regulations or other written requirements by the County. The remedies listed below are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the County to seek alternative and/or cumulative remedies.

1. Verbal or Written Warning: Advice of non-compliance given by the County to the Permittee that indicates the Permittee is in violation with County Regulations and directing immediate resolution.
2. Notice of Violation (NOV): As defined in Chapter 1 of these standards and regulations. Additionally the NOV shall include re-inspection dates in which the County returns to the site to ensure completion of corrective and preventative measures. Possible measures may include, but are not limited to; vacuum and jetting storm sewer structures, attending educational training, submitting standard operating procedures, posting signage, reimbursing the County for any additional inspection cost and/or spill material provided by the County, etc. When clean-up and repairs are not feasible, then alternative equivalent activities may be directed such as, but not limited to, storm drain stenciling, attendance to compliance workshops, and trash cleanup.
3. Suspension or Revocation of Permits: As defined in Chapter 1 of these standards and regulations. All fees for re-issuance of a new permit must be paid prior to re-issuance of the permit.
4. Permit Fee Increase: As established in the Annual Fee Schedule adopted by the Board of County Commissioners.
5. Certificate of Occupancy (C.O.) Withhold: As defined in Chapter 1 of these standards and regulations. In Addition, the County may withhold the Certificate of Occupancy (C.O.) sign off if the associated overall site is not in compliance with the GRD Permit requirements. Sites that are under an enforcement action will not receive a sign off by Public Works Department.

6. Cease and Desist Order: As defined in Chapter 1 of these standards and regulations.
7. Payment of additional Inspections: A person or landowner may be charged inspection fees for more than one regular follow-up regulatory inspection or any inspection triggered by a Notice of Violation as established in the Annual Fee Schedule adopted by the Board of County Commissioners.
8. Stringent Self-Inspection Frequency: Permittees may be required to conduct GRD self-inspections on a more stringent frequency if the Permittee is non-responsive after two NOV, or systematic/chronic violator.
9. Financial Surety Withdrawal: The County may, after notifying the GRD Permittee of the required maintenance and/or BMP removal, and such person's failure to perform such maintenance and/or BMP removal within ten (10) business days thereafter, enter upon the property and perform or cause to be performed the required work and assess the reasonable costs and expenses of such work against such person. At such time, as any assessment for work performed by the County has not been paid by the GRD Permittee, the County shall withdraw from the GRD Permit Financial Surety;
10. Civil/Criminal Action: As defined in Chapter 1 of these standards and regulations.

March 19, 2019

**Chapter 3-Zone District Regulations
Use Chart and Dimensional Requirements**

<i>USE CATEGORIES</i>	ZONE DISTRICT					
	A-1	A-2	A-3	RE	R-1-C	R-2
Furniture and fixtures	-	-	C	-	-	-
General building contractors	-	-	C	-	-	-
Instruments and related products	-	-	C	-	-	-
Leather and leather products, including tanning and finishing	-	-	C	-	-	-
Local and interurban passenger transit	C	C	C	-	-	-
Lumber, building materials, and wood products	-	-	C	-	-	-
Meat processing and packaging, excluding meat packing and slaughter	-	-	C	-	-	-
Miscellaneous manufacturing industries	-	-	C	-	-	-
Paper products, except mills	-	-	C	-	-	-
Printing and publishing	-	-	C	-	-	-
Recreational vehicle storage	-	-	C	-	-	-
Special trade contractors	-	-	C	-	-	-
Special warehousing and storage	-	-	C	-	-	-
Textiles and apparel	-	-	C	-	-	-
Transportation services	-	-	C	-	-	-
Trucking and general warehousing, including mini-storage	-	-	C	-	-	-
Truck stops	C	C	C	-	-	-
Welding repair	-	-	C	-	-	-
Wholesale trade (durable and non-durable)	-	-	C	-	-	-
Light Manufacturing or Processing	-	-	-	-	-	-
Beverage manufacturing	-	-	-	-	-	-
Book binding	-	-	-	-	-	-
Canvas products manufacturing	-	-	-	-	-	-

(P) Permitted**(C) Conditional
Facility Permit****(S) Special Use Permit
(-) Prohibited****(O) Oil and Gas**

USE CATEGORIES	ZONE DISTRICT					
	A-1	A-2	A-3	RE	R-1-C	R-2
Clothing or cloth manufacturing	-	-	-	-	-	-
Office and computing machines	-	-	-	-	-	-
Electronics manufacturing	-	-	-	-	-	-
Furnace installation, repair, and cleaning	-	-	-	-	-	-
Hosiery manufacturing	-	-	-	-	-	-
Machine shops	-	-	-	-	-	-
Machine tool manufacturing	-	-	-	-	-	-
Machinery sales	-	-	-	-	-	-
Public utility storage, yards, and service installments	-	-	-	-	-	-
Shoe manufacturing	-	-	-	-	-	-
Sign manufacturing, repair, and maintenance	-	-	-	-	-	-
Major Energy Facility	C	C	C	C	C	C
Moderate Manufacturing or Processing						
Can manufacturing	-	-	-	-	-	-
Candy product manufacturing (for sale off premises)	-	-	-	-	-	-
Cement, cinder block, concrete, lime or plaster manufacturing	-	-	-	-	-	-
Cosmetic and perfume manufacturing	-	-	-	-	-	-
Creosote manufacturing or treatment plant	-	-	-	-	-	-
Fat rendering production	-	-	-	-	-	-
Fertilizer manufacturing and processing	C	C	C	-	-	-
Forging plant and foundry	-	-	-	-	-	-
Glass or glass product manufacturing	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT					
	A-1	A-2	A-3	RE	R-1-C	R-2
Metal ingots, casting sheets, or bearings, forging or rolling mills	-	-	-	-	-	-
Millinery manufacturing	-	-	-	-	-	-
Mobile homes manufacturing and storage	-	-	-	-	-	-
Vacation camper manufacturing	-	-	-	-	-	-
Oil and Gas Facility	-	O	O	-	-	-
Accessory Outdoor Storage (up to 25% of the building area)*	-	-	-	-	-	-
Accessory Outdoor Storage (in excess of 25% and up to 100% of the building area)*	-	-	-	-	-	-
Outdoor Storage (in excess of 100% of the building area)*	-	-	-	-	-	-
MARIJUANA ESTABLISHMENTS						
Medical Marijuana Center	-	-	-	-	-	-
Retail Marijuana Store	-	-	-	-	-	-
Medical Marijuana Infused Products Manufacturer	-	-	-	-	-	-
Retail Marijuana Product Manufacturing Facility	-	-	-	-	-	-
Medical Marijuana Optional Premises Cultivation Operation	-	-	P	-	-	-
Retail Marijuana Cultivation Facility	-	-	P	-	-	-
Retail Marijuana Testing Facility	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
AGRICULTURAL USES							
Agricultural Businesses and Farming Operations	-	-	-	-	-	-	-
Animal farms	-	-	-	-	-	-	-
Animal Feeding Operation (AFO) and Concentrated Animal Feeding Operation (CAFO)	-	-	-	-	-	-	-
Aquaculture facility	-	-	-	-	-	-	-
Crop farming, excluding hemp	P	P	P	P	P	P	P
Crop farming, including hemp	-	-	-	-	-	-	-
Equestrian Arena, Commercial	-	-	-	-	-	-	-
Equestrian Arena, Personal	-	-	-	-	-	-	-
Agricultural Support Businesses and Services	-	-	-	-	-	-	-
Farm machinery sales and services	-	-	-	-	-	-	-
Farm supply sales	-	-	-	-	-	-	-
Grain mill	-	-	-	-	-	-	-
Grain elevators	-	-	-	-	-	-	-
Riding stables or academy	-	-	-	-	-	-	-
Nurseries	-	-	-	P	P	P	P
Forestry and Silviculture	-	-	-	-	-	-	-
Timbering and logging	-	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
RESIDENTIAL USES							
Accessory Dwelling Unit	P	P	-	P	P	P	P
Group Home for the Developmentally Disabled	C	C	C	-	-	-	-
Group Home for the Elderly	C	C	C	-	-	-	-
Group Living Facility (1 to 5 persons)	P	P	C	-	-	-	-
Group Living Facility (in excess of 5 persons)	C	C	C	-	-	-	-
Group Living Facility (with more than 1 registered sex offender)	C	C	C	-	-	-	-
Manufactured Home Park	C	C	C	C	C	-	-
Mobile Home Park	-	-	P	-	-	-	-
Multi-Family Dwelling	P	P	C	C	C	-	-
Single-Family Dwelling	C	C	P	C	-	-	-
Two-Family Dwelling	C	C	C	C	-	-	-
INSTITUTIONAL USES							
Funeral Home/Mortuary*	-	-	-	-	-	-	P
Funeral Home/Mortuary to include Cremation*	-	-	-	-	-	-	C
Halfway House*	-	-	-	-	-	-	-
Institutional Care	C	C	C	P	P	P	P
Boarding/rooming houses	C	C	C	P	P	P	P
Convalescent homes	C	C	C	P	P	P	P
Convents or monasteries	C	C	C	P	P	P	P
Foster homes	C	C	C	P	P	P	P
Hospitals/clinics	C	C	C	P	P	P	P
Nursing homes	C	C	C	P	P	P	P
Protective living facilities	C	C	C	P	P	P	P
Sanitariums	C	C	C	P	P	P	P
Sheltered care homes	C	C	C	P	P	P	P
Jails and Prisons	-	-	-	-	-	-	-
Jails	-	-	-	-	-	-	-
Penal institutions	-	-	-	-	-	-	-
Prisons	-	-	-	-	-	-	-
Neighborhood Indoor Uses	C	C	C	P	P	P	P
Branch libraries	C	C	C	P	P	P	P
Day care centers (day or nursery schools) (Adult* or Child)	C	C	C	P	P	P	P
Gymnasiums	C	C	C	P	P	P	P

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Handball	C	C	C	P	P	P	P
Handball courts	C	C	C	P	P	P	P
Indoor recreational centers	C	C	C	P	P	P	P
Indoor skating rinks (ice or roller)	C	C	C	P	P	P	P
Indoor swimming pools	C	C	C	P	P	P	P
Neighborhood community or recreational centers	C	C	C	P	P	P	P
Public or private primary and secondary schools (excluding trade schools)	C	C	C	P	P	P	P
Racquetball	C	C	C	P	P	P	P
Tennis	C	C	C	P	P	P	P
Outdoor Public Uses	P	P	P	P	P	P	P
Arboretums	P	P	P	P	P	P	P
Areas for hiking	P	P	P	P	P	P	P
Cemeteries, with or without caretaker residences*	-	-	-	-	-	-	P
Garden plots	P	P	P	P	P	P	P
Nature areas	P	P	P	P	P	P	P
Picnic areas	P	P	P	P	P	P	P
Public areas for active recreational activities	P	P	P	P	P	P	P
Recreation-oriented parks	P	P	P	P	P	P	P
Wildlife sanctuaries	P	P	P	P	P	P	P
Places of Worship	C	C	C	P	P	P	P
Public Service	C	C	C	C	C	C	C
All government-owned facilities except landfills or mining facilities	C	C	C	C	C	C	C
Emergency service buildings or garages	C	C	C	C	C	C	C
Government offices	C	C	C	C	C	C	C
Utility substations or transmission and distribution facilities	C	C	C	C	C	C	C
Universities	-	-	-	C	C	C	C
COMMERCIAL USES							

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Airports, Landing Strips and Heliports	-	-	-	-	-	-	-
Animal Hospitals	-	-	-	P	P	P	P
Automobile Service Stations	-	-	-	P	P	P	P
Car washes	-	-	-	P	P	P	P
Convenience stores with gas pumps where vehicles are serviced with minor repairs, oil changes, etc.	-	-	-	P	P	P	P
Gas stations	-	-	-	P	P	P	P
Bed and Breakfast Establishments	-	-	-	P	P	P	P
Campgrounds, Commercial	-	-	-	C	C	C	C
Camps	-	-	-	C	C	C	C
Campsites	-	-	-	C	C	C	C
Recreational vehicle parks	-	-	-	C	C	C	C
Tents	-	-	-	C	C	C	C
Trailer parks	-	-	-	C	C	C	C
Communications Towers, Commercial	-	-	-	C	C	C	C
Antenna arrays (satellite dishes)	-	-	-	C	C	C	C
Radio or TV broadcasting towers	-	-	-	C	C	C	C
Telecommunications towers	-	-	-	C	C	C	C
Commercial Retail	-	-	-	P	P	P	P
Apparel and accessory stores	-	-	-	P	P	P	P
Building supplies	-	-	-	P	P	P	P
Cabinet sales	-	-	-	P	P	P	P
Dry cleaners	-	-	-	P	P	P	P
Engineering and management services	-	-	-	P	P	P	P
Food stores	-	-	-	P	P	P	P
Furniture and home furnishings stores	-	-	-	P	P	P	P
General merchandise stores	-	-	-	P	P	P	P

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Greenhouses (retail) and greenhouses with garden supplies	-	-	-	P	P	P	P
Health services	-	-	-	P	P	P	P
Legal services	-	-	-	P	P	P	P
Membership organizations	-	-	-	P	P	P	P
Miscellaneous retail except fuel dealers	-	-	-	P	P	P	P
Miscellaneous services	-	-	-	P	P	P	P
Social services except care facilities	-	-	-	P	P	P	P
Convenience Retail Store	-	-	-	P	P	P	P
Drive-In Establishments	-	-	-	C	C	P	P
Golf Course/Driving Range, Commercial	C	C	C	C	C	P	P
Heavy Retail and Heavy Services	-	-	-	-	-	C	C
Auto/truck rental/leasing	-	-	-	-	-	C	C
Automobile dealers	-	-	-	C	C	P	P
Automotive repair except top, body, upholstery repair, paint, and tire retreading shops	-	-	-	-	-	C	C
Automotive services except wrecking or towing storage yards	-	-	-	-	-	C	C
Cabinet manufacturing with sales	-	-	-	-	-	C	C
Cold storage	-	-	-	-	-	C	C
Firewood sales, storage, and splitting	-	-	-	-	-	C	C
Flea market	-	-	-	-	-	C	C
Mobile home and manufactured housing dealers with mobile home sales office	-	-	-	-	-	C	C
Pawn shops	-	-	-	-	-	C	C
Radio and TV broadcasting station	-	-	-	-	-	C	C
Indoor Commercial Recreation/Entertainment	-	-	-	-	C	P	P

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Assembly halls	-	-	-	-	C	P	P
Auditoriums	-	-	-	-	C	P	P
Bowling alleys	-	-	-	-	C	P	P
Indoor sports arenas	-	-	-	-	C	P	P
Movie theaters	-	-	-	-	C	P	P
Physical fitness facilities	-	-	-	-	C	P	P
Pool arcades	-	-	-	-	C	P	P
Video arcades	-	-	-	-	C	P	P
Kennel, Commercial	-	-	-	-	C	C	C
Lodging, Commercial	-	-	-	C	P	P	P
Convention centers	-	-	-	C	P	P	P
Hotels	-	-	-	C	P	P	P
Motels	-	-	-	C	P	P	P
Massage Business	-	-	-	C	C	C	C
Off-Premise Advertising Devices	-	-	-	-	-	-	-
Office	-	-	-	P	P	P	P
Banking and other credit agencies (offices only)	-	-	-	P	P	P	P
Business services	-	-	-	P	P	P	P
Commodity brokers and services	-	-	-	P	P	P	P
Holding and other investments	-	-	-	P	P	P	P
Insurance carriers	-	-	-	P	P	P	P
Medical offices	-	-	-	P	P	P	P
Real estate	-	-	-	P	P	P	P
Security	-	-	-	P	P	P	P
Outdoor Commercial Recreation	-	-	-	-	C	C	C
Amusement parks	-	-	-	-	C	C	C
Archery ranges	-	-	-	-	C	C	C
Batting cages	-	-	-	-	C	C	C
Drive-in theaters	-	-	-	-	C	C	C
Go-cart establishments	-	-	-	-	C	C	C
Ice and roller skating rinks	-	-	-	-	C	C	C
Miniature golf establishments	-	-	-	-	C	C	C
Music arenas	-	-	-	-	C	C	C
Outdoor commercial amusement facilities	-	-	-	-	C	C	C

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Pistol and shooting ranges	-	-	-	-	C	C	C
Theme parks	-	-	-	-	C	C	C
Water slides	-	-	-	-	C	C	C
Parking Lot, Commercial	-	-	-	-	C	C	C
Racing Facilities	-	-	-	-	-	-	-
Automobile racing	-	-	-	-	-	-	-
Dog tracks	-	-	-	-	-	-	-
Horse racing	-	-	-	-	-	-	-
Truck racing	-	-	-	-	-	-	-
Restaurants	-	-	-	C	P	P	P
Services	-	-	-	P	P	P	P
Sexually Oriented Business	-	-	-	-	-	-	-
Trade Schools	-	-	-	-	C	C	P
INDUSTRIAL USES							
Business Park Uses	-	-	-	C	C	C	C
Apparel and other finished products made from fabrics and similar materials	-	-	-	C	C	C	C
Arrangement of transportation of freight and cargo	-	-	-	C	C	C	C
Bakeries	-	-	-	C	C	C	C
Communications	-	-	-	C	C	C	C
Development and testing services	-	-	-	C	C	C	C
Measuring, analyzing, and controlling instrument manufacturing	-	-	-	C	C	C	C
Medical and optical goods	-	-	-	C	C	C	C
Motion picture production and allied services	-	-	-	C	C	C	C
Moving companies	-	-	-	C	C	C	C
Musical instruments and sporting/athletic goods manufacturing	-	-	-	C	C	C	C
Photographic	-	-	-	C	C	C	C
Research	-	-	-	C	C	C	C

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Space research and technology	-	-	-	C	C	C	C
United states postal service	-	-	-	C	C	C	C
Watches and clocks	-	-	-	C	C	C	C
Extraction or Disposal Uses	C/S	C/S	C/S	C/S	C/S	C/S	C/S
Heavy Industry	-	-	-	-	-	-	-
Alcoholic beverage manufacturing	-	-	-	C	C	C	C
Asphalt and concrete production facilities	-	-	-	-	-	-	-
Auction yards with livestock	-	-	-	-	-	-	-
Automobile manufacturing	-	-	-	-	-	-	-
Chemical manufacturing	-	-	-	-	-	-	-
Chemicals and allied products manufacturing except drugs	-	-	-	-	-	-	-
Heavy construction contractors	-	-	-	-	-	-	-
Manufactured homes	-	-	-	-	-	-	-
Meat processing, packing, packaging, and slaughterhouses	-	-	-	-	-	-	-
Paper, pulp, or paperboard mills	-	-	-	-	-	-	-
Petroleum products manufacturing	-	-	-	-	-	-	-
Railroad transportation	-	-	-	-	-	-	-
Railroad yards	-	-	-	-	-	-	-
Rubber and miscellaneous plastics manufacturing	-	-	-	-	-	-	-
Salvage yards	-	-	-	-	-	-	-
Sawmills	-	-	-	-	-	-	-
Stone and clay products	-	-	-	-	-	-	-
The storage and disassembly of vehicles and the re-assembly of various parts	-	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Trailer and truck manufacturing	-	-	-	-	-	-	-
Transportation equipment	-	-	-	-	-	-	-
Utility production or processing facilities	-	-	-	-	-	-	-
Heavy Manufacturing or Processing	-	-	-	-	-	-	-
Abrasive manufacturing	-	-	-	-	-	-	-
Acid manufacturing	-	-	-	-	-	-	-
Asbestos products manufacturing	-	-	-	-	-	-	-
Boiler or tank manufacturing	-	-	-	-	-	-	-
Bone reduction	-	-	-	-	-	-	-
Caustic soda manufacturing	-	-	-	-	-	-	-
Celluloid manufacturing	-	-	-	-	-	-	-
Coal, coke yards, or coal classifications	-	-	-	-	-	-	-
Detergent, soap, and by-products manufacturing using animal fat	-	-	-	-	-	-	-
Disinfectant, insecticide, or poison manufacturing	-	-	-	-	-	-	-
Distillation of bone, refuse, grain, and wood	-	-	-	-	-	-	-
Dye manufacturing	-	-	-	-	-	-	-
Felt manufacturing	-	-	-	-	-	-	-
Fossil fuel manufacturing	-	-	-	-	-	-	-
Fuel, oil, gasoline, and petroleum products (bulk storage and/or sale)	-	-	-	C	C	C	C
Hazardous waste treatment facility	-	-	-	-	-	-	-
Linseed oil, shellac, and turpentine manufacturing and refinery	-	-	-	-	-	-	-
Lubrication and grease manufacturing	-	-	-	-	-	-	-
Lumber mills, planing mills, and storage of logs	-	-	-	-	-	-	-
Oil compounding	-	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Paint and enamel manufacturing	-	-	-	-	-	-	-
Pickle manufacturing	-	-	-	-	-	-	-
Recycling Facilities	-	-	-	-	-	-	-
Scrap processing or shredding yard	-	-	-	-	-	-	-
Smelting or refining of metal	-	-	-	-	-	-	-
Sugar and beet refining	-	-	-	-	-	-	-
Tar and waterproofing (materials manufacturing, treatment, and bulk storage)	-	-	-	-	-	-	-
Landscape Storage Yards*	-	-	-	-	-	-	-
Light Industry	-	-	-	-	-	-	-
Auction houses without livestock	-	-	-	-	-	-	-
Auto towing and storage yards	-	-	-	-	-	-	-
Automotive repair, including top, body, upholstery repair, paint, and tire re-treading shops	-	-	-	-	-	-	-
Bus repair	-	-	-	-	-	-	-
Dairy and food processing and manufacturing facilities	-	-	-	-	-	-	-
Drug manufacturing	-	-	-	-	-	-	-
Dry cleaning plants	-	-	-	-	-	-	-
Electric and electronic equipment, including electronic distribution and electrical industrial	-	-	-	-	-	-	-
Fabricated metal, sheet metal shops, metal products manufacturing	-	-	-	-	-	-	-
Fuel and ice dealers	-	-	-	-	-	-	-
Furniture and fixtures	-	-	-	-	-	-	-
General building contractors	-	-	-	-	-	-	-
Instruments and related products	-	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Leather and leather products, including tanning and finishing	-	-	-	-	-	-	-
Local and interurban passenger transit	-	-	-	-	-	-	-
Lumber, building materials, and wood products	-	-	-	-	-	-	-
Meat processing and packaging, excluding meat packing and slaughter	-	-	-	-	-	-	-
Miscellaneous manufacturing industries	-	-	-	-	-	-	-
Paper products, except mills	-	-	-	-	-	-	-
Printing and publishing	-	-	-	-	-	-	-
Recreational vehicle storage	-	-	-	-	-	-	-
Special trade contractors	-	-	-	-	-	-	-
Special warehousing and storage	-	-	-	-	-	-	-
Textiles and apparel	-	-	-	-	-	-	-
Transportation services	-	-	-	-	-	-	-
Trucking and general warehousing, including mini-storage	-	-	-	-	-	-	-
Truck stops	-	-	-	-	-	-	-
Welding repair	-	-	-	-	-	-	-
Wholesale trade (durable and non-durable)	-	-	-	-	-	-	-
Light Manufacturing or Processing	-	-	-	-	-	-	-
Beverage manufacturing	-	-	-	-	-	-	-
Book binding	-	-	-	-	-	-	-
Canvas products manufacturing	-	-	-	-	-	-	-
Clothing or cloth manufacturing	-	-	-	-	-	-	-
Office and computing machines	-	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Electronics manufacturing	-	-	-	-	-	-	-
Furnace installation, repair, and cleaning	-	-	-	-	-	-	-
Hosiery manufacturing	-	-	-	-	-	-	-
Machine shops	-	-	-	-	-	-	-
Machine tool manufacturing	-	-	-	-	-	-	-
Machinery sales	-	-	-	-	-	-	-
Public utility storage, yards, and service installments	-	-	-	-	-	-	-
Shoe manufacturing	-	-	-	-	-	-	-
Sign manufacturing, repair, and maintenance	-	-	-	-	-	-	-
Major Energy Facility	C	C	C	C	C	C	C
Moderate Manufacturing or Processing	-	-	-	-	-	-	-
Can manufacturing	-	-	-	-	-	-	-
Candy product manufacturing (for sale off premises)	-	-	-	-	-	-	-
Cement, cinder block, concrete, lime or plaster manufacturing	-	-	-	-	-	-	-
Cosmetic and perfume manufacturing	-	-	-	-	-	-	-
Creosote manufacturing or treatment plant	-	-	-	-	-	-	-
Fat rendering production	-	-	-	-	-	-	-
Fertilizer manufacturing and processing	-	-	-	-	-	-	-
Forging plant and foundry	-	-	-	-	-	-	-
Glass or glass product manufacturing	-	-	-	-	-	-	-
Metal ingots, casting sheets, or bearings, forging or rolling mills	-	-	-	-	-	-	-
Millinery manufacturing	-	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
Mobile homes manufacturing and storage	-	-	-	-	-	-	-
Vacation camper manufacturing	-	-	-	-	-	-	-
Oil and Gas Facility	-	-	-	O	O	O	O
Accessory Outdoor Storage (up to 25% of the building area)*	-	-	-	-	-	-	P
Accessory Outdoor Storage (in excess of 25% and up to 100% of the building area)*	-	-	-	-	-	-	-
Outdoor Storage (in excess of 100% of the building area)*	-	-	-	-	-	-	-
MARIJUANA ESTABLISHMENTS							
Medical Marijuana Center	-	-	-	-	-	-	P
Retail Marijuana Store	-	-	-	-	-	-	P
Medical Marijuana Infused Products Manufacturer	-	-	-	-	-	-	-
Retail Marijuana Product Manufacturing Facility	-	-	-	-	-	-	-
Medical Marijuana Optional Premises Cultivation Operation	-	-	-	-	-	-	P
Retail Marijuana Cultivation Facility	-	-	-	-	-	-	P
Retail Marijuana Testing Facility	-	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
AGRICULTURAL USES							
Agricultural Businesses and Farming Operations	-	-	-	-	-	-	-
Animal farms	-	-	-	-	-	-	-
Animal Feeding Operation (AFO) and Concentrated Animal Feeding Operation (CAFO)	C	P	P	P	P	-	-
Aquaculture facility	C	P	P	P	P	-	-
Crop farming, excluding hemp	P	P	P	P	P	P/C	P
Crop farming, including hemp	-	-	P	P	P	P/C	P
Equestrian Arena, Commercial	-	-	-	-	-	-	-
Equestrian Arena, Personal	-	-	-	-	-	-	-
Agricultural Support Businesses and Services	C	P	P	P	P	-	-
Farm machinery sales and services	C	P	P	P	P	-	-
Farm supply sales	C	P	P	P	P	-	-
Grain mill	C	P	P	P	P	-	-
Grain elevators	C	P	P	P	P	-	-
Riding stables or academy	C	P	P	P	P	-	-
Nurseries	P	P	P	P	P	P/C	P
Forestry and Silviculture	-	-	-	-	-	-	-
Timbering and logging	-	-	-	-	-	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
RESIDENTIAL USES							
Accessory Dwelling Unit	P	P	P	P	P	P	P
Group Home for the Developmentally Disabled	-	-	-	-	-	-	-
Group Home for the Elderly	-	-	-	-	-	-	-
Group Living Facility (1 to 5 persons)	-	-	-	-	-	-	-
Group Living Facility (in excess of 5 persons)	-	-	-	-	-	-	-
Group living facility (with more than 1 registered sex offender)	-	-	-	-	-	-	-
Manufactured Home Park	-	-	-	-	-	-	-
Mobile Home Park	-	-	-	-	-	-	-
Multi-Family Dwelling	-	-	-	-	-	-	-
Single-Family Dwelling	-	-	-	-	-	C	-
Two-Family Dwelling	-	-	-	-	-	-	-
INSTITUTIONAL USES							
Funeral Home/Mortuary*	P	P	P	P	P	-	-
Funeral Home/Mortuary to include Cremation*	C	C	P	P	P	-	-
Halfway House*	-	C	C	C	C	-	C
Institutional Care	P	P	P	P	P	-	P
Boarding/rooming houses	P	P	P	P	P	-	P
Convalescent homes	P	P	P	P	P	-	P
Convents or monasteries	P	P	P	P	P	-	P
Foster homes	P	P	P	P	P	-	P
Hospitals/clinics	P	P	P	P	P	-	P
Nursing homes	P	P	P	P	P	-	P
Protective living facilities	P	P	P	P	P	-	P
Sanitariums	P	P	P	P	P	-	P
Sheltered care homes	P	P	P	P	P	-	P
Jails and Prisons	-	C	C	C	C	-	C
Jails	-	C	C	C	C	-	C
Penal institutions	-	C	C	C	C	-	C
Prisons	-	C	C	C	C	-	C
Neighborhood Indoor Uses	P	P	P	P	P	-	P
Branch libraries	P	P	P	P	P	-	P
Day care centers (day or nursery schools) (Adult* or Child)	P	P	P	P	P	-	P
Gymnasiums	P	P	P	P	P	-	P

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Handball	P	P	P	P	P	-	P
Handball courts	P	P	P	P	P	-	P
Indoor recreational centers	P	P	P	P	P	-	P
Indoor skating rinks (ice or roller)	P	P	P	P	P	-	P
Indoor swimming pools	P	P	P	P	P	-	P
Neighborhood community or recreational centers	P	P	P	P	P	-	P
Public or private primary and secondary schools (excluding trade schools)	P	P	P	P	P	-	P
Racquetball	P	P	P	P	P	-	P
Tennis	P	P	P	P	P	-	P
Outdoor Public Uses	P	P	P	P	P	P/ C	P
Arboretums	P	P	P	P	P	P/ C	P
Areas for hiking	P	P	P	P	P	P/ C	P
Cemeteries, with or without caretaker residences*	P	P	P	P	P	-	-
Garden plots	P	P	P	P	P	P/ C	P
Nature areas	P	P	P	P	P	P/ C	P
Picnic areas	P	P	P	P	P	P/ C	P
Public areas for active recreational activities	P	P	P	P	P	P/ C	P
Recreation-oriented parks	P	P	P	P	P	P/ C	P
Wildlife sanctuaries	P	P	P	P	P	P/ C	P
Places of Worship	P	P	P	C	C	-	-
Public Service	C	C	C	C	C	C	P
All government-owned facilities except landfills or mining facilities	C	C	C	C	C	C	P
Emergency service buildings or garages	C	C	C	C	C	C	P
Government offices	C	C	C	C	C	C	P
Utility substations or transmission and distribution facilities	C	C	C	C	C	C	P
Universities	C	C	C	C	C	-	P
COMMERCIAL USES							

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Airports, Landing Strips and Heliports	-	-	C	C	C	-	C
Animal Hospitals	P	P	P	P	P	-	-
Automobile Service Stations	P	P	P	P	P	-	-
Car washes	P	P	P	P	P	-	-
Convenience stores with gas pumps where vehicles are serviced with minor repairs, oil changes, etc.	P	P	P	P	P	-	-
Gas stations	P	P	P	P	P	-	-
Bed and Breakfast Establishments	P	P	P	P	P	-	-
Campgrounds, Commercial	C	C	C	C	C	-	-
Camps	C	C	C	C	C	-	-
Campsites	C	C	C	C	C	-	-
Recreational vehicle parks	C	C	C	C	C	-	-
Tents	C	C	C	C	C	-	-
Trailer parks	C	C	C	C	C	-	-
Communications Towers, Commercial	C	C	C	C	C	-	-
Antenna arrays (satellite dishes)	C	C	C	C	C	-	-
Radio or TV broadcasting towers	C	C	C	C	C	-	-
Telecommunications towers	C	C	C	C	C	-	-
Commercial Retail	P	P	P	P	P	-	-
Apparel and accessory stores	P	P	P	P	P	-	-
Building supplies	P	P	P	P	P	-	-
Cabinet sales	P	P	P	P	P	-	-
Dry cleaners	P	P	P	P	P	-	-
Engineering and management services	P	P	P	P	P	-	-
Food stores	P	P	P	P	P	-	-
Furniture and home furnishings stores	P	P	P	P	P	-	-
General merchandise stores	P	P	P	P	P	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Greenhouses (retail) and greenhouses with garden supplies	P	P	P	P	P	-	-
Health services	P	P	P	P	P	-	-
Legal services	P	P	P	P	P	-	-
Membership organizations	P	P	P	P	P	-	-
Miscellaneous retail except fuel dealers	P	P	P	P	P	-	-
Miscellaneous services	P	P	P	P	P	-	-
Social services except care facilities	P	P	P	P	P	-	-
Convenience Retail Store	P	P	P	P	P	-	-
Drive-In Establishments	P	P	P	P	P	-	-
Golf Course/Driving Range, Commercial	P	P	P	P	P	-	-
Heavy Retail and Heavy Services	C	C	P	P	P	-	-
Auto/truck rental/leasing	C	C	P	P	P	-	-
Automobile dealers	P	P	P	P	P	-	-
Automotive repair except top, body, upholstery repair, paint, and tire retreading shops	P	P	P	P	P	-	-
Automotive services except wrecking or towing storage yards	C	C	P	P	P	-	-
Cabinet manufacturing with sales	C	C	P	P	P	-	-
Cold storage	C	C	P	P	P	-	-
Firewood sales, storage, and splitting	C	C	P	P	P	-	-
Flea market	C	C	P	P	P	-	-
Mobile home and manufactured housing dealers with mobile home sales office	C	C	P	P	P	-	-
Pawn shops	C	C	P	P	P	-	-
Radio and TV broadcasting station	C	C	P	P	P	-	-
Indoor Commercial Recreation/Entertainment	P	P	P	P	P	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Assembly halls	P	P	P	P	P	-	-
Auditoriums	P	P	P	P	P	-	-
Bowling alleys	P	P	P	P	P	-	-
Indoor sports arenas	P	P	P	P	P	-	-
Movie theaters	P	P	P	P	P	-	-
Physical fitness facilities	P	P	P	P	P	-	-
Pool arcades	P	P	P	P	P	-	-
Video arcades	P	P	P	P	P	-	-
Kennel, Commercial	C	C	C	C	C	-	-
Lodging, Commercial	P	P	P	P	P	-	-
Convention centers	P	P	P	P	P	-	-
Hotels	P	P	P	P	P	-	-
Motels	P	P	P	P	P	-	-
Massage Business	C	C	C	C	C	-	-
Off-Premise Advertising Devices	-	C	C	C	C	-	-
Office	P	P	P	P	P	-	-
Banking and other credit agencies (offices only)	P	P	P	P	P	-	-
Business services	P	P	P	P	P	-	-
Commodity brokers and services	P	P	P	P	P	-	-
Holding and other investments	P	P	P	P	P	-	-
Insurance carriers	P	P	P	P	P	-	-
Medical offices	P	P	P	P	P	-	-
Real estate	P	P	P	P	P	-	-
Security	P	P	P	P	P	-	-
Outdoor Commercial Recreation	C	C	C	C	C	-	-
Amusement parks	C	C	C	C	C	-	-
Archery ranges	C	C	C	C	C	-	-
Batting cages	C	C	C	C	C	-	-
Drive-in theaters	C	C	C	C	C	-	-
Go-cart establishments	C	C	C	C	C	-	-
Ice and roller skating rinks	C	C	C	C	C	-	-
Miniature golf establishments	C	C	C	C	C	-	-
Music arenas	C	C	C	C	C	-	-
Outdoor commercial amusement facilities	C	C	C	C	C	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Pistol and shooting ranges	C	C	C	C	C	-	-
Theme parks	C	C	C	C	C	-	-
Water slides	C	C	C	C	C	-	-
Parking Lot, Commercial	P	P	P	P	P	-	-
Racing Facilities	C	C	C	C	C	-	-
Automobile racing	C	C	C	C	C	-	-
Dog tracks	C	C	C	C	C	-	-
Horse racing	C	C	C	C	C	-	-
Truck racing	C	C	C	C	C	-	-
Restaurants	P	P	P	P	P	-	-
Services	P	P	P	P	P	-	-
Sexually Oriented Business	P	P	P	P	P	-	-
Trade Schools	P	P	P	P	P	-	-
INDUSTRIAL USES							
Business Park Uses	P	P	P	P	P	-	-
Apparel and other finished products made from fabrics and similar materials	P	P	P	P	P	-	-
Arrangement of transportation of freight and cargo	P	P	P	P	P	-	-
Bakeries	P	P	P	P	P	-	-
Communications	P	P	P	P	P	-	-
Development and testing services	P	P	P	P	P	-	-
Measuring, analyzing, and controlling instrument manufacturing	P	P	P	P	P	-	-
Medical and optical goods	P	P	P	P	P	-	-
Motion picture production and allied services	P	P	P	P	P	-	-
Moving companies	P	P	P	P	P	-	-
Musical instruments and sporting/athletic goods manufacturing	P	P	P	P	P	-	-
Photographic	P	P	P	P	P	-	-
Research	P	P	P	P	P	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Space research and technology	P	P	P	P	P	-	-
United states postal service	P	P	P	P	P	-	-
Watches and clocks	P	P	P	P	P	-	-
Extraction or Disposal Uses	C/S	C/S	C/S	C/S	C/S	-	-
Heavy Industry	-	-	C	P/ C	P/ C	-	-
Alcoholic beverage manufacturing	P	P	P	P	P	-	-
Asphalt and concrete production facilities	-	-	C	P	P	-	-
Auction yards with livestock	-	-	C	P	P	-	-
Automobile manufacturing	-	-	C	P	P	-	-
Chemical manufacturing	-	-	C	P	P	-	-
Chemicals and allied products manufacturing except drugs	-	-	C	P	P	-	-
Heavy construction contractors	-	-	C	P	P	-	-
Manufactured homes	-	-	C	P	P	-	-
Meat processing, packing, packaging and slaughterhouses	-	-	C	P	P	-	-
Paper, pulp, or paperboard mills	-	-	C	P	P	-	-
Petroleum products manufacturing	-	-	C	P	P	-	-
Railroad transportation	-	-	C	P	P	-	-
Railroad yard	C	P	P	P	P	-	-
Rubber and miscellaneous plastics manufacturing	-	-	C	P	P	-	-
Salvage yards	-	-	C	P	P	-	-
Sawmills	-	-	C	P	P	-	-
Stone and clay products	-	-	C	P	P	-	-
The storage and disassembly of vehicles and the re-assembly of various parts	-	-	C	P	P	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Trailer and truck manufacturing	-	-	C	P	P	-	-
Transportation equipment	-	-	C	P	P	-	-
Utility production or processing facilities	-	-	C	P	P	-	-
Heavy Manufacturing or Processing	-	-	-	C	P	-	-
Abrasive manufacturing	-	-	-	C	P	-	-
Acid manufacturing	-	-	-	C	C	-	-
Asbestos products manufacturing	-	-	-	C	C	-	-
Boiler or tank manufacturing	-	-	C	P	P	-	-
Bone reduction	-	-	-	C	C	-	-
Caustic soda manufacturing	-	-	-	C	C	-	-
Celluloid manufacturing	-	-	-	C	P	-	-
Coal, coke yards, or coal classifications	-	-	-	C	C	-	-
Detergent, soap, and by-products manufacturing using animal fat	-	-	-	C	C	-	-
Disinfectant, insecticide, or poison manufacturing	-	-	-	C	C	-	-
Distillation of bone, refuse, grain, and wood	-	-	-	C	C	-	-
Dye manufacturing	-	-	-	C	C	-	-
Felt manufacturing	-	-	-	P	P	-	-
Fossil fuel manufacturing	-	-	-	C	C	-	-
Fuel, oil, gasoline, and petroleum products (bulk storage and/or sale)	-	-	P	P	P	-	-
Hazardous waste treatment facility	-	-	-	C	C	-	-
Linseed oil, shellac, and turpentine manufacturing and refinery	-	-	-	C	C	-	-
Lubrication and grease manufacturing	-	-	-	P	C	-	-
Lumber mills, planing mills, and storage of logs	-	-	P	P	P	-	-
Oil compounding	-	-	-	C	C	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Paint and enamel manufacturing	-	-	C	C	C	-	-
Pickle manufacturing	-	-	P	P	P	-	-
Recycling Facilities	-	-	C	C	C	-	--
Scrap processing or shredding yard	-	-	C	C	C	-	-
Smelting or refining of metal	-	-	C	C	C	-	-
Sugar and beet refining	-	-	P	P	P	-	-
Tar and waterproofing (materials manufacturing, treatment, and bulk storage)	-	-	C	C	C	-	-
Landscape Storage Yards*	-	C	P	P	P	-	-
Light Industry	-	C	P	P	P	-	-
Auction houses without livestock	-	C	P	P	P	-	-
Auto towing and storage yards	-	C	P	P	P	-	-
Automotive repair, including top, body, upholstery repair, paint, and tire re-treading shops	P	P	P	P	P	-	-
Bus repair	-	C	P	P	P	-	-
Dairy and food processing and manufacturing facilities	-	C	P	P	P	-	-
Drug manufacturing	-	C	P	P	P	-	-
Dry cleaning plants	-	C	P	P	P	-	-
Electric and electronic equipment, including electronic distribution and electrical industrial	-	C	P	P	P	-	-
Fabricated metal, sheet metal shops, metal products manufacturing	-	C	P	P	P	-	-
Fuel and ice dealers	-	C	P	P	P	-	-
Furniture and fixtures	-	C	P	P	P	-	-
General building contractors	-	C	P	P	P	-	-
Instruments and related products	-	C	P	P	P	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Leather and leather products, including tanning and finishing	-	C	P	P	P	-	-
Local and interurban passenger transit	-	C	P	P	P	-	-
Lumber, building materials, and wood products	-	C	P	P	P	-	-
Meat processing and packaging, excluding meat packing and slaughter	-	C	P	P	P	-	-
Miscellaneous manufacturing industries	-	C	P	P	P	-	-
Paper products, except mills	-	C	P	P	P	-	-
Printing and publishing	-	C	P	P	P	-	-
Recreational vehicle storage	-	C	P	P	P	-	-
Special trade contractors	-	C	P	P	P	-	-
Special warehousing and storage	-	C	P	P	P	-	-
Textiles and apparel	-	C	P	P	P	-	-
Transportation services	-	C	P	P	P	-	-
Trucking and general warehousing, including mini-storage	-	C	P	P	P	-	-
Truck stops	C	P	P	P	P	-	-
Welding repair	-	C	P	P	P	-	-
Wholesale trade (durable and non-durable)	-	C	P	P	P	-	-
Light Manufacturing or Processing	-	C	P	P	P	-	-
Beverage manufacturing	-	C	P	P	P	-	-
Book binding	-	C	P	P	P	-	-
Canvas products manufacturing	-	C	P	P	P	-	-
Clothing or cloth manufacturing	-	C	P	P	P	-	-
Office and computing machines	-	C	P	P	P	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Electronics manufacturing	-	C	P	P	P	-	-
Furnace installation, repair, and cleaning	-	C	P	P	P	-	-
Hosiery manufacturing	-	C	P	P	P	-	-
Machine shops	-	C	P	P	P	-	-
Machine tool manufacturing	-	C	P	P	P	-	-
Machinery sales	-	C	P	P	P	-	-
Public utility storage, yards, and service installments	-	C	P	P	P	-	-
Shoe manufacturing	-	C	P	P	P	-	-
Sign manufacturing, repair, and maintenance	-	C	P	P	P	-	-
Major Energy Facility	C	C	C	C	C	C	-
Moderate Manufacturing or Processing	-	-	P	P	P	-	-
Can manufacturing	-	-	P	P	P	-	-
Candy product manufacturing (for sale off premises)	-	C	P	P	P	-	-
Cement, cinder block, concrete, lime or plaster manufacturing	-	-	P	P	P	-	-
Cosmetic and perfume manufacturing	-	-	P	P	P	-	-
Creosote manufacturing or treatment plant	-	-	C	C	C	-	-
Fat rendering production	-	-	P	P	P	-	-
Fertilizer manufacturing and processing	C	P	P	P	P	-	-
Forging plant and foundry			C	C	P	-	-
Glass or glass product manufacturing	-	-	P	P	P	-	-
Metal ingots, casting sheets, or bearings, forging or rolling mills	-	-	P	P	P	-	-
Millinery manufacturing	-	-	P	P	P	-	-

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
Mobile homes manufacturing and storage	-	-	C	P	P	-	-
Vacation camper manufacturing	-	-	P	P	P	-	-
Oil and Gas Facility	O	O	O	O	O	-	-
Accessory Outdoor Storage (up to 25% of the building area)*	P	P	P	P	P	-	-
Accessory Outdoor Storage (in excess of 25% and up to 100% of the building area)*	-	C	P	P	P	-	-
Outdoor Storage (in excess of 100% of the building area)*	-	-	C	P/C	P/C	-	-
MARIJUANA ESTABLISHMENTS							
Medical Marijuana Center	P	P	P	P	P	-	-
Retail Marijuana Store	P	P	P	P	P	-	-
Medical Marijuana Infused Products Manufacturer	-	-	P	P	P	-	-
Retail Marijuana Product Manufacturing Facility	-	-	P	P	P	-	-
Medical Marijuana Optional Premises Cultivation Operation	P	P	P	P	P	-	-
Retail Marijuana Cultivation Facility	P	P	P	P	P	-	-
Retail Marijuana Testing Facility	-	-	P	P	P	-	-

*Adopted by the BOCC on December 13, 2010

(P) Permitted

(C) Conditional
Facility Permit(S) Special Use Permit
(-) Prohibited

(O) Oil and Gas

3-07-02 SUMMARY OF DIMENSIONAL REQUIREMENTS

The following tables summarize the dimensional requirements in each zone district. These tables are provided for ease of comparing dimensional requirements between zone districts. Other standards or restrictions may apply within a specific zone district. The reader is advised to check the restrictions in the specific zone district section within these standards and regulations, review any restrictions within any overlay zone district which may further limit dimensional requirements, and review any performance standards applicable to the use.

DRAFT

(P) Permitted**(C) Conditional
Facility Permit****(S) Special Use Permit
(-) Prohibited****(O) Oil and Gas**

**Chapter 3—Zone District Regulations
Use Chart and Dimensional Requirements**

ZONE DISTRICT		AGRICULTURE-1 (A-1)	AGRICULTURE-2 (A-2)	AGRICULTURE-3 (A-3)
MINIMUM LOT SIZE		2.5 acres	10 acres	35 acres
MINIMUM LOT WIDTH	W/Well AND Individual Sewage Disposal System	150 feet	425 feet	600 feet
	W/Public Water OR Sewer Facilities	100 feet		
MINIMUM SETBACKS FOR PRINCIPAL STRUCTURE	Front	30 feet	50 feet	50 feet
	Side Corner	30 feet	50 feet	50 feet
	Side	10 ft, or 1 ft per 2 ft of height, whichever is greater	10 feet, or 1 foot per 2 feet of height, whichever is greater	10 feet, or 1 foot per 2 feet of height, whichever is greater
	Rear	20 feet	20 feet	20 feet
	R.O.W.	State Highway or Arterial: 50 feet Local or Collector: 30 feet	State Highway or Arterial: 50 feet Local or Collector: 50 feet	State Highway or Arterial: 50 feet Local or Collector: 50 feet
SETBACK FROM SECTION LINES (Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.)		120 feet	120 feet	120 feet
MINIMUM SETBACKS FOR ACCESSORY STRUCTURE OR AG. BUILDING	Front	At least 10' to the rear of the front structure line of the principal dwelling, or 100' from the front property line, whichever is less	At least 10' to the rear of the front structure line of the principal dwelling, or 100' from the front property line, whichever is less	At least 10' to the rear of the front structure line of the principal dwelling, or 100' from the front property line, whichever is less
	Side	10 ft, or 1 ft per 2 ft of height, whichever is greater	10 feet, or 1 foot per 2 feet of height, whichever is greater	10 feet, or 1 foot per 2 feet of height, whichever is greater
	Rear	10 feet	10 feet	10 feet
	R.O.W.	State Highway or Arterial: 50 feet Local or Collector: 30 feet	State Highway or Arterial: 50 feet Local or Collector: 50 feet	State Highway or Arterial: 50 feet Local or Collector: 50 feet

ZONE DISTRICT		AGRICULTURE-1 (A-1)	AGRICULTURE-2 (A-2)	AGRICULTURE-3 (A-3)
MAXIMUM HEIGHT	Dwelling and Non-Ag. Structure	35 feet	35 feet	35 feet
	Agriculture Structure	70 feet (25 feet on a lot established by a recorded subdivision plat)	70 feet (25 feet on a lot established by a recorded subdivision plat)	70 feet (25 feet on a lot established by a recorded subdivision plat)
	W/Well AND Indiv. Sewage Disposal System	6% of lot area (access, bldg. n/a without a principal dwelling)	N/A (access, bldg. n/a without a principal dwelling)	N/A
MAXIMUM STRUCTURE COVERAGE	W/Public Water OR Sewer	7.5% of lot area (access, bldg. n/a without a principal dwelling)		
	W/Public Water AND Sewer	12.5% of lot area (access, bldg. n/a without a principal dwelling)		
MINIMUM FLOOR AREA OF DWELLING	Single Story Dwelling	1,200 square feet	1,200 square feet	1,200 square feet
	Tri-Level Dwelling	1,200 square feet	1,200 square feet	1,200 square feet
	Bi-Level Or Two Story Dwelling	900 square feet on the 1 st floor plus 600 square feet on the 2 nd floor. (A lower level with more than 50% of its perimeter located more than 50% above grade level may be counted as floor area.)	900 square feet on the 1 st floor plus 600 square feet on the 2 nd floor. (A lower level with more than 50% of its perimeter located more than 50% above grade level may be counted as floor area.)	900 square feet on the 1 st floor plus 600 square feet on the 2 nd floor. (A lower level with more than 50% of its perimeter located more than 50% above grade level may be counted as floor area.)

ZONE DISTRICT	RESIDENTIAL ESTATE (R-E)	RESIDENTIAL-1-A and RESIDENTIAL-1-C (R-1-A and R-1-C)	
MINIMUM LOT SIZE	2.5 acres (well and septic)	Corner Lots: 7,500 square feet	Internal Lots: 7,000 square feet
	1.0 acres (public water or sewer)		N/A
MINIMUM LOT WIDTH	W/Well AND Individual Sewage Disposal System	150 feet	N/A
	W/Public Water OR Sewer Facilities	100 feet	N/A
	Corner Lot	N/A	70 feet
	Internal Lot	N/A	65 feet
MINIMUM SETBACKS FOR PRINCIPAL STRUCTURE	Front	30 feet	20 feet
	Side Corner	30 feet	20 feet
	Side	17 feet one side or 5 feet from attached garage, 5 feet on the other side	17 feet one side or 5 feet from attached garage, 5 feet on the other side
	Rear	20 feet	15 feet
	R.O.W.	State Highway or Arterial: 50 feet Local or Collector: 30 feet	State Highway or Arterial: 50 feet Local or Collector: 20 feet
SETBACK FROM SECTION LINES (Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.)		120 feet	120 feet

ZONE DISTRICT		RESIDENTIAL ESTATE (R-E)	RESIDENTIAL-1-A and RESIDENTIAL-1-C (R-1-A and R-1-C)
MINIMUM SETBACKS FOR ACCESSORY STRUCTURE	Front	30 feet or equal to the principal dwelling, whichever is greater	At least equal to the principal dwelling or more
	Side Corner	30 feet or equal to the principal dwelling, whichever is greater	20 feet or equal to the principal dwelling, whichever is greater
	Side	20 feet	5 feet
	Rear	10 feet	5 feet
	R.O.W.	State Highway or Arterial: 50 feet	State Highway or Arterial: 50 feet
MAXIMUM HEIGHT	Dwelling	35 feet	25 feet
	Accessory Structure	25 feet	16 feet
MAXIMUM STRUCTURE COVERAGE	W/Well AND Individual Sewage Disposal System	12.5% of lot area	N/A
	W/Public Water OR Sewer	12.5% of lot area	N/A
	W/Public Water AND Sewer	12.5% of lot area	N/A
	Accessory Building	In no case shall an accessory building exceed twice the floor area of the principal structure on the lot unless the accessory building is an aircraft hanger. Aircraft hangers shall meet the performance standards for aircraft hangers.	900 square feet
MINIMUM FLOOR AREA OF DWELLING		1,800 square feet	1,250 square feet

**Chapter 3—Zone District Regulations
Use Chart and Dimensional Requirements**

ZONE DISTRICT	RESIDENTIAL TWO-FAMILY (R-2)	RESIDENTIAL MODERATE DENSITY (R-3)	RESIDENTIAL HIGH DENSITY (R-4)	MOBILE HOME DWELLING (MH)
MINIMUM LOT SIZE	Two-Family Lot: 4,500 square feet per dwelling unit	Attached Dwellings on Individual Lot: 2,500 square feet per dwellings	2 acres	5,000 square feet
	Single Family Lot Corner Lot: 7,500 square feet Internal Lot: 7,000 square feet			
MAXIMUM DENSITY	N/A	14 dwelling units per acre	35 dwelling units per acre	N/A
MINIMUM LOT WIDTH	Two-Family Lot	Attached Dwellings on Individual Lot: 25 feet	200 feet	Mobile Homes less than or equal to 20 feet wide: 45 feet
	Corner Lot: 50 feet Internal Lot: 45 feet			Mobile Homes more than 20 feet wide: 50 feet
	Single Family Lot	Attached Dwellings on One Lot: 150 feet	25 feet	20 feet
	Corner Lot: 70 feet Internal Lot: 65 feet			20 feet
MINIMUM SETBACKS FOR PRINCIPAL STRUCTURE	Front	20 feet	25 feet	20 feet
	Side Corner	20 feet	25 feet	20 feet
	Side 17 feet one side or 5 feet from attached garage, 5 feet on the other side, 0 feet along common wall of two- family dwelling	0 feet along common walls of adjoining dwelling units, 5 feet from end unit when units are located on individual lots, 20 feet from end unit when units are located on a single lot	25 feet	17 feet one side or 5 feet when lot includes accessory structure, 5 feet on the other side
	Rear	15 feet	20 feet	15 feet
R.O.W.	State Highway or Arterial: 40 feet	State Highway or Arterial: 40 feet	State Highway or Arterial: 50 feet	State Highway or Arterial: 40 feet
	Local or Collector: 20 feet	Local or Collector: 20 feet	Local or Collector: 25 feet	Local or Collector: 20 feet

ZONE DISTRICT	RESIDENTIAL TWO-FAMILY (R-2)	RESIDENTIAL MODERATE DENSITY (R-3)	RESIDENTIAL HIGH DENSITY (R-4)	MOBILE HOME DWELLING (MH)
SETBACK FROM SECTION LINES (Variations may be permitted if the Dept. of Public Works determines no additional r.o.w. is required.)	100 feet	100 feet	100 feet	100 feet
SETBACK FROM OTHER ZONE DISTRICT BOUNDARY LINES	N/A	N/A	N/A	For All Structures: 25 feet
MINIMUM SETBACKS FOR ACCESSORY STRUCTURE	Front	20 feet	50 feet	20 feet
	Side Corner	20 feet	50 feet	20 feet
	Side	5 feet	5 feet	5 feet
	Rear	5 feet	5 feet	5 feet
R.O.W.	State Highway or Arterial: 40 feet	State Highway or Arterial: 40 feet	State Highway or Arterial: 50 feet	State Highway or Arterial: 40 feet
	Local or Collector: 20 feet	Local or Collector: 20 feet	Local or Collector: 50 feet	Local or Collector: 20 feet
MAXIMUM HEIGHT	Dwelling	25 feet	70 feet	20 feet
	Accessory Structure	16 feet	16 feet	10 feet
MAXIMUM ACCESSORY BUILDING COVERAGE	450 square feet per two-family dwelling unit, 900 square feet when used as a single- family dwelling	80 square feet per dwelling unit	80 square feet per dwelling unit	600 square feet
MINIMUM FLOOR AREA OF DWELLING	Two-family	1,000 square feet per dwelling unit	N/A	600 square feet
	Single Family	1,250 square feet	N/A	
	Efficiency Unit	N/A	450 square feet	
	One Bedroom	N/A	600 square feet	
	Two Bedroom	N/A	750 square feet	
	Three Bedroom	N/A	900 square feet	
	Four Bedroom	N/A	1,000 square feet	

ZONE DISTRICT	COMMERCIAL-0 & COMMERCIAL-1 (C-0 and C-1)	COMMERCIAL-2 & COMMERCIAL-3 (C-2 and C-3)	COMMERCIAL-4 & COMMERCIAL-5 (C-4 and C-5)
MINIMUM LOT SIZE	N/A	N/A	N/A
MINIMUM LOT WIDTH	75 feet	75 feet	100 feet
Front	25 feet	25 feet	25 feet
Side Corner	25 feet	25 feet	25 feet
MINIMUM SETBACKS FOR A STRUCTURE	15 feet one side, 5 feet other side, 0 foot setbacks may be approved for fireproof structures	15 feet one side, 5 feet other side, 0 foot setbacks may be approved for fireproof structures	15 feet one side, 5 feet other side, 0 foot setbacks may be approved for fireproof structures
Rear	15 feet	15 feet	15 feet
R.O.W.	State Highway or Arterial: 75 feet	State Highway or Arterial: 75 feet	State Highway or Arterial: 75 feet
	Local or Collector: 25 feet	Local or Collector: 25 feet	Local or Collector: 25 feet
SETBACK FROM SECTION LINES (Variations may be permitted if the Dept. of Public Works determines no additional right-of-way is required.)	100 feet	100 feet	100 feet
MAXIMUM HEIGHT	25 feet	35 feet	35 feet
MAXIMUM FLOOR AREA PER COMMERCIAL USE	2,000 square feet	10,000 square feet	N/A
HOURS OF OPERATION	7:00 a.m. to 10:00 p.m.	7:00 a.m. to 12:00 a.m. when property abuts residentially zoned or used property	N/A

ZONE DISTRICTS		INDUSTRIAL-1 (I-1)	INDUSTRIAL-2 (I-2)	INDUSTRIAL-3 (I-3)
MINIMUM LOT SIZE		1 acre	2 acres	2 acres
MINIMUM LOT WIDTH		100 feet	125 feet	125 feet
MINIMUM SETBACKS FOR A STRUCTURE	Front	25 feet	25 feet	25 feet
	Side Corner	25 feet	25 feet	25 feet
	Side	15 feet one side, 5 feet other side, 0 foot setbacks may be approved for fireproof structures	15 feet one side, 5 feet other side, 0 foot setbacks may be approved for fireproof structures	15 feet one side, 5 feet other side, 0 foot setbacks may be approved for fireproof structures
	Rear	15 feet	15 feet	15 feet
	R.O.W.	State Highway or Arterial: 75 feet Local or Collector: 25 feet	State Highway or Arterial: 75 feet Local or Collector: 25 feet	State Highway or Arterial: 75 feet Local or Collector: 25 feet
SETBACK FROM SECTION LINES (Variations may be permitted if the Department of Public Works determines no additional right-of-way is required.)		145 feet	145 feet	145 feet
MAXIMUM HEIGHT		60 feet	75 feet	90 feet

3-08 AGRICULTURAL-1 DISTRICT (A-1)

3-08-01 PURPOSE

The purpose of the Agricultural-1 District is to provide a rural single-family dwelling district where the minimum lot area for a home site is intended to provide for a rural living experience. Limited farming uses are permitted including the keeping of a limited number of animals for individual homeowner's use. This district is primarily designed for the utilization and enjoyment of the County's rural environment.

3-08-02 PERMITTED PRINCIPAL USES

The following uses are permitted uses in an Agricultural-1 District, subject to building permit review and approval. Only one principal use shall be permitted per lot.

3-08-02-01 PERMITTED PRINCIPAL AGRICULTURAL USES

The following principal agricultural uses are permitted in an Agricultural-1 District as noted above:

1. Farming
2. Nurseries
3. Ranching
4. Equestrian Arena, Personal

3-08-02-02 PERMITTED PRINCIPAL RESIDENTIAL USES

The following principal residential uses are permitted in an Agricultural-1 District as noted above:

1. Single Family Dwelling
2. Group Living Facility (1 to 5 persons)

3-08-02-03 PERMITTED PRINCIPAL INSTITUTIONAL USES

The following principal institutional uses are permitted in an Agricultural-1 District as noted above:

1. Funeral Home/Mortuary *Adopted by the BoCC on December 13, 2010

CHAPTER 4—DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

Table of Contents

4-01	DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS	6
4-02	GENERAL PERFORMANCE STANDARDS.....	7
4-02-01	Change In Use*	7
4-02-02	Junk and Trash	7
4-02-03	Graffiti	8
4-02-04	Construction Trailers	9
4-02-05	Sales and Office Trailers	10
4-03	ACCESSORY USES PERFORMANCE STANDARDS.....	12
4-03-01	General Provisions	12
4-03-02	Accessory Uses, Agricultural	12
4-03-03	Accessory Uses, Residential.....	18
4-03-04	Accessory Uses, Commercial.....	27
4-03-05	Accessory Uses, Industrial.....	32
4-04	SPECIAL USES PERFORMANCE STANDARDS	34
4-04-01	General Provisions	34
4-04-02	Performance Standards for Specific Special Uses	35
4-05	TEMPORARY USES PERFORMANCE STANDARDS	41
4-05-01	General Provisions	45
4-05-02	Performance Standards for Specific Temporary Uses	46
4-06	AGRICULTURAL USES PERFORMANCE STANDARDS.....	56
4-06-01	General Performance Standards	56
4-06-02	Performance Standards by Use Category.....	59

4-07	RESIDENTIAL USES PERFORMANCE STANDARDS	68
4-07-01	General Performance Standards	68
4-07-02	Performance Standards by Use Category.....	73
4-08	INSTITUTIONAL USES PERFORMANCE STANDARDS	90
4-08-01	General Performance Standards	90
4-08-02	Performance Standards by Use Category.....	95
4-09	COMMERCIAL USES PERFORMANCE STANDARDS	102
4-09-01	General Performance Standards	102
4-09-02	Performance Standards by Use Category.....	107
4-10	INDUSTRIAL USES PERFORMANCE STANDARDS	134
4-10-01	General Performance Standards	134
4-10-02	Performance Standards by Use Category.....	137
4-11	OTHER DESIGN STANDARDS AND CONSIDERATIONS	174
4-11-01	Open Space Residential Developments	174
4-11-02	Natural, Agricultural, and Cultural Resources Protection.....	177
4-12	PARKING, LOADING, AND CURB CUT REQUIREMENTS	190
4-12-01	Applicability	190
4-12-02	General Standards	190
4-12-03	Single and Two Family Dwellings	192
4-12-04	Multi-Family Residential and Non-Residential	193
4-13	OPERATIONAL STANDARDS	206
4-13-01	Lighting.....	206
4-13-02	Vibration.....	206
4-13-03	Noise	206
4-13-04	Dust and Debris Control	208
4-13-05	Electromagnetic and Electrical Interference.....	208
4-13-06	Humidity, Heat, Glare, Smoke, or Radiation.....	208
4-13-07	Odor	208
4-13-08	Moving Buildings or Structures	209

4-13-09	Moving and Culvert Installation Permit for Oil and Gas Wells	209
4-14	SIGNS AND OUTDOOR COMMERCIAL ADVERTISING DEVICES.....	211
4-14-01	Purpose.....	211
4-14-02	Applicability	211
4-14-03	Exempted Signs	211
4-14-04	Prohibited Sign Types.....	214
4-14-05	General Sign Requirements	216
4-14-06	Types and Areas of Permanent Signs.....	220
4-14-07	Off-Site Directional Sign	226
4-15	OFF-PREMISE SIGN (BILLBOARD).....	228
4-15-01	Maximum Number of Signs	228
4-15-02	Maximum Size.....	228
4-15-03	Maximum Height and Minimum Clearance	228
4-15-04	Electronic Sign Standards*	228
4-15-05	Other Limitations.....	229
4-15-06	Other Uses.....	2305
4-15-07	Review Process	230
4-15-08	Advertising Banner (Horizontal Billboard).....	231
4-15-09	Location	231
4-15-10	Maximum Size of an Advertizing Banner and Minimum Size of Property	231
4-15-11	Maximum height of an Advertizing Banner.....	231
4-15-12	Other Limitations.....	231
4-15-13	Other Uses.....	232
4-16	LANDSCAPING	233
4-16-01	Purpose.....	233
4-16-02	Applicability	233
4-16-03	Existing Vegetation	234
4-16-04	Landscape Materials & Location	234
4-16-05	Xeriscaping	235
4-16-06	Bufferyards.....	236
4-16-07	Required Lot Landscaping.....	237
4-16-08	General Performance Standards for All Uses	2410

4-16-09	Landscaping Performance Standards for Specific Uses.....	242
4-16-10	Landscape Plan Required	248
4-16-11	Landscape Installation at Certificate of Occupancy.....	249
4-16-12	Landscaping Phasing.....	249
4-16-13	Development Abutting Adams County Trail System	250
4-16-14	Required Lot Landscaping.....	250
4-16-15	Administrative Relief.....	250
4-16-16	Recommended Plant Materials.....	252
4-17	WEEDS AND DANGEROUS TREES.....	253
4-17-01	Weeds and Offending Vegetation	253
4-17-02	Dangerous Trees.....	253
4-18	MARIJUANA ESTABLISHMENTS.....	255
4-18-01	Medical Marijuana Center.....	256
4-18-02	Retail Marijuana Store.....	256
4-18-03	Medical Marijuana Infused Products Manufacturer	257
4-18-04	Retail Marijuana Product Manufacturing Facility	257
4-18-05	Medical Marijuana Optional Premises Cultivation Operation	257
4-18-06	Retail Marijuana Cultivation Facility.....	258
4-18-07	Retail Marijuana Testing Facility	259
4-19	SEXUALLY ORIENTED BUSINESSES	260
4-19-01	Sexually Oriented Businesses By Zone District.....	260
4-19-02	Misdemeanor Offenses	260
4-19-03	Measurements and Distances.....	260
4-19-04	Nonconforming Use	261
4-19-05	Exclusions	261
4-20	SITE DESIGN CONSIDERATIONS.....	262
4-20-01	Lot Design Standards	262
4-20-02	Access	263
4-20-03	Drainage.....	263
4-20-04	Utilities	264
4-20-05	Site Grading.....	264
4-20-06	Pedestrian and Bicycle Amenities.....	265

4-21	OFF-ROAD UTILITY, DUMPSTER, RECYCLING, AND TRASH HANDLING FACILITIES.....	267
4-22	ANIMAL KEEPING	268
4-22-01	Household Pets and Other Animals	268
4-22-02	Guard Dogs.....	268
4-22-03	Pigeon Keeping.....	269
4-22-04	Private Kennels and Catteries	269
4-22-05	Commercial Kennel and Catteries	270
4-22-06	Non-Commercial Animal Feeding Operation and Concentrated Animal Feeding, Livestock.....	272
4-22-07	Non-Commercial Animal Feeding Operations and Concentrated Animal Feeding Operation, Chickens.....	273
4-22-08	Keeping of Bees	276
4-22-09	Tabulation of Animal Unit Densities.....	279
4-23	MANAGEMENT PLANS	288
4-23-01	Purpose.....	288
4-23-02	Applicability	288
4-23-03	Process.....	288
4-23-04	Review Criteria	289
4-23-05	Final Approval	289
4-23-06	Amendments.....	290
4-24	NONCONFORMING CONDITIONS	291
4-24-01	Continuation of Use	291
4-24-02	Repair, Maintenance and Reconstruction of Nonconforming Structures or Uses	291
4-24-03	Extension or Enlargement of Nonconforming Conditions.....	292
4-24-04	Change in Use.....	297
4-24-05	Abandonment of Use and Discontinuance of Nonconforming Situation	299
4-24-06	Nonconforming Lot.....	299
4-24-07	Non-Conforming Uses, Structures, and Natural Objects Located Within the Aviation Influence Area	303

Chapter 4—DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

4-01 DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

These regulations are applicable to all zone districts, including new and established districts, except as otherwise noted. In addition to compliance with other regulations imposed by these standards and regulations, all uses, structures, buildings, and accessory uses shall comply with the design requirements and performance standards required by this Chapter. Where a design requirement or performance standard for a specific use conflicts with a general design requirement or performance standard, the design requirement or performance standard for the specific use shall control. Where any design requirement or performance standard conflicts with another design requirement or performance standard, the more restrictive design requirement or performance standard shall control. Wherever residential use of adjacent property is related to restrictions or certain non-residential uses, determination of residential use shall be based on the classification of land by the County Assessor. All Variance requests are subject to Section 2-02-19 of the Adams County Standards and Regulations, excluding Sexually Oriented Businesses, Marijuana Establishments and Halfway Houses.ⁱ These regulations shall be subject to limitations regarding the number of marijuana establishments and/or the type of establishments as set forth by the BOCC in resolution.

4-02 GENERAL PERFORMANCE STANDARDS**4-02-01 CHANGE IN USE***

A change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. All changes in use require zoning review and building permit approval. A change in use is required when:

1. Active and continuous operations are not carried on in a building or property during a continuous period of six (6) months.
2. The change is from one principally permitted use category to another.
3. If the property consists of multiple buildings/tenants:
 - a. The required amount of parking stalls is increased by twenty-five (25) percent or more.
 - b. The gross floor area is increased by fifty (50) percent or more.
4. As determined within the Nonconforming Conditions Section of Chapter 4.

***Adopted by the BoCC on December 13, 2010**

4-02-02 JUNK AND TRASH**4-02-02-01 NO DUMPING**

No junk, materials, waste or trash shall be disposed of on any property or public right-of-way except in an authorized landfill or other approved waste or waste recovery facility.

4-02-02-02 NO OUTDOOR STORAGE

No junk or waste shall be stored outdoors except as otherwise authorized by these standards and regulations.

4-02-02-03 TRASH IN THE FRONT YARD AND TRASH CONTAINERS

No trash container, firewood, or other related waste or materials shall be located within the front yard of any dwelling for more than a 24-hour period. All trash containers shall be covered. The requirements of this section do not apply in the A-3 Zone District.

4-02-02-04 TRASH CONTAINERS FOR CONSTRUCTION PURPOSES

Containers for construction waste may be permitted in the front and side yards of a residential dwelling for no more than a 14 day period. All trash containers shall be covered. Containers shall not be located within the public right-of-way.

4-02-02-05 STORAGE AND PARKING OF VEHICLES IN RESIDENTIAL DISTRICTS

The storage and parking of motor vehicles shall meet the requirements of Section 4-03-03-02-12.

4-02-02-06 SALE OF PRODUCTS FROM STANDS

The sale of any products from a temporary stand, motor vehicle, or trailer is prohibited, except by Special Use Permit or as otherwise permitted by these standards and regulations.

4-02-02-07 OBSTRUCTION OF VIEWS ALONG A PUBLIC RIGHT-OF-WAY

The erection of any fence, tree, shrub, hedge or any object, which obstructs the view of traffic, authorized traffic control devices, or otherwise constitutes a hazard to drivers or pedestrians is prohibited. Should said obstruction occur, the Director of Public Works shall send a letter requiring the owner of the property abutting the right-of-way to trim or remove within ten (10) days, at the owner's expense, any object which constitutes a traffic hazard.

4-02-02-08 STORAGE CONTAINERS

Portable, movable, or temporary metal, wood and plastic storage containers greater than one hundred twenty (120) square feet for the purpose of outside storage, are not allowed. Any storage container less than one hundred twenty (120) square feet in size is allowed, but shall not exceed ten (10) days on any one property. ***Adopted by the BoCC on December 13, 2010**

4-02-03 GRAFFITI

Graffiti as defined in Chapter 11 shall not be permitted. It shall be the responsibility of the property owner to remove, or conceal the graffiti. If the property owner chooses to conceal the graffiti, the same color of the original surface shall be used. ***Adopted by the BoCC on December 13, 2010**

4-02-04 CONSTRUCTION TRAILERS**4-02-04-01 BUILDING AND ELECTRICAL PERMIT REQUIRED**

Construction trailers intended to be in operation shall obtain Building and Electrical Permits from the Community and Economic Development Department.

4-02-04-02 MINIMUM LOT AREA

No construction trailer shall be located on a parcel of land less than one thousand (1,000) square feet in size.

4-02-04-03 LOCATION

The construction trailer shall be located within or adjacent to the development project the trailer is associated with and is only permitted for the duration of the project.

4-02-04-04 PERIOD OF OPERATION

A construction trailer shall expire one year from the date of approval, unless renewed. Renewals of construction trailers may only be issued for a maximum of one year at a time.

4-02-04-05 NO ACCOMMODATIONS IN TRAILER

The construction trailer shall contain no sleeping or cooking accommodations.

4-02-04-06 SETBACK FROM OCCUPIED STRUCTURE

Not applicable.

4-02-04-07 OTHER SETBACKS

The setbacks for the zone district shall apply.

4-02-04-08 WATER AND SANITATION

All construction trailers shall have adequate water and sanitation approved by Tri-county Health Department, which may include bottled water and/or portable toilet facilities.

4-02-04-09 SIGNAGE

All signs associated with Construction and/or Sales Office Trailers shall be consistent with Section 4-05-01-06. ***Adopted by the BoCC on December 13, 2010, or as amended**

4-02-05 SALES / OFFICE TRAILERS

4-02-05-01 BUILDING AND ELECTRICAL PERMIT REQUIRED

Sales/office trailers intended to be in operation shall obtain Building and Electrical Permits from the Community and Economic Development Department.

4-02-05-02 MINIMUM LOT AREA

No office trailer shall be located on a parcel of land less than one thousand (1,000) square feet in size.

4-02-05-03 LOCATION

The office trailer shall be located within or adjacent to the development project the office or shed is associated with and is only permitted for the duration of the project.

4-02-05-04 PERIOD OF OPERATION

An office/sales trailer shall expire one year from the date of approval unless renewed. Renewals of construction trailers may only be issued for a maximum of one year at a time.

4-02-05-05 NO ACCOMMODATIONS IN OFFICE

The office trailer shall contain no sleeping or cooking accommodations.

4-02-05-06 SETBACKS FROM OCCUPIED STRUCTURE

Not applicable.

4-02-05-07 OTHER SETBACKS

The setbacks of the zone district shall apply.

4-02-05-08 WATER AND SANITATION

All offices shall have adequate water and sanitation approved by Tri-County Health Department, which may include bottled water and/or portable toilet facilities.

4-02-05-09 SIGNAGE

All signs associated with office/sales trailers shall be consistent with Section 4-05-01-06. ***Adopted by the BoCC on December 13, 2010 or as amended.**

4-02-05-10 COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT

All office trailers shall comply with the regulations and requirements of the American with Disabilities Act.

4-03 ACCESSORY USES PERFORMANCE STANDARDS

4-03-01 GENERAL PROVISIONS

4-03-01-01 INCIDENTAL TO MAIN USE

An accessory use shall be customarily incidental to a main use.

4-03-01-02 LOCATED ON SAME LOT AS MAIN USE

An accessory use shall be located on the same lot or zoning lot as the main use, except as otherwise provided in this section.

4-03-01-03 ACCESSORY STRUCTURES

Accessory structures shall meet the following requirements:

1. *Setbacks:* An accessory structure shall meet required setbacks for the zone district in which it is located.
2. *Percentage of Yards:* No accessory structure shall occupy more than fifty percent (50%) of the area of the rear yard.
3. *Height:* An accessory structure shall meet required height limitations for the zone district in which it is located.
4. *Compliance with Building Code:* Any accessory structure on residentially used property exceeding two hundred (200) square feet shall obtain a building permit. Any accessory structure on commercially or industrially used property exceeding one hundred and twenty (120) square feet shall obtain a building permit. All accessory structures shall comply with adopted Building Code, as amended.
5. *Construction of Accessory Structure:* No permit for construction of an accessory structure shall be issued prior to construction of a principal building except in the A-3 Zone District.

4-03-02 ACCESSORY USES, AGRICULTURAL

4-03-02-01 GENERAL ACCESSORY USES PERMITTED

The following general accessory uses are permitted in Agricultural Districts:

1. Animal Keeping (see Section 4-212 Animal Keeping for detailed performance standards)
2. Animal Slaughter, for Individual Consumption
3. Barns (see Section 4-03-02-02-01 Accessory Uses, Agricultural for detailed performance standards)
4. Class Instruction (see Section 4-03-03 Accessory Uses, Residential for detailed performance standards)
5. Communication Tower, Non-Commercial (see Section 4-03-02-02-02 Accessory Uses, Agricultural for detailed performance standards)
6. Day Care Homes (see Section 4-03-03-02-02 Accessory Uses, Residential for detailed performance standards)
7. Family Foster Homes
8. Farm Employee Dwelling (see Section 4-03-02-02-03 Accessory Uses, Agricultural for detailed performance standards)
9. Garages (see Section 4-03-03-02-03 Accessory Uses, Residential for detailed performance standards)
10. Garage or Yard Sale (see Section 4-03-03-02-04 Accessory Uses, Residential for detailed performance standards)
11. Greenhouses, Private (see Section 4-03-03-02-05 Accessory Uses, Residential for detailed performance standards)
12. Home Occupations (see Section 4-03-03-02-06 Accessory Uses, Residential for detailed performance standards)
13. Household Pets (see Section 4-03-03-02-07 Accessory Uses, Residential for detailed performance standards)
14. Kennel, Private (see Section 4-03-03-02-08 Accessory Uses, Residential for detailed performance standards)
15. Parking (see 4-12 Parking and Loading for detailed performance standards)
16. Signs (see Section 4-01 Signs and Outdoor Commercial Advertising Devices for detailed performance standards)
17. Solar Energy Systems (see Section 4-03-03-02-10 Accessory Uses, Residential for detailed performance standards)
18. Stables (see Section 4-03-02-02-04 Accessory Uses, Agricultural for detailed performance standards)
19. Storage, Private (see Section 4-03-03-02-11 Accessory Uses, Residential for detailed performance standards)
20. Swimming Pools, Private (see Section 4-03-03-02-13 Accessory Uses, Residential for detailed performance standards)

21. Temporary Use. All temporary uses shall meet the temporary use performance standards contained in Section 4-05 and shall be required to obtain a Special Use Permit unless the temporary use is a permitted principal use within the zone district in which it will be located.
22. Vending and Produce Stands (see Section 4-03-02-02-05 Accessory Uses, Agricultural for detailed performance standards)
23. Wind Powered Generators (see Section 4-03-02-02-06 Accessory Uses, Agricultural for detailed performance standards)
24. Accessory Dwelling Unit (see Section 4-03-04 Accessory Uses, Commercial for performance standards)
25. Other accessory uses approved by the Director of Community and Economic Development. The Director of Community and Economic Development may require the accessory use meet performance standards for similar uses permitted by these standards and regulations.

4-03-02-02 PERFORMANCE STANDARDS FOR THE GENERAL ACCESSORY USES

4-03-02-02-01 **BARNs**

1. *Setback from Residence on Property:* All barns shall be set back twenty-five (25) feet from any residence on the property.
2. *Setback from Adjacent Property:* All barns shall be set back one hundred (100) feet from any dwelling or pool on an adjacent property.
3. *Height Restrictions:* All barns shall meet the height restrictions for the zone district in which the barn will be located.

4-03-02-02-02 **COMMUNICATION TOWER, NON-COMMERCIAL**

1. *Maximum Height:* Non-commercial communication towers shall be a maximum of ninety (90) feet in height.
2. *Maximum Number of Antennae:* A maximum of two (2) antennae may be mounted on a non-commercial communication tower.
3. *Setback Encroachment Prohibited:* No portion of the non-commercial tower or its antennae may encroach into the required front, side or rear setback. All towers shall be setback from all lot lines or zoning lot lines a minimum of the height of the tower.
4. *Marking of Cables and Wires:* Cables, ropes, or wires used to secure the tower shall be appropriately and conspicuously marked to prevent injury. No cables or wires shall cross any public rights-of-way or properties not owned by the same property owner as the property on which the tower is located.

4-03-02-02-03 FARM EMPLOYEE DWELLING

1. Mobile Home as Farm Employee Dwellings (Temporary or Seasonal)
 - a. *Permit Required:* A Special Use Permit shall be required for the use of a mobile home as a farm employee dwelling.
 - b. *Minimum Unit Size:* The mobile home shall be a minimum of six hundred (600) square feet in size.
 - c. *Condition:* All mobile homes shall be provided with potable water meeting the pressure requirements of the 1997 Uniform Building Code, as amended, and meeting the minimum drinking water quality standards established by the Colorado Department of Public Health and Environment. All homes shall be provided with sanitary sewer or an individual sewage disposal system meeting the requirements of the Tri-County Health Department. Mobile homes shall be in sound condition and shall be placed on a concrete pad, blocked, and properly anchored and skirted.
 - d. *Setbacks:* All mobile homes shall meet the setbacks for accessory structures.
2. Permanent Structures as Farm Employee Dwellings
 - a. *Permit Required:* A Conditional Use Permit approval shall be required for the use of an additional single family or multiple family dwelling as a farm employee dwelling.
 - b. *Compliance:* A single family dwelling intended as such must comply with the minimum requirements of the R-1-C District. All permanent structures shall meet the setbacks for accessory structures and the requirements of the 1997 Uniform Building Code, as amended.
 - c. *Provision of Water and Sewer:* Proof of adequate provisions for water, sewer, fire protection, other utilities and access shall be provided.
 - d. *Conformance to Subdivision and Zoning Code:* No farm employee dwelling shall be deeded, leased, or rented without conforming to Adams County subdivision and zoning standards and regulations.

4-03-02-02-04 STABLES

1. *Setback from Residence on Property:* All stables shall be set back twenty-five (25) feet from any residence on the property.
2. *Setback from Adjacent Property:* All stables shall be set back one hundred (100) feet from any dwelling or pool on an adjacent property.
3. *Maintenance:* All animal and food waste shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department. When in use, stables shall be cleaned weekly.

4. *Pest Control:* Environmental and/or chemical and scientific controls shall be provided for pest control.
5. *Drainage:* Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution. Stables shall be well drained and dry, and shall not be located within or cross drainages whether intermittent or perennial.
6. *Care of Animals:* All animals shall be cared for in a humane and sanitary manner as approved by Adams County Animal Control.

4-03-02-02-05 *VENDING AND PRODUCE STANDS*

1. *Minimum Lot Area:* No vending or produce stand shall be located on a parcel of land less than four hundred (400) square feet in size.
2. *Location:* The stand shall be located on a gravel, recycled asphalt, or paved parking lot or on agricultural land. The stand shall not block or be located within any right-of-way or public sidewalk.
3. *Period of Operation:* The stand shall operate for no more than ninety (90) days annually.
4. *Hours of Operation:* The stand shall limit its hours of operation to 7:00 AM to 7:00 PM.
5. *Setbacks:* The setbacks for the zone district in which the stand is located shall apply.
6. *Signage:* All signs shall be affixed to the stand. The total sign area shall not exceed sixteen (16) square feet in area.
7. *Parking:* Parking for the stand shall not block or be located within any right-of-way or public sidewalk. At least five (5) off-road parking spaces shall be provided per two hundred (200) square feet of stand area.
8. *Access:* All vending and produce stands shall have highway, arterial, or collector road access.
9. *Other Requirements:* All temporary vending and produce stands shall also comply with the requirements of Section 4-05-02-07.

4-03-02-02-06 *WIND POWERED GENERATORS*

1. *Maximum Height of Generator:* The height of the generator, including blades, shall not exceed the height limit of the zone district in which the generator is located, unless a height exemption is granted by the Board of Adjustment. The maximum height of the generator may be further restricted if located within an aviation zone district.
2. *Minimum Height of Blades Above Ground:* Twenty (20) feet.

3. *Minimum Setbacks:* No wind generator shall be located closer than the height of the generator from any property line, unless granted by the Board of Adjustment. ***Adopted by the BoCC on December 13, 2010**
4. *Number of Generators Permitted:* Only one (1) generator per lot or parcel is permitted unless a Conditional Use Permit is approved.
5. *Location:* The generator serving the structure shall be located on the same lot as the structure it serves.
6. *Liability Coverage:* The County shall be provided with a copy of rider to owner's insurance showing coverage of liability prior to issuance of a building permit for construction of a wind powered generator.
7. *High Wind Mitigation:* The County shall be provided with assurance from the manufacturer all safety features to mitigate the effects of high wind conditions have been designed for the particular generator prior to issuance of a building permit for construction of a wind powered generator.
8. *Storage Batteries:* Storage batteries, if applicable, shall be housed in accordance with the following standards:
 - a. *Location:* The structure shall be accessory to and detached from the residence by a minimum of twenty (20) feet.
 - b. *Ventilation:* Adequate ventilation shall be provided in the structure to eliminate the accumulation of explosive gases.
9. *Noise Levels:* Permitted noise levels shall meet the performance standards of these standards and regulations.
10. *Electromagnetic and Electrical Interference:* No equipment shall be operated in such a manner as to adversely affect the operation of any off-premises electrical, radio or television equipment. No use may be made of land or water within the County, which will create electrical interference with navigational signals for radio communications between an aviation facility and aircraft.
11. *Manual Shut-off Required:* Any individual wind powered generator shall include a manual shut-off, which may be utilized by utility company personnel.
12. *Utility Company Approval:* The local utility provider of gas and electric service shall provide written approval prior to construction.

4-03-03 ACCESSORY USES, RESIDENTIAL

4-03-03-01 GENERAL ACCESSORY USES PERMITTED

The following general accessory uses are permitted in Residential Districts:

1. Animal Keeping (see Section 4-21 Animal Keeping for detailed performance standards)
2. Barns (see Section 4-03-02-02-01 Accessory Uses, Agricultural for detailed performance standards)
3. Class Instruction (see Section 4-03-03 Accessory Uses, Residential for detailed performance standards)
4. Communication Tower, Non-Commercial (see Section 4-03-02-02-02 Accessory Uses, Agricultural for detailed performance standards)
5. Day Care Homes (see Section 4-03-03-02-02 Accessory Uses, Residential for detailed performance standards)
6. Family Foster Homes
7. Garages (see Section 4-03-03-02-03 Accessory Uses, Residential for detailed performance standards)
8. Garage or Yard Sale (see Section 4-03-03-02-04 Accessory Uses, Residential for detailed performance standards)
9. Greenhouses, Private (see Section 4-03-03-02-05 Accessory Uses, Residential for detailed performance standards)
10. Home Occupations (see Section 4-03-03-02-06 Accessory Uses, Residential for detailed performance standards)
11. Household Pets (see Section 4-03-03-02-07 Accessory Uses, Residential for detailed performance standards)
12. Kennel, Private (see Section 4-03-03-02-08 Accessory Uses, Residential for detailed performance standards)
13. Parking (see Section 4-12 Parking and Loading for detailed performance standards)
14. Signs (see Section 4-01 Signs and Outdoor Commercial Advertising Devices for detailed performance standards)
15. Solar Energy Systems (see Section 04-03-03-02-10 Accessory Uses, Residential for detailed performance standards)
16. Stables (see Section 04-03-02-02-04 Accessory Uses, Agricultural for detailed performance standards)

17. Storage, Private (see Section 04-03-03-02-11 Accessory Uses, Residential for detailed performance standards)
18. Storage, Vehicle and Machine (see Section 04-03-03-02-12 Accessory Uses, Residential for detailed performance standards)
19. Swimming Pools, Private (see Section 04-03-03-02-13 Accessory Uses, Residential for detailed performance standards)
20. Temporary Use. All temporary uses shall meet the temporary use performance standards contained in Section 4-05 and shall be required to obtain a Special Use Permit unless the temporary use is a permitted principal use within the zone district in which it will be located.
21. Vending and Produce Stands (see Section 4-03-02-02-05 Accessory Uses, Agricultural for detailed performance standards)
22. Wind Powered Generators (see Section 4-03-02-02-06 Accessory Uses, Agricultural for detailed performance standards)
23. Accessory Dwelling Unit (see Section 4-03-04 Accessory Uses, Commercial for performance standards)
24. Other accessory uses approved by the Director of Community and Economic Development. The Director of Community and Economic Development may require the accessory use meet performance standards for similar uses permitted by these standards and regulations.

4-03-03-02 PERFORMANCE STANDARDS

4-03-03-02-01 CLASS INSTRUCTION

1. *Incidental Use:* The class instruction shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character of the dwelling.
2. *Indoor Activities:* All activities related to the class instruction shall be conducted entirely within a dwelling.
3. *Employees:* The class instruction shall be conducted by the inhabitants of the dwelling and shall have only one (1) additional employee.
4. *Exterior Advertising:* There shall be no exterior advertising other than identification of the class instruction with a sign not exceeding 6 square feet which must be located on the face of the home.
5. *No Sales on Premises:* There shall only be incidental sales of stocks, supplies or products conducted on the premises.
6. *No Outdoor Storage:* There shall be no exterior storage on the premises of material or equipment used as a part of the class instruction.

7. *No Offensive Impacts:* There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

4-03-03-02-02 DAY CARE CENTERS AND HOMES (ADULT* AND CHILD)

1. General

- a. *Licensing:* Day care facilities must be properly licensed by the State of Colorado.
- b. *Drop-Off/Pick-Up Areas:* Day care facilities must provide adequate drop-off and pick-up areas. The required area shall be based upon the maximum number of individuals cared for at a single time. Specifically, there shall be one-hundred-sixty (160) square feet of signed off-road drop-off/pick-up area for every eight individuals. All drop-off space shall meet the requirements of these standards and regulations and be approved by the Director of Community and Economic Development.
- c. *Outdoor Recreation Facilities:* Where outside recreation facilities are provided, a six-foot high sight-obscuring fence around the recreation area shall be required to be maintained and the recreation area shall be situated in the rear half of the site.
- d. *Residential Appearance:* Existing residential structures shall not be significantly modified in appearance.
- e. *Access:* Day care centers shall be located on collector or arterial roads. Day Care Homes may be located on local roads.
- f. *New Construction in Residential Area:* Any new construction allowed in an agricultural or residential zone district for the operation of a day care center shall substantially resemble a conventional single-family dwelling.

2. Child Day Care Home

- a. *Maximum Number of Children not Attending School Fulltime:* The maximum number of children shall be twelve (12), including the caretaker's children under sixteen (16) years of age not attending full-day school.

3. *Adult Day Care Home* ***Adopted by the BoCC on December 13, 2010**

- a. *Maximum Number of Adults:* Elderly day care homes shall be permitted as an accessory use, provided the maximum number of elderly persons receiving care, protection, and supervision in any such home shall not exceed four (4) at any given time.
- b. *Criminal Background Investigation:* The Adams County Sheriff's Office shall complete a Criminal Background Investigation and shall issue identification cards to all employees/operators.

- c. *Annual Reporting*: The applicant/operator shall provide an annual report for review by the Director of Community and Economic Development and the Adams County Sheriff's Office. Reports shall include recertification of any education requirements, revised Criminal Background Investigation, and issuance of identification cards to any new employees.

4-03-03-02-03 *GARAGES*

1. *Maximum Height*: Twenty-four (24) feet unless otherwise restricted by the zone district.
2. *Maximum Rear Yard Coverage*: A garage may not occupy more than thirty percent (30%) of any rear yard.

4-03-03-02-04 *GARAGE OR YARD SALES*

1. *Maximum Sales Permitted per Year*: No more than two (2) garage or yard sales shall be permitted per calendar year for any one residence.
2. *Period of Operation*: A garage or yard sale shall not exceed a period of three (3) consecutive days.
3. *Hours of Operation*: The garage or yard sale shall limit its hours of operation to 7:00 AM to 7:00 PM.
4. *Signage*: The total sign area shall not exceed sixteen (16) square feet in area. All signage shall be located on private property and not within the public right-of-way.

4-03-03-02-05 *GREENHOUSES, PRIVATE*

1. *Location*: The greenhouse shall not be located in any front yard.
2. *Setback from Residential Zone*: Not applicable.

4-03-03-02-06 *HOME OCCUPATIONS*

1. *Maximum Floor Area*: The area to be used for home occupation activities shall not exceed one-half (1/2) the floor area of the dwelling unit.
2. *Incidental Use*: A home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character of the dwelling.
3. *Indoor Activities*: All activities related to a home occupation shall be conducted entirely within a dwelling, garage or other accessory building. If conducted in an accessory building, the building shall meet the accessory building requirements of these standards and regulations.

4. *Employees:* A home occupation shall be conducted by the inhabitants of the dwelling.
5. *Exterior Advertising:* There shall be no exterior advertising other than identification of the business with a sign not exceeding six (6) square feet which must be located on the face of the home.
6. *No Sales on Premises:* There shall only be incidental sales of stocks, supplies or products conducted on the premises.
7. *No Outdoor Storage:* There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
8. *No Truck Storage:* There shall be no interior or exterior keeping, parking, or storage on the premises of any vehicles in excess of seven thousand (7,000) pounds Gross Vehicle Weight (G.V.W) , used for a commercial purpose in the Agricultural and Residential Zone Districts in conjunction with a home occupation.
9. *No Offensive Impacts:* There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
10. *Permitted Home Occupations:* The following uses are examples permitted of home occupations:
 - a. Art Studio
 - b. Class Instruction (See Section 4-03-03-02-01 for detailed performance standards for class instruction)
 - c. Dressmaking or Millinery Work
 - d. Professional Office
 - e. Office for Insurance or Real Estate Sales
 - f. Teaching
11. *Uses Not Considered Home Occupations:* The following uses are not considered home occupations:
 - a. Animal Hospital
 - b. Long-Term Care Facility
 - c. Restaurant
 - d. Bed & Breakfast (A bed and breakfast is considered a principally permitted use.)
 - e. Group Living Facility (A group home is considered a principally permitted use, depending upon occupancy.)
 - f. Auto Painting, Repair, Sales, Service, or Storage
 - g. Truck Repair, Sales, Service, or Storage

4-03-03-02-07 *HOUSEHOLD PETS*

1. *Permitted Number of Household Pets:* See the Animal Density in Section 4-20 to calculate the number of permitted household pets.
2. *Less than 35 Acre Parcel:* All household pets shall be penned or confined to their owner's property, except when on a leash and in the control of the owner.
3. *Conformance with Private Kennel Standards:* The keeping of more than ten (10) dogs and/or cats, shall conform to private kennel performance standards (See Section 4-03-03-02-08).
4. *Other Standards:* All animal keeping shall conform to Section 4-20 of these standards and regulations.

4-03-03-02-08 *KENNELS, PRIVATE*

1. *Permitted Number of Dogs and/or Cats:* See the Animal Density in Section 4-21 to calculate the number of permitted household pets.
2. *Building Permit Required:* A building permit shall be obtained for all kennels, pens, shelters or other similar structures.
3. *Prohibited Animals:* Boarding dogs and/or cats other than those animals owned by the resident and/or owner and immediate family shall be prohibited.
4. **Minimum Space Requirements**
 - a. *Dogs:* Each dog shall be provided a minimum space equal to the following equation:
 - (1) Width of Kennel = Length of dog from nose to base of tail + 2 feet.
 - (2) Length of Kennel = Width of Kennel + 2 feet.
 - (3) Height of Kennel = Head height of dog standing on all four legs + 1 foot.
 - b. *Cats:* Each adult cat shall be provided a minimum of six (6) cubic feet of area. Adult female cats with kittens below three (3) months of age shall be provided with a minimum of eight (8) cubic feet of area.
5. *Garbage Disposal:* All animal and food waste shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department.
6. *Pest Control:* Environmental and/or chemical and scientific controls shall be provided for pest control.
7. *Drainage:* Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.

8. *Mixing of Dogs and Cats:* Dogs and cats shall not be housed in the same primary enclosure.
9. *Care of Animals:* All dogs and/or cats shall be cared for in a humane and sanitary manner as approved by Adams County Animal Control.
10. *Other Standards:* All animal keeping shall conform to Section 4-21 of these standards and regulations.

4-03-03-02-09 *PIGEON AND ANIMAL KEEPING*

1. *Permitted Number of Pigeons or Animals:* See the Animal Density Table in Section 4-20 to calculate the number of permitted household pets.
2. *Loft Floor Space:* There shall be at least one (1) square foot of loft floor space for each mature pigeon.
3. *Loft Design:* The pigeon loft shall be of such sufficient size and design, and constructed of such material, so it can be easily maintained in a clean and sanitary condition.
4. *Loft Compliance:* The loft shall be in compliance at all times with all applicable Tri-County Health regulations.
5. *Setback from Residential Structure:* The loft shall be set back a minimum of twenty-five (25) feet from any residential structure.
6. *Lot Line Setbacks:* The loft shall be set back from all lot lines in accordance with the accessory setbacks for the zone district in which it is located.
7. *Pigeon Feed:* All pigeon feed shall be stored in such containers as to protect against intrusion by rodents and other vermin.
8. *Pigeon Feeding:* All pigeons shall be fed within the confines of the loft.
9. *Pigeon Release for Flying:* Pigeons will not be released for flying for four (4) hours after feeding.
10. *Pigeon Confinement:* All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition. At no time shall pigeons be allowed to perch or linger on the buildings or property of individuals other than the owner of the pigeons.
11. *Other Standards:* All pigeon and animal keeping shall conform to Section 4-20 of these standards and regulations.

4-03-03-02-10 *SOLAR ENERGY SYSTEM*

1. *Property Served:* The solar energy system shall be designed to only provide energy for the property upon which it is located. However, excess energy may be sold as permitted by state and federal law.

2. *Maximum Height of Attached Panels:* Solar panels attached to a roof shall not exceed the maximum permitted height of the structure type by more than five (5) feet.
3. *Maximum Height of Detached Solar Panels:* Fifteen (15) feet
4. *Location of Detached Panels:* Detached solar panels are prohibited within any setback area or between the front or side corner property line and the front building line of the principal structure.

4-03-03-02-11 *STORAGE, PRIVATE*

1. *Maximum Height:* Twenty-four (24) feet
2. *Maximum Rear Yard Coverage:* A storage structure may not occupy more than thirty percent (30%) of any rear yard.

4-03-03-02-12 *STORAGE, AND PARKING OF VEHICLES*

1. *Prohibited Vehicles:* No vehicle in excess of seven thousand (7,000) pounds gross vehicle weight (G.V.W.) shall be kept, stored, or parked in a residential or agricultural zone district except by Conditional Use Permit. This shall include, but is not limited to, tractor trailers, over-the-road semi trucks, road cleaners, motor graders, tow trucks, and similar maintenance or construction equipment. This prohibition does not apply to recreational vehicles, personal non-commercial vehicles, and agricultural equipment used for agricultural purposes.
2. *Storing and Parking Vehicles:* Vehicles that are allowed to be stored or parked in agricultural and residential zone districts, include but are not limited to boats, boat trailers, trailers, campers, fifth-wheel trailers, motor homes, stock cars, ski mobiles. The storage or parking of any vehicle in any zone district must meet the standards listed in this section.
3. *Total Number Vehicles Stored*
 - a. *Lots less than 1 Acre:* A total of two (2) vehicles, may be stored outdoors.
 - b. *Lots of 1 Acre or More:* A total of two (2) vehicles per acre, with a maximum of five (5) vehicles may be stored outdoors.
 - c. A vehicle is “stored” on a property when it is located on the same property for a period of seventy-two (72) hours or more.
4. *Vehicles Stored on or Attached to a Trailer:* Recreational vehicles stored on a trailer, and any vehicle attached to a trailer, shall be counted as one (1) vehicle.
5. *Inhabiting Recreational Vehicles:* Motor homes, trailers, 5th wheels, and other recreational vehicles may be inhabited one time for a maximum of thirty (30)

consecutive days within a calendar year. The use of a motor home, trailer, 5th wheel, or other recreational vehicle must be in conjunction with a residence.

6. *Right-of-Way Parking:* Recreational vehicles and any type of trailer may only be parked on any public right-of-way for a maximum period of twenty-four (24) hours. The same recreational vehicle or trailer may not be moved and re-parked within a five (5) mile vicinity for six (6) months. Unlicensed and inoperable vehicles may not be stored or parked on any public right-of-way for any time period.
7. *Inoperable and Unlicensed Vehicles:* Inoperable vehicles and unlicensed vehicles without a properly displayed and valid State Motor Vehicle Registration Certificate may not be stored or parked outdoors.
8. *Storage on an approved surface:* In residential zone districts, all storage of vehicles and machines listed in this section shall be located on an approved, hard surface of asphalt or concrete and no parking of vehicles is allowed in the back yard or any landscaped area. In the A-1 zone district, all storage of vehicles and machines listed in this section may be located on gravel or recycled asphalt and no parking of vehicles is allowed in the back yard or on any landscaped area. Gravel or recycled asphalt areas within the rear or side setback is not considered part of the back yard and parking is permitted.

4-03-03-02-13 *SWIMMING POOL*

1. *Location:* No swimming pool shall be located in the area from the right-of-way to the front structure line.
2. *Fencing:* All swimming pools shall be completely enclosed by a fence not less than forty-eight (48) inches in height with no opening large enough to permit children to pass through other than gates or doors equipped with self-latching devices placed on the inside top of the gate.
3. *Pre-Existing Pools:* All pre-existing pools shall be completely enclosed by a fence no later than six (6) months following adoption of these standards and regulations.
4. *Wading Pools:* Wading pools with a maximum possible water depth of twenty (20) inches or less are not required to be fenced.

4-03-04 *ACCESSORY USES, COMMERCIAL*

4-03-04-01 *GENERAL ACCESSORY USES PERMITTED*

The following general accessory uses are permitted in Commercial Districts:

1. Accessory Dwelling Unit (see Section 4-03-04 Accessory Uses, Commercial for detailed performance standards)
2. Communication Tower, Non-Commercial (see Section 4-03-02-02-02 Accessory Uses, Agricultural for detailed performance standards)
3. Guard Dogs (see Section 4-03-04-02-02 Accessory Uses, Commercial for detailed performance standards)
4. Outdoor Storage, Loading and Garbage Areas (see Section 4-03-04-02-03 Accessory Uses, Commercial for detailed performance standards)
5. Parking (see Section 04-21 Parking and Loading for detailed performance standards)
6. Signs (see Section 4-01 Signs and Outdoor Commercial Advertising Devices for detailed performance standards)
7. Solar Energy Systems for use on Property (see Section 4-03-03-02-10 Accessory Uses, Residential for detailed performance standards)
8. Temporary Use. All temporary uses shall meet the temporary use performance standards contained in Section 4-05 and shall be required to obtain a Special Use Permit unless the temporary use is a permitted principal use within the zone district in which it will be located.
9. Vending and Produce Stands (see Section 04-03-02-02-05 Accessory Uses, Agricultural for detailed performance standards)
10. Wind Powered Generators (see Section 4-03-02-02-06 Accessory Uses, Residential for detailed performance standards)
11. Other accessory uses approved by the Director of Community and Economic Development. The Director of Community and Economic Development may require the accessory use meet performance standards for similar uses permitted by these standards and regulations.

4-03-04-02 PERFORMANCE STANDARDS

4-03-04-02-01 ACCESSORY DWELLING UNIT (ADU)

1. *Purpose:* The purpose of the accessory dwelling unit (ADU) provisions are to:
(1) provide homeowners with an opportunity for companionship and security;
(2) better utilize existing infrastructure and community resources; (3) provide a housing type that responds to changing needs and lifestyles (e.g., small families, retirees, caretakers); (4) add to the County's stock of affordable dwelling units; and (5) protect neighborhood character and stability by ensuring that visible ADUs are compatible with surrounding land uses.

2. *Applicability:* One ADU on an existing legal lot is permitted as an accessory use to single family residential uses in any zoning districts, in addition to legal nonconforming single family structures in those zones as allowed by these regulations.
3. *Process:*
 - a. New ADU. Subject to review, public notification and approval through a building permit and shall conform to all of the following standards.
 - b. Existing (Undocumented) ADUs. If an ADU was created without being part of a project for which a building permit was finalized, the County shall require a building permit and public notification to determine if the structure meets the requirements of this section and building code. Adherence to these development standards is required.
4. *Public Notification:* At time of review of building permit application, the County shall notify by mail residents and property owners directly adjacent to the property for which a complete building permit application has been submitted. Notified parties, and other interested parties, may comment on items concerning the required development and design standards for ADUs. The comment period shall close when the building permit application is resolved in issuance or denial.
5. *Development Standards:*
 - a. Building Type: ADU building types shall not include mobile or manufactured homes. Site built and modular construction is allowed.
 - b. Number: One ADU shall be allowed in each residential lot as a subordinate use in conjunction with any new or existing detached single-family dwelling unit, c. Provision of Water and Sewer: Proof of adequate provisions for water, sewer, fire protection, other utilities and access shall be provided.
 - c. Size:
 - i. Attached or Internal. ADUs shall not exceed 40% of the principal dwelling unit in addition to the underlying development standards for the lot, including, but not limited to, lot coverage, height and setback requirements for the zone in which they reside.
 - ii. Detached. ADUs shall not exceed 1,500 square feet residential floor area or 40% of the primary dwelling unit's gross floor area, whichever is less.
 - d. Location: The ADU may be added to or included within the primary unit, or located in a detached structure on the same lot as the primary dwelling unit. If detached, the ADU is required to meet all accessory structure setbacks for the zone district.

- e. Parking: One off-street parking space is required for an ADU in addition to the parking required for the primary dwelling unit. Parking spaces must be paved and may include private garages, carports, or all weather-surfaced, off-street areas reserved for vehicles. Tandem parking is allowed.
- f. Home Occupations: The ADU and/or primary residence may contain a home occupation if the home occupation is reviewed and approved per these regulations.
- g. Other development standards:
 - i. Accessory Dwelling Units shall meet all other development standards (e.g. setbacks, lot coverage etc.) for buildings in the zoning district, except in the following circumstances:
 - 1. The gross floor area of the ADU shall not count towards the maximum accessory building coverage, but rather the maximum principal structure.
 - 2. The height of a detached ADU shall not exceed twenty-five (25) feet.
 - 3. If detached the ADU shall be setback at least 10' to the rear of the front structure line of the principal dwelling unit.
 - ii. For legal nonconforming situations, ADUs shall also adhere to the following requirements:
 - 1. Legal Nonconforming Primary Single Family Uses:
 - a. It is recognized that in some zones, an existing primary single family use may be considered legal nonconforming. In the event that an existing, legal nonconforming, single family use requests an ADU per these standards, it shall be an allowed accessory use to the legal nonconforming use. If the legal nonconforming primary use ceases to exist, the ADU, shall also cease to exist.
 - b. Conformance with Section 4-24-03 Extension or Enlargement of Nonconforming Conditions applies to the primary use.
 - 2. ADUs in Existence Prior to these Regulations:
 - a. Existing ADUs shall meet the requirements of these regulations.
 - b. A building permit is required for the Building Official to determine if the structure meets the adopted building code requirements. As-built information about the

existing structure shall be required as part of the building permit submittal.

- c. Additional improvements may be required by the applicant in order for the ADU to meet adopted building codes.

3. Previously approved Caretaker Dwelling Units may be extended in accordance with Section 2-02-08 Conditional Use Permit.

6. *Design Standards:*

- a. New Detached Structures, Exterior Alterations and Additions to Existing Structures: The development of a newly constructed detached ADU and exterior alterations and additions to existing structures for ADU development shall be designed consistent with the existing color, façade treatment, roof pitch, siding, lighting, and windows of the primary dwelling unit.

4-03-04-02-02 *GUARD DOGS*

1. *Number of Guard Dogs Permitted:* See the Animal Density Table in Section 4-20 to calculate the number of permitted household pets.
2. *Confinement of Guard Dog(s):* The area being patrolled by a guard dog(s) shall be fenced with a minimum seventy-two (72) inch high chain link or solid screen fence.
3. *Notice of Guard Dog(s):* A sign warning of the presence of said dog(s) stating what hours the dog(s) is on patrol shall be posed in plain view of the public around the perimeter of the fenced area. The sign must also state the name of the owner and the handler of the dog(s), with a phone number where the handler can be reached.
4. *Garbage Disposal:* All animal and food waste shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department.
6. *Pest Control:* Environmental and/or chemical and scientific controls shall be provided for pest control.
7. *Care of Animals:* All dogs shall be cared for in a humane and sanitary manner as approved by Adams County Humane Society and Adams County Animal Control.

4-03-04-02-03 *OUTDOOR STORAGE, LOADING, GARBAGE, AND MECHANICAL EQUIPMENT AREAS*

1. *Location:* No outdoor storage, loading or garbage collection or compaction areas shall be located within twenty (20) feet of any public road, public sidewalk or pedestrian way.

2. *Incorporation into Overall Design:* Loading docks, truck parking, outdoor storage, utility meters, HVAC and other mechanical equipment, garbage collection, garbage compaction, and other service functions shall be incorporated into the overall design theme of the building and the landscape so the architectural design is continuous and uninterrupted by ladders, towers, fences and equipment.
3. *Screening:* All outdoor storage, loading or garbage collection or compaction areas shall be located and screened so the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public roads. No attention shall be attracted to these by use of screening materials different from or inferior to the principal materials of the principal structure and landscape. If areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the principal structure.
4. *Rooftop Equipment:* All rooftop mechanical equipment shall be screened from public view from both above and below by integrating it into building and roof design to the maximum extent feasible.

4-03-05 ACCESSORY USES, INDUSTRIAL

4-03-05-01 GENERAL ACCESSORY USES PERMITTED

The following general accessory uses are permitted in Industrial Districts:

1. Caretaker Dwelling (see Section 0Error! Reference source not found. Accessory Uses, Commercial for detailed performance standards)
2. Communication Tower, Non-Commercial (see Section 4-03-02-02-02 Accessory Uses, Agricultural for detailed performance standards)
3. Guard Dogs (see Section 4-03-04-02-02 Accessory Uses, Commercial for detailed performance standards)
4. Outdoor Storage, Loading and Garbage Areas (see Section 4-03-04-02-03 Accessory Uses, Commercial for detailed performance standards)
5. Parking (see Section 4-21 Parking and Loading for detailed performance standards)
6. Signs (see Section 4-01 Signs and Outdoor Commercial Advertising Devices for detailed performance standards)
7. Solar Energy Systems for use on Property (see Section 4-03-03-02-10 Accessory Uses, Residential for detailed performance standards)
8. Temporary Use. All temporary uses shall meet the temporary use performance standards contained in Section 4-05 and shall be required to obtain a Special Use

Permit unless the temporary use is a permitted principal use within the zone district in which it will be located.

9. Vending and Produce Stands (see Section 4-03-02-02-05 Accessory Uses, Agricultural for detailed performance standards)
10. Wind Powered Generators (see Section 4-03-02-02-06 Accessory Uses, Residential for detailed performance standards)
11. Other accessory uses approved by the Director of Community and Economic Development. The Director of Community and Economic Development may require the accessory use meet performance standards for similar uses permitted by these standards and regulations.

4-04 SPECIAL USES PERFORMANCE STANDARDS**4-04-01 GENERAL PROVISIONS****4-04-01-01 OBTAIN A SPECIAL USE PERMIT**

All special uses shall obtain a Special Use Permit prior to beginning operation. All special uses shall comply with the performance standards established by Section 4-04 for the special use. The permit issuing authority shall be the Board of Adjustment. Special uses shall also conform to all zone district standards contained in these standards and regulations.

4-04-01-02 DURATION OF SPECIAL USE

No special use shall be permitted for a period exceeding five (5) years, unless otherwise noted. Renewals of special uses may be granted in one (1) year increments, following the same procedures as the original permit issuance. Temporary Use/ Special Use Permits may only be issued for maximum of ninety-days (90) days administratively. Any operation proposed to operate greater than ninety-days (90) shall be processed as a Special / Temporary Use Permit before the Board of Adjustment.

4-04-01-03 ZONE DISTRICT STANDARDS AND REQUIREMENTS APPLY

Setbacks and all other standards and requirements of the zone district in which the special use is located shall apply to all structures connected with the special use.

4-04-01-04 NO UNDUE DISTURBANCE TO RESIDENTIAL NEIGHBORHOODS

Lighting, activities, noise, or increased traffic associated with a special use shall not unreasonably disturb surrounding residential neighborhoods.

4-04-01-05 NO DISRUPTION TO COMMERCIAL OR INDUSTRIAL USES

Lighting, activities, noise, or increased traffic associated with a special use shall not unreasonably disrupt the operation of nearby commercial or industrial uses.

4-04-01-06 SIGNAGE

Any signs associated with an approved Special Use Permit shall be considered a permanent sign and are required to obtain a sign permit and, if applicable, a building permit. ***Adopted by the BoCC on December 13, 2010**

4-04-02 PERFORMANCE STANDARDS FOR SPECIFIC SPECIAL USES

4-04-02-01 CONCRETE AND ASPHALT MIXING PLANTS

4-04-02-01-01 *SPECIAL USE PERMIT REQUIRED*

All concrete or asphalt mixing plants intended to be in operation shall obtain a Special Use Permit. However, concrete or asphalt mixing plants may be issued a Temporary Use Permit by the Community and Economic Development Department for a maximum of ninety-days (90) in advance of any hearing before the Board of Adjustment. Industrial Zone Districts, which allow concrete or asphalt mixing plants may be allowed with a Building Permit only.

4-04-02-01-02 *MINIMUM LOT AREA*

No temporary cement or asphalt mixing plants shall be located on a parcel of land less than one-half (½) acre in size.

4-04-02-01-03 *LOCATION*

The use shall be located on the same property or right-of-way, or directly adjacent to the same property or right-of-way, as the construction project.

4-04-02-01-04 *PERIOD OF OPERATION*

Temporary cement and asphalt mixing plants shall only be permitted as an accessory use to the construction of roads or other public improvements.

4-04-02-01-05 *HOURS OF OPERATION*

The temporary cement and asphalt mixing plants shall limit the hours of operation to 7:00 AM to 7:00 PM.

4-04-02-01-06 *SETBACK FROM OCCUPIED STRUCTURE*

Not applicable.

4-04-02-01-07 *USE AREA SETBACK*

Vehicle use areas, material storage areas, and structures shall be setback at least one hundred (100) feet from the property boundary.

4-04-02-01-08 *ACCESS*

All temporary mixing plants shall have highway, arterial, or collector road access.

4-04-02-01-09 *DUST CONTROL*

It is the responsibility of the temporary plant operator to control dust, dirt, and any other debris from blowing from the site on to other properties.

4-04-02-01-10 *ROAD DAMAGE*

Any road damage to the roads providing access to the site of the temporary plant shall be repaired by the temporary plant operator as deemed necessary by the Director of Public Works. The Director of Public Works shall require the plant operator to post a performance bond to cover all potential repair costs.

4-04-02-01-11 *TRUCKING*

Due to the magnitude of the use, the Director of Public Works may add additional standards regarding trucking routes and the size of loads to protect the general welfare of the citizens.

4-04-02-02 *INERT FILL OPERATIONS***4-04-02-02-01 *SPECIAL USE PERMIT REQUIRED***

Inert fill operations intended to be in operation for more than six (6) months shall obtain a special use permit. Inert fill operations may be issued a Temporary Use Permit by the Community and Economic Development Department for a maximum of six (6) months. **adopted by the BoCC on December 13, 2010*

4-04-02-02-02 *MAXIMUM FILL AREA*

No Special Use Permit for inert fill shall be issued if the area to be filled is greater than ten (10) acres. Any operation proposed to fill greater than ten (10) acres shall be processed as a Conditional Use Permit (see Chapter 2).

4-04-02-02-03 *MAXIMUM AMOUNT OF FILL MATERIAL*

A Conditional Use Permit (see Chapter 2) for inert fill is required if the amount of material is greater than five-hundred-thousand (500,000) cubic yards. Any operation proposed to fill a site with less than five-hundred-thousand (500,000) cubic yards may be processed as a Temporary Use/Special Use Permit, depending on the duration of the project.

4-04-02-02-04 *PERIOD OF OPERATION*

Special Use Permits for inert fill may only be issued for a maximum of five (5) years. Any operation proposed to operate less than six (6) months may be processed as a Temporary Use Permit. Any operation proposed to operate for greater than five (5) years shall be processed as a Conditional Use Permit (see Chapter 2). ***Adopted by the BoCC on December 13, 2010**

4-04-02-02-05 *HOURS OF OPERATION*

The inert fill operation shall limit its hours of operation from 6:00 AM to 10:00 PM, unless otherwise restricted by the Board of Adjustment.

4-04-02-02-06 *SOURCE OF MATERIAL*

The site operator shall have sole discretion of the source of fill material and shall provide details of the source material with the permit application.

4-04-02-02-07 *GROUNDWATER IMPACTS*

Fill material is not likely to contaminate ground water. ***Adopted by the BoCC on December 13, 2010**

4-04-02-02-08 *TRAFFIC/HAUL ROUTE*

The haul route for the traffic to and from the fill operation shall be provided with the permit application and may be jointly reviewed and a recommendation forwarded to the Board of Adjustment for their consideration and decision.

4-04-02-02-09 *GRADING AND DRAINAGE*

The final grading and drainage plan shall be provided with the permit application and may be approved by the Community and Economic Development Department.

4-04-02-03 *TEMPORARY STRUCTURES (TENTS)**

***Adopted by the BoCC on December 13, 2010**

4-04-02-03-01 *SPECIAL USE PERMIT REQUIRED*

A Special Use Permit shall be obtained for any temporary structure intended to be located on a property for more than ninety (90) days. Any structure intended to be used for less than ninety (90) days may obtain a Temporary Use Permit.

4-04-02-03-02 *PERIOD OF OPERATION*

Special Use Permits for temporary structures may only be issued for a maximum of two and a half (2.5) years.

4-04-02-03-03 *CODE REQUIREMENTS*

All Temporary Structures shall meet the building and fire code requirements prior to approval of any Temporary or Special Use Permit.

4-04-02-03-04 *MAXIMUM SIZE*

Temporary Structures shall not exceed a gross floor area of eight hundred (800) square feet per structure.

If multiple temporary structures are located on one site, all requirements of the Adams County Temporary Structures under Section 4-07-02-03 shall be followed.

4-04-02-03-05 *LOCATION*

The temporary structure shall be located on gravel, recycled asphalt, or paved parking lot or on agricultural land. The structure shall not block or be located within any right-of-way or public sidewalk. The structure shall not be located within any required parking spaces. The structure shall meet all zone district requirements for which the structure is located.

4-04-02-03-06 *HEIGHT*

The temporary structure shall not exceed the height limit of the zone district in which the structure is located.

4-04-02-03-07 *EXITS*

Stands (wood built structures)

Any stand measuring more than twenty-five (25) feet in length across the face shall have two (2) exits. Exit doors shall be a minimum of twenty (20) inches in width and six (6) feet in height and swing in the direction of egress. Stands with floor areas between three hundred (300) and four hundred (400) square feet must have three (3) exits.

Tents

All aisles within a tent shall measure no less than 48 inches in width. All tents shall have at least two sides of the tent open and unobstructed for use as an exit.

4-04-02-03-08 *CONSTRUCTION MATERIALS*

All temporary structures shall be constructed of wood, metal, fire retardant tent as approved by the Community and Economic Development Department or other approved materials. Stands shall not have wheels or tires. Combustible construction materials shall be painted with a water based latex paint.

4-04-02-03-09 *ANCHORING*

All temporary structures shall be properly anchored to the ground as approved by the Community and Economic Development Department.

4-04-02-03-10 *WIRING*

Electrical wiring shall meet all requirements of the State of Colorado.

4-04-02-04 *VENDING AND PRODUCE STANDS*

4-04-02-04-01 *SPECIAL USE PERMIT REQUIRED*

Vending and/or produce standards intended to be in operation shall obtain a Special Use Permit. However, vending and/or produce stands may be issued a Temporary Use Permit by the Community and Economic Development Department for a maximum of ninety-days (90) in advance of any hearing before the Board of Adjustment.

No Special Use Permit shall be required for a produce stand located on agriculturally zoned land provided the stand is an accessory use and meets the performance standards in Section 4-03-02-02-05. In addition, no Special Use Permit shall be issued if the stand has been erected on the subject site without a Temporary Use Permit from the Community and Economic Development Department.

4-04-02-04-02 *MINIMUM LOT AREA*

No vending or produce stand shall be located on a parcel of land less than four hundred (400) square feet in size.

4-04-02-04-03 *LOCATION*

The stand shall be located on a gravel, recycled asphalt, or paved parking lot or on agricultural land. The stand shall not block or be located within any right-of-way or public sidewalk.

4-04-02-04-04 *PERIOD OF OPERATION*

The stand shall operate for no more than ninety (90) days annually.

4-04-02-04-05 *HOURS OF OPERATION*

The stand shall limit its hours of operation to 7:00 AM to 7:00 PM.

4-04-02-04-06 *SETBACKS*

The setbacks for the zone district shall apply.

4-04-02-04-07 *PARKING*

Parking for the stand shall not block or be located within any right-of-way or public sidewalk. At least five (5) off-road parking spaces shall be provided per two hundred (200) square feet of stand area.

4-04-02-04-08 *ACCESS*

All vending and produce stands shall have highway, arterial, or collector road access.

4-05 TEMPORARY USES PERFORMANCE STANDARDS

4-05-01 GENERAL PROVISIONS

4-05-01-01 OBTAIN A TEMPORARY USE PERMIT

All temporary uses shall obtain a Temporary Use Permit prior to beginning operation. All temporary uses required by these regulations to obtain a Temporary Use Permit, shall comply with the performance standards established by Section 4-05 for the temporary use. Specified temporary uses may be issued by the Director of Community and Economic Development. Temporary uses shall also conform to all zone district standards contained in these standards and regulations. If a Temporary Use Permit is denied by the Community and Economic Development Department, an applicant may request a Special Use Permit from the Board of Adjustment.

4-05-01-02 DURATION OF TEMPORARY USE

No temporary use shall be permitted for a period exceeding ninety-days (90), unless otherwise noted. Renewals of Temporary Use Permits may only be issued for a maximum of ninety-days (90) days administratively. Any operation proposed to operate greater than ninety-days (90) shall be processed as a Special Use Permit before the Board of Adjustment.

4-05-01-03 ZONE DISTRICT STANDARDS AND REQUIREMENTS APPLY

Setbacks and all other standards and requirements of the zone district in which the temporary use is located shall apply to all structures connected with the temporary use.

4-05-01-04 NO UNDUE DISTURBANCE TO RESIDENTIAL NEIGHBORHOODS

Lighting, activities, noise, or increased traffic associated with a temporary use shall not unreasonably disturb surrounding residential neighborhoods.

4-05-01-05 NO DISRUPTION TO COMMERCIAL OR INDUSTRIAL USES

Lighting, activities, noise, or increased traffic associated with a temporary use shall not unreasonably disrupt the operation of nearby commercial or industrial uses.

4-05-01-06 SIGNAGE

Any sign associated with an approved Temporary Use Permit shall be depicted on the site plan and allowed for the duration of the permit. The maximum sign size shall be thirty-two (32) square feet. Signs shall be placed on private property, outside any right-of-way or easement and shall be placed to avoid any sight obstruction for motorists, cyclists and pedestrians. Signs shall not be illuminated. Signs for Temporary Use Permits do not require a sign permit, but may require a building permit. ***Adopted by the BoCC on December 13, 2010**

4-05-02 PERFORMANCE STANDARDS FOR SPECIFIC TEMPORARY USES**4-05-02-01 CARNIVAL OR CIRCUS****4-05-02-01-01 *TEMPORARY USE PERMIT REQUIRED***

All carnivals or circuses shall obtain a Temporary Use Permit before operating.

4-05-02-01-02 *MINIMUM LOT AREA*

No carnival or circus shall be located on a parcel of land less than five (5) acres in size.

4-05-02-01-03 *PERIOD OF OPERATION*

No carnival or circus shall be allowed to operate for a period exceeding fourteen (14) days, exclusive of a three (3) day period, before and after the operation, during which amusement rides, concessions, etc. are erected or removed from the site.

4-05-02-01-04 *HOURS OF OPERATION*

The carnival or circus shall limit its hours of operation to 9:00 AM to 10:00 PM.

4-05-02-01-05 *ACCESS*

All carnivals and circuses shall have highway or arterial road access.

4-05-02-01-06 *SETBACK FROM RESIDENTIAL ZONE*

Not applicable.

4-05-02-01-07 *PARKING*

Every carnival or circus shall provide either paved or dust treated off-road parking for not less than three hundred (300) automobiles per acre of area used for amusement purposes.

4-05-02-01-08 *SIGNAGE*

All signs associated with a Carnival or Circus shall be consistent with Section 4-05-01-06. ***Adopted by the BoCC on December 13, 2010**

4-05-02-02 CHRISTMAS TREE SALES

4-05-02-02-01 *TEMPORARY USE PERMIT REQUIRED*

All Christmas tree sales lots shall obtain a Temporary Use Permit before operating and shall comply with the performance criteria of Section 4-05-02-02.

4-05-02-02-02 *MAXIMUM LOT AREA*

The sales lot shall not occupy more than ten percent (10%) of a gravel, recycled asphalt, or paved parking lot on which the sales lot is located. In no case shall the sales area exceed ten thousand (10,000) square feet.

4-05-02-02-03 *LOCATION*

Christmas tree sales lots shall be located on a gravel, recycled asphalt, or paved parking lot in a commercial zone district or on agricultural land. The sales area shall not block or be located within any right-of-way or public sidewalk.

4-05-02-02-04 *PERIOD OF OPERATION*

Christmas tree sales shall not exceed a period of sixty (60) days.

4-05-02-02-05 *HOURS OF OPERATION*

The Christmas tree sales lot shall limit its hours of operation to 7:00 AM to 7:00 PM.

4-05-02-02-06 *SETBACKS*

The setbacks for the zone district shall apply.

4-05-02-02-07 *SIGNAGE*

All signs associated with Christmas Tree Sales shall be consistent with Section 4-05-01-06. ***Adopted by the BoCC on December 13, 2010**

4-05-02-02-08 *PARKING*

Parking for the stand shall not block or be located within any right-of-way or public sidewalk. At least five (5) off-road parking spaces shall be provided per two hundred (200) square feet of sales area.

4-05-02-02-09 *ACCESS*

All Christmas tree lots shall have highway, arterial, or collector road access.

4-05-02-02-10 *TREE DISPLAY RESTRICTIONS*

No Christmas tree shall be displayed within fifty (50) feet of an intersection of the curb line of any two (2) roads or within any sight distance triangle required to be maintained by these standards and regulations.

4-05-02-03 *CONCRETE AND ASPHALT MIXING PLANTS***4-05-02-03-01 *TEMPORARY USE PERMIT REQUIRED***

All concrete or asphalt mixing plants intended to be in operation shall obtain a Special Use Permit. However, concrete or asphalt mixing plants may be issued a Temporary Use Permit by the Community and Economic Development Department for a maximum of ninety-days (90) in advance of any hearing before the Board of Adjustment. Industrial Zone Districts, which allow concrete or asphalt mixing plants may be allowed with a Building Permit only.

4-05-02-03-02 *MINIMUM LOT AREA*

No temporary cement or asphalt mixing plants shall be located on a parcel of land less than one-half (½) acre in size.

4-05-02-03-03 *LOCATION*

The use shall be located on the same property or right-of-way, or directly adjacent to the same property or right-of-way, as the construction project.

4-05-02-03-04 *PERIOD OF OPERATION*

Temporary cement and asphalt mixing plants shall only be permitted as an accessory use to the construction of roads or other public improvements.

4-05-02-03-05 *HOURS OF OPERATION*

The temporary cement and asphalt mixing plants shall limit the hours of operation to 7:00 AM to 7:00 PM.

4-05-02-03-06 *SETBACK FROM OCCUPIED STRUCTURE*

Not applicable.

4-05-02-03-07 *USE AREA SETBACK*

Vehicle use areas, material storage areas, and structures shall be setback at least one hundred (100) feet from the property boundary.

4-05-02-03-08 *ACCESS*

All temporary mixing plants shall have highway, arterial, or collector road access.

4-05-02-03-09 *DUST CONTROL*

It is the responsibility of the temporary plant operator to control dust, dirt, and any other debris from blowing from the site on to other properties.

4-05-02-03-10 *ROAD DAMAGE*

Any road damage to the roads providing access to the site of the temporary plant shall be repaired by the temporary plant operator as deemed necessary by the Director of Public Works. The Director of Public Works shall require the plant operator to post a performance bond to cover all potential repair costs.

4-05-02-03-11 *TRUCKING*

Due to the magnitude of the use, the Director of Public Works may add additional standards regarding trucking routes and the size of loads to protect the general welfare of the citizens.

4-05-02-03-12 *SIGNAGE*

All signs associated with Concrete and Asphalt Mixing Plants shall be consistent with Section 4-05-01-06. ***Adopted by the BoCC on December 13, 2010**

4-05-02-04 CONSTRUCTION SITE FENCING**4-05-02-04-01 *TEMPORARY USE PERMIT REQUIRED***

A Temporary Use Permit shall be obtained before locating any construction site fencing and shall comply with the performance criteria of Section 4-05-02-04.

4-05-02-04-02 *MAXIMUM HEIGHT*

The maximum height of construction site fencing shall be ninety-six (96) inches.

4-05-02-04-03 *FENCING MATERIAL*

Land under development may be surrounded by a chain link fence or solid wood fence.

4-05-02-04-04 *LOCATION*

Construction site fencing shall be installed within or along the property lines of the development.

4-05-02-04-05 *SIGN POSTING*

Construction site fencing shall be posted with the name and phone number of the responsible party for emergency and trespassing purposes.

4-05-02-04-06 *PERIOD OF PLACEMENT AND REMOVAL*

Construction site fencing may exist during the period of construction for the project. It shall be removed within thirty (30) days of issuance of a certificate of occupancy.

4-05-02-05 PERMISSIBLE FIREWORKS STAND/TENT

4-05-02-05-01 *TEMPORARY USE PERMIT REQUIRED*

A Temporary Use Permit shall be obtained for each stand/tent before locating any permissible fireworks stand/tent and shall comply with the performance criteria of Section 4-05-02-06. Only the sale of “permissible fireworks”, as that term is defined by Colorado Revised Statutes, is permitted with temporary use permit for permissible fireworks stand/tent. Fireworks that do not meet the definition of “permissible fireworks” shall not be sold or stored at permissible fireworks stands/tents.

4-05-02-05-02 *SUBMITTAL DEADLINE*

All Temporary Use Permit Applications for permissible fireworks stands/tents shall be submitted no later than the last business day in May. All applications shall be complete at the time of submittal.

4-05-02-05-03 *INSURANCE*

The applicant shall submit to Adams County a certificate of insurance. The minimum coverage for the property damage and/or bodily injury is \$1,000,000.00.

4-05-02-05-04 *MAXIMUM SIZE OF STAND/TENT*

If multiple stands/tents are located on one site, all requirements of the Adams County Permissible Fireworks Stands/Tents under Section 4-05-02-06 shall be followed.

Permissible Fireworks stands/tents shall not exceed a gross floor area of eight hundred (800) square feet per stand/tent.

4-05-02-05-05 *PERIOD OF OPERATION*

Permissible fireworks stands/tents may be operated between June 15 and July 5.

4-05-02-05-06 *DISMANTLE AND REMOVAL DATE*

All stands/tents shall be dismantled and removed no later than July 15.

4-05-02-05-07 *HOURS OF OPERATION*

Permissible fireworks stands/tents shall limit their hours of operation to 7:00 AM to 10:00 PM.

4-05-02-05-08 *CLEAR AREA*

A clear area is a minimum area in which the permissible fireworks stand or tent shall be setback from property lines, fences, vehicles, detached firework storage, and all permitted banners. The clear area shall be measured from the supporting wall of the stand or from the anchor point of the tent.

4-05-02-05-09 *VEGETATION AND WEEDS WITHIN CLEAR AREAS*

Vegetation within the required clear areas shall be a maximum of two (2) inches above the ground with the exception of trees and shrubs.

4-05-02-05-10 *CLEAR AREAS AROUND STAND/TENT AND DETACHED PERMISSIBLE FIREWORKS STORAGE*

Front(s)	30 feet
Sides	30 feet
Rear	30 feet

4-05-02-05-11 *SEPARATION BETWEEN STANDS/TENTS AND DETACHED PERMISSIBLE FIREWORKS STORAGE*

A clear and unobstructed distance of thirty (30) feet is required between the stand/tent and detached fireworks storage.

4-05-02-05-12 *SETBACKS FROM PERMANENT BUILDINGS, FLAMMABLE LIQUIDS, AND FUEL DISPENSING OPERATIONS*

A clear and unobstructed distance of fifty (50) feet is required between the stands/tents and permanent buildings, flammable liquids, and fuel dispensing operations.

4-05-02-05-13 *EXITS*

1. Stands: Any stand measuring more than twenty-five (25) feet in length across the face shall have two (2) exits. Exit doors shall be a minimum of twenty (20) inches in width and six (6) feet in height and swing in the direction of egress. Stands with floor areas between three hundred (300) and four hundred (400) square feet must have three (3) exits.
2. Tents: All aisles within a permissible fireworks stand shall measure no less than 48 inches in width. All fireworks tents shall have at least two sides of the tent open and unobstructed for use as an exit.

4-05-02-05-14 “NO SMOKING” SIGNS

“No Smoking” signs shall be conspicuously placed both inside and outside of the stand/tent.

4-05-02-05-15 CONSTRUCTION MATERIALS

All stands/tents shall be constructed of wood, metal, fire retardant tent as approved by the Community and Economic Development Department or other approved materials. Stands shall not have wheels or tires. Combustible construction materials shall be painted with a water-based latex paint.

4-05-02-05-16 ANCHORING

All tents and stands shall be properly anchored to the ground as approved by the Community and Economic Development Department.

4-05-02-05-17 WIRING

Electrical wiring shall meet all requirements of the State of Colorado.

4-05-02-05-18 DISPENSING PERMISSIBLE FIREWORKS

A person of twenty-one (21) years of age or older shall be present on the property at all times to provide supervision. It is illegal for any person under sixteen (16) years of age to purchase or vend any permissible fireworks. All permissible fireworks stands/tents shall operate in conformance with state law.

4-05-02-05-19 DISCHARGING FIREWORKS

No fireworks shall be discharged within a three hundred (300) foot radius of a stand/tent or within one hundred (100) feet of the property line on which the stand/tent is located.

4-05-02-05-20 WHOLESALE FIREWORKS

Sale of fireworks at wholesale shall not be conducted from stands/tents or portable, moveable, or temporary metal, wood, or plastic containers.

4-05-02-05-21 PENNANTS

Strings of flags, pennants, and streamers are allowed to define the clear area or the parking area. Pennants shall not be attached to a stand or tent. Pennants shall be depicted on the site plan.

4-05-02-05-22 *SIGNAGE*

All signs associated with a Permissible Firework Tent/Stand shall be consistent with Section 4-05-01-06.

4-05-02-05-23 *TRASH*

The site shall be kept clean of trash and debris at all times. Trash dumpsters shall be utilized and located on the site during operations.

4-05-02-06 *CHILE STAND/TENT **

***Adopted by the BoCC on April 21, 2008**

4-05-02-06-01 *TEMPORARY USE PERMIT REQUIRED*

A Temporary Use Permit shall be obtained for each stand/tent before locating any chile stand/tent and shall comply with the performance criteria of Section 4-05-02-07.

4-05-02-06-02 *INSURANCE*

The applicant shall submit to Adams County a certificate of insurance. The minimum coverage for the property damage and/or bodily injury is \$400,000.00.

4-05-02-06-03 *MAXIMUM SIZE OF STAND/TENT*

If multiple stands/tents are located on one site, all requirements of the Adams County Chile Stand/Tent under Section 4-05-02-07 shall be followed.

Chile stands/tents shall not exceed a gross floor area of eight hundred (800) square feet per stand/tent.

4-05-02-06-04 *HOURS OF OPERATION*

Chile stands/tents shall limit their hours of operation to 7:00 AM to 10:00 PM.

4-05-02-06-05 *CLEAR AREAS AROUND TENT/STAND*

A clear area is a minimum area in which the chile stand or tent shall be setback from property lines, fences, vehicles, propane tanks, burners, and all permitted banners. The clear area shall be measured from the supporting wall of the stand or from the anchor point of the tent.

4-05-02-06-06 *CLEAR AREAS*

Front(s)	30 feet
Sides	30 feet
Rear	30 feet

4-05-02-06-07 *CLEAR AREAS AROUND PROPANE TANKS AND BURNERS*

A clear area is a minimum area in which the propane tanks and burners shall be setback from property lines, fences, vehicles, tents/stands, and all banners.

4-05-02-06-08 *VEGETATION AND WEEDS WITHIN CLEAR AREAS*

Vegetation within the required clear areas shall be a maximum of two (2) inches above the ground with the exception of trees and shrubs.

4-05-02-06-09 *ANCHORING*

All tents and stands shall be properly anchored to the ground as approved by the Community and Economic Development Department.

4-05-02-06-10 *WIRING*

Electrical wiring shall meet all requirements of the State of Colorado.

4-05-02-06-11 *PENNANTS*

Strings of flags, pennants, and streamers are allowed to define the clear area or the parking area. Pennants shall not be attached to a stand or tent. Pennants shall be depicted on the site plan***Adopted by the BoCC on December 13, 2010**

4-05-02-06-12 *SIGNAGE*

All signs associated with a Chile Tent/Stand shall be consistent with Section 4-05-01-06. ***Adopted by the BoCC on December 13, 2010**

4-05-02-06-13 *TRASH*

The site shall be kept clean of trash and debris at all times. Trash dumpsters shall be utilized and located on the site during operations.

4-05-02-07 INERT FILL OPERATIONS**4-05-02-07-01 *TEMPORARY USE PERMIT REQUIRED***

Inert fill operations shall obtain a Temporary Use Permit. A Temporary Use Permit for inert fill may be issued for a maximum of six (6) months. ***adopted by the BoCC on December 13, 2010**

4-05-02-07-02 *MAXIMUM FILL AREA*

No Temporary Use Permit for inert fill shall be issued if the area to be filled is greater than ten (10) acres. Any operation proposed to fill greater than ten (10) acres shall be processed as a Conditional Use Permit (see Chapter 2).

4-05-02-07-03 *MAXIMUM AMOUNT OF FILL MATERIAL*

No Temporary Use Permit for inert fill shall be issued if the amount of material is greater than five-hundred-thousand (500,000) cubic yards. Any operation proposed to fill a site with more than five-hundred-thousand (500,000) cubic yards shall be processed as a Conditional Use Permit (see Chapter 2).

4-05-02-07-04 *PERIOD OF OPERATION*

Temporary Use Permits for inert fill may only be issued for maximum of six (6) months. Any operation proposed to operate greater than six (6) months shall be processed as a Special Use Permit. Any operation proposed to operate greater than five (5) years shall obtain a Conditional Use Permit (see Chapter 2). ***Adopted by the BoCC on December 13, 2010**

4-05-02-07-05 *HOURS OF OPERATION*

The inert fill operation shall limit its hours of operation from 6:00 AM to 10:00 PM, unless otherwise restricted by the Director of Community and Economic Development.

4-05-02-07-06 *SOURCE OF MATERIAL*

The site operator shall have sole discretion of the source of fill material and shall provide details of the source material with the permit application.

4-05-02-07-07 *GROUNDWATER IMPACTS*

Fill material is not likely to contaminate ground water. ***Adopted by the BoCC on December 13, 2010**

4-05-02-07-08 *TRAFFIC/HAUL ROUTE*

The haul route for the traffic to and from the fill operation shall be provided with the permit application and may be jointly reviewed and approved by the Community and Economic Development Department.

4-05-02-07-09 *GRADING AND DRAINAGE*

The final grading and drainage plan shall be provided with the permit application and may be approved by the Community and Economic Development Department.

4-05-02-08 *TEMPORARY STRUCTURES (TENTS)**

***Adopted by the BoCC on December 13, 2010**

4-05-02-08-01 *TEMPORARY USE PERMIT REQUIRED*

A Temporary Use Permit shall be obtained for any temporary structure intended to be located on a property for up to ninety (90) days.

4-05-02-08-02 *PERIOD OF OPERATION*

Temporary Use Permits for temporary structures may only be issued for a maximum of ninety (90) days. Any structure intended to be used for more than ninety (90) days shall obtain a Special Use Permit.

4-05-02-08-03 *CODE REQUIREMENTS*

All Temporary Structures shall meet the building and fire code requirements prior to approval of any Temporary or Special Use Permit.

4-05-02-08-04 *MAXIMUM SIZE*

Temporary Structures shall not exceed a gross floor area of eight hundred (800) square feet per structure.

If multiple temporary structures are located on one site, all requirements of the Adams County Temporary Structures under Section 4-05-02-09 shall be followed.

4-05-02-08-05 *LOCATION*

The temporary structure shall be located on gravel, recycled asphalt, or paved parking lot or on agricultural land. The structure shall not block or be located within any right-of-way or public sidewalk. The structure shall not be located within any required parking spaces. The structure shall meet all zone district requirements for which the structure is located.

4-05-02-08-06 *HEIGHT*

The temporary structure shall not exceed the height limit of the zone district in which the structure is located.

4-05-02-08-07 *EXITS*

1. Stands (Wood built structures): Any stand measuring more than twenty-five (25) feet in length across the face shall have two (2) exits. Exit doors shall be a minimum of twenty (20) inches in width and six (6) feet in height and swing in the direction of egress. Stands with floor areas between three hundred (300) and four hundred (400) square feet must have three (3) exits.
2. Tents: All aisles within a tent shall measure no less than 48 inches in width. All tents shall have at least two sides of the tent open and unobstructed for use as an exit.

4-05-02-08-08 *CONSTRUCTION MATERIALS*

All temporary structures shall be constructed of wood, metal, fire retardant tent as approved by the Community and Economic Development Department or other approved materials. Stands shall not have wheels or tires. Combustible construction materials shall be painted with a water based latex paint.

4-05-02-08-09 *ANCHORING*

All temporary structures shall be properly anchored to the ground as approved by the Community and Economic Development Department.

4-05-02-08-10 *WIRING*

Electrical wiring shall meet all requirements of the State of Colorado.

4-05-02-08-11 *SIGNAGE*

All signs associated with a Temporary Structure shall be consistent with Section 4-05-01-06. ***Adopted by the BoCC on December 13, 2010**

4-05-02-09 VENDING AND PRODUCE STANDS

4-05-02-09-01 TEMPORARY USE PERMIT REQUIRED

Vending and/or produce standards intended to be in operation shall obtain a Special Use Permit. However, vending and/or produce stands may be issued a Temporary Use Permit by the Community and Economic Development Department for a maximum of ninety-days (90) in advance of any hearing before the Board of Adjustment.

No Special Use Permit shall be required for a produce stand located on agriculturally zoned land provided the stand is an accessory use and meets the performance standards in Section 4-03-02-02-05. In addition, no Special Use Permit shall be issued if the stand, which is subject to the current permit has been erected on the subject site without a Temporary Use Permit from the Community and Economic Development Department.

4-05-02-09-02 MINIMUM LOT AREA

No vending or produce stand shall be located on a parcel of land less than four hundred (400) square feet in size.

4-05-02-09-03 LOCATION

The stand shall be located on a gravel, recycled asphalt, or paved parking lot or on agricultural land. The stand shall not block or be located within any right-of-way or public sidewalk.

4-05-02-09-04 PERIOD OF OPERATION

The stand shall operate for no more than ninety (90) days annually.

4-05-02-09-05 HOURS OF OPERATION

The stand shall limit its hours of operation to 7:00 AM to 7:00 PM.

4-05-02-09-06 SETBACKS

The setbacks for the zone district shall apply.

4-05-02-09-07 SIGNAGE

All signs associated with a Vending and Produce Stand shall be consistent with Section 4-05-01-06. ***Adopted by the BoCC on December 13, 2010**

4-05-02-09-08 *PARKING*

Parking for the stand shall not block or be located within any right-of-way or public sidewalk. At least five (5) off-road parking spaces shall be provided per two hundred (200) square feet of stand area.

4-05-02-09-09 *ACCESS*

All vending and produce stands shall have highway, arterial, or collector road access.

4-06 AGRICULTURAL USES PERFORMANCE STANDARDS

4-06-01 GENERAL PERFORMANCE STANDARDS

4-06-01-01 PURPOSE

The purpose of the following general performance standards is to address elements of planning, design, operation and maintenance to be applied to all agricultural development in Adams County. Any use specific performance standards contained in these standards and regulations shall also be applied. Where a use specific performance standard conflicts with a general performance standard, the use specific standard shall apply.

4-06-01-02 SUBSECTIONS

The following general performance standards are included in this section:

1. Fencing and Walls

The following general performance standards are located in other sections of these standards and regulations:

1. Parking (See Section 4-12)
2. Signage (See Section 4-01)
3. Landscaping (See Section 4-15-08)
4. Weeds and Offending Vegetation (See Section 4-17)
5. Site Design Considerations (See Section 4-20)
6. Operational Standards (See Section 4-13)
7. Off-Road Utility, Dumpster, Recycling, and Trash Handling Facilities (See Section 4-21)
8. Off-Premise Signs (See Section 4-15)

4-06-01-02-01 ***FENCING, WALLS AND SCREENING***

4-06-01-02-01-01 ***Maximum Height***

The maximum height of fencing, walls, and screening shall be ninety-six (96) inches, which may include four (4) strands of barbed wire forming the top eighteen (18) inches. All fences and walls more than forty-two (42) inches in height require a building permit.

4-06-01-02-01-02 *Fencing Material*

Fencing consisting of only barbed wire is permitted.

4-06-01-02-01-03 *Retaining Wall*

Any retaining wall over two (2) feet in height shall require preparation by a professional engineer as a condition for a building permit, except where waived by the Director of Public Works.

4-06-01-02-01-04 *Subdivided Agricultural Zone Districts*

In addition the other standards contained in this Section, the following fence standards shall apply to subdivided agriculturally zoned lands:

1. *Maximum Fence Height:* Fifty-four (54) inches between the front setback line and a front property line.
2. *Fencing in the Front Setback:* All fencing between the front setback line and front property line greater than forty-two (42) inches shall not be screen fencing and shall adhere to sight distance requirements.
3. *External Boundary Electric Fence:* An external boundary electric fence shall require a Conditional Use Permit.

4-06-01-02-01-05 *Traffic View Obstruction*

Traffic view obstruction, as outlined in these standards and regulations, is prohibited.

4-06-01-02-01-06 *Screen Fencing*

Screen fencing is required to conceal outside storage from all adjacent road right-of-way and lesser intensity uses. Screening is not required between storage yards provided neither yard is visible from an adjacent road right-of-way. This section does not affect required landscaping along street frontages or buffering requirements contained in these regulations. In all practicable cases, the screen fencing addressed below shall be behind the required landscaping. The following criteria shall be followed in determining what form of screening is appropriate to accomplish visual buffering of outside storage yards in the County.

1. If the property is already developed and the proposed storage area is enclosed by an existing chain link fence, which has a useful life remaining, the property owner shall:
 - a. Install heavy gauge PVC or vinyl inserts.
 - b. The inserts shall achieve a minimum of ninety (90) percent opacity.
 - c. Color of the inserts is at the discretion of the applicant.

- d. If the existing fence does not have a remaining useful life, the property (or portion of the property affected) defaults to item 2.
2. If the property is not developed and is proposed for outside storage, the property owner shall conceal all outside storage with an eight foot solid wood fence or masonry wall.
3. If the property is not feasible screened by a fence from an adjacent road due to topography, the property owner shall:
 - a. Install fast growing trees (preferably a mix of coniferous and deciduous) appropriately spaced to ensure complete screening at maturity.
 - b. A chain link fence may be constructed at the discretion of the applicant, but must be placed to the interior of the screening trees.
4. All fencing shall be maintained and kept in good condition at all times. Condition of fences shall be evaluated through a review of:
 - a. Structural integrity and being functionally sound under the Uniform Building Code; and
 - b. Substantially the same condition as originally permitted or constructed.

4-06-01-02-01-07

Garbage Area Screening

Garbage area screening shall consist of a six (6) foot high minimum screen fence.

4-06-01-02-01-08

Outdoor Storage Screening

Outdoor storage area screening shall consist of a six (6) foot high minimum screen fence. Outdoor storage shall not be allowed above the height of the fence.

4-06-01-02-01-09

Masonry Wall

All walls specified to be masonry fencing shall be constructed out of a brick or stone material which does not permit the contents within the fenced area to be seen from the outside.

4-06-01-02-01-10

Noise Barrier Fencing

Where existing and proposed arterial roads or state highways traverse, or are adjacent to areas of proposed residential or commercial development the Director of Community and Economic Development may require noise barrier fencing be installed by the developer. Such fencing shall meet the minimum standards of the Colorado Department of Highways (Colorado Department of Transportation) and these standards and regulations.

4-06-01-02-01-11 *Sidewalk Maintenance*

The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of curb, gutter, and sidewalk along the right-of-way abutting his property including snow removal for pedestrian access

4-06-01-02-01-12 *Oil and Gas Well Waiver*

Where a new home is constructed within three hundred (300) feet of an existing oil or gas well, the property owner shall submit a signed waiver acknowledging the existence of the facility.

4-06-02 PERFORMANCE STANDARDS BY USE CATEGORY

The following specific performance standards are included in this section:

1. Agricultural Support Businesses and Services (See Section 4-06-02-01 for specific requirements)
 - a. Auction Yards, With Livestock (See Section 04-06-02-01-01 for specific requirements)
 - b. Biosolids Application (See Section 04-05-02-01-02 for specific requirements)
 - c. Commercial Livestock and Poultry Confinement Operations (See Section 04-06-02-01-03 for specific requirements)
 - d. Equestrian Arena, Commercial (See Section 4-06-02-01-04 for specific requirements)
 - e. Equestrian Arena, Personal (See Section 4-06-02-01-05 for specific requirements)
 - f. Farm Machinery Sales and Services (See Section 04-06-02-01-06 for specific requirements)
 - g. Fish Hatcheries (See Section 04-06-02-01-07 for specific requirements)
 - h. Livestock and Poultry Keeping (See Section 04-06-02-01-09 for specific requirements)
 - i. Railroad Yards (See Section 04-06-02-01-10 for specific requirements)
 - j. Truck Stops (See Section 04-06-02-01-11 for specific requirements)
2. Nurseries *
3. Performance standards for residential uses, institutional uses, commercial uses and industrial uses permitted in an agricultural zone district may be found in Sections 4-07, 4-08, 4-09, and 4-10.

4-06-02-01 **AGRICULTURAL SUPPORT BUSINESSES AND SERVICES**

4-06-02-01-01 **AUCTION YARDS, WITH LIVESTOCK**

1. *Minimum Parcel Area:* One (1) acre
2. *Location:* All auction yards shall be located at least fifty (50) feet away from any on-property occupied residential structure, fifty (50) feet from any right-of-way and five hundred (500) feet from any off-property occupied residential structure.
3. *Sale of Livestock:* Livestock sale rings are permitted. However, all livestock sale rings and yards shall be located no less than one thousand (1,000) feet from any occupied residential structure.
4. *Animal Care:* All animals shall be cared for in a humane and sanitary manner as approved by the Colorado Department of Agriculture and the State Veterinarian's Office.
5. *Manure Handling:* Manure shall be handled and disposed of in a sanitary method, approved by Tri-County Health Department.

4-06-02-01-02 **BIOSOLIDS APPLICATION**

1. *Biosolids Regulations:* The applier must operate in compliance with the Colorado Department of Public Health and Environment Biosolids Regulations, Reg. No. 64.
2. *Monitoring Reports:* Monitoring reports (2 copies) are required as a condition of the State Permit and shall be forwarded to the Adams County Community and Economic Development Department as they are forwarded to the Colorado Department of Public Health and Environment.
3. *Conditions of Approval:* The applier shall operate in accordance with all approved plans and required conditions of approval as stated in the permit issued by Adams County.
4. *Sewage, Sewage Sludge, and Septage:* Land applications of sewage, sewage sludge, or septage are prohibited. ***Adopted by the BoCC on December 13, 2010**

4-06-02-01-03 **COMMERCIAL LIVESTOCK AND POULTRY CONFINEMENT OPERATIONS**

1. *Minimum Parcel Area:* Ten (10) acres

2. *Location:* All such operations shall be located at least one hundred (100) feet away from any on-property occupied residential structure and two hundred (200) feet from any right-of-way.
3. *Setback from Residential Properties:* No new livestock or poultry confinement operation shall be permitted within one (1) mile of the lot line of a residential use except one which occurs in association with the livestock confinement operation and unless a waiver is obtained in writing from the residential property owner(s) within one (1) mile and a disclosure document is recorded against the residential property.
4. *Animal Care:* All animals shall be cared for in a humane and sanitary manner as approved by the Colorado Department of Agriculture and the State Veterinarian's Office.
5. *Grazing:* Grazing lands shall be maintained in accordance with standards and specifications outlined by the United States Department of Agriculture and the local Soil Conservation Service.
6. *Conformance with "Confined Animal Feeding Operations Control Regulations":* All Operations shall comply with the "Confined Animal Feeding Operations Control Regulations" specified by the Colorado Department of Public Health and Environment.
7. *Environmental and/or Chemical and Scientific Controls:* Environmental and/or chemical and scientific controls shall be provided as approved by Tri-County Health Department.
8. *Manure Handling:* Manure shall be handled and disposed of in a sanitary method, approved by Tri-County Health Department.
9. *Drainage Facilities:* Drainage facilities or improvements, as approved by the Tri-County Health Department, shall be constructed to protect any adjacent rivers, streams or other bodies of water.
10. *Scraping, Grading, and Cleaning:* Adequate means of scraping, grading and cleaning shall be provided at all times as approved by the Tri-County Health Department.
11. *Tabulation of Animal Unit Densities:* To determine the maximum number of animals allowed on a given property, the types, and densities of animals allowed are detailed in Section 4-21.
12. *Combination of Animals:* Any combination of allowed animals may be kept, but at no time shall the maximum number of any specific type of animal be exceeded, nor shall the total maximum number of livestock be exceeded.
13. *Animals Not Categorized:* If an animal is not listed or does not clearly fall into one of the listed animal categories, the Director of Community and Economic Development shall determine the number permitted.

4-06-02-01-04 *EQUESTRIAN ARENA, COMMERCIAL*

1. *Minimum Lot Size:* 35 acres
2. *Location:* The arena and related structures shall be located at least one hundred twenty (120) feet from any road right-of-way line.
3. *Setback from Residential Properties:* No commercial equestrian arena shall be permitted within one (1) mile of the lot line of a residentially zoned or used property unless a waiver is obtained in writing from the residential property owner(s) within one (1) mile and a disclosure document is recorded against the residential property. If a waiver cannot be obtained but every reasonable effort has been made by the applicant to receive a waiver, the applicant may apply for a Variance from the Board of Adjustment. Proof shall be submitted in the form of copies of certified mail sent to the residents affected.
4. *Development and Operating Plan:* A development and operating plan shall be submitted and approved with the Conditional Use Permit application. This plan shall include:
 - a. A site plan drawn to scale depicting activity areas, improvements, access, driveways, parking areas, and sanitary facilities;
 - b. A description of facilities for animals involved in activities on site.
 - c. The methods proposed to control dust, erosion, odor, noise, glare, waste disposal (manure, trash, etc.), and congestion;
 - d. A traffic control plan approved by Adams County;
 - e. The hours of operation;
 - f. Fees, admission, and other compensation paid or charged during activities;
 - g. The projected number of people on the property during activities;
 - h. A description of any items for sale during activities (liquor and other beverages, food, souvenirs, etc.)
 - i. Additional information as required by the Director of Community and Economic Development.

4-06-02-01-05 *EQUESTRIAN ARENA, PERSONAL*

1. *Accessory Status:* The arena shall be accessory and incidental to the ranch, farm, or home site on which it is located.
2. *Construction of Equestrian Arena, Personal:* No permit for construction of an equestrian arena, personal shall be issued prior to construction of a principal building except in the A-3 Zone District where the parcel is at least (35) thirty-five acres in size and a principal structure is already constructed.

3. *Number of Guests Permitted:* The use of the arena is limited to the family and invited guests of the farmer/rancher/home occupant but shall not exceed twenty (20) people in addition to the inhabitants of the farm/ranch/home on the property.
4. *Conditional Use Permit Required:* A Conditional Use Permit shall be required if one or more of the following occurs:
 - a. More than twenty people in addition to the inhabitants of the property attend activities.
 - b. Monetary or other compensation is collected or exchanged for admittance or participation.
 - c. Food is bought or sold on the premises.
 - d. Alcohol is bought or sold on the premises.
 - e. Livestock is brought to the site from a provider for the purpose of hosting a rodeo.
5. *No Commercial Activities:* No commercial competition or commercial entertainment, user fees, dues or other compensation are permitted.
6. *No Offensive Impacts:* The arena shall be operated in such a manner so that there is no adverse impact on surrounding properties relating to dust, erosion, odor, noise, glare, off-site illumination (more than one foot candle of illumination measured at the property line), waste disposal, traffic or parking congestion. Neither a nuisance nor noxious activity shall be conducted on the property, which is caused by the use of the property as a personal equestrian arena.

4-06-02-01-06 *FARM MACHINERY SALES AND SERVICE*

1. *Maximum Lot Coverage:* The maximum lot coverage allowed is 80%.
2. *Display Area Setback:* The display area shall be set back a minimum of fifteen (15) feet from the road right-of-way and ten (10) feet from all other property lines.
3. *Setback from Residential Zone:* Not applicable.
4. *Indoor Activities:* All repair, parts storage, and work activities shall take place within a completely enclosed structure or screen yard enclosed by a six (6) foot high solid screen fence or wall.
5. *Storage of Vehicles:* All storage of vehicles awaiting repair shall be within the enclosed structure or within a compound yard enclosed by a six (6) foot high solid screen fence or wall, except for driveway openings.

4-06-02-01-07 *FISH HATCHERIES*

1. *Minimum Parcel Area:* Five (5) acres
2. *Setback from Residential Zoning:* Not Applicable.
3. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building, with the exception of fish hatching ponds.

4-06-02-01-08 *LIVESTOCK AND POULTRY KEEPING*

1. *Drinking Facilities:* Adequate overflow drainage on drinking facilities shall be provided to prevent the saturation of soil on adjacent property.
2. *New Shed Location:* Any new shed, shelter, pen or enclosure for livestock shall not be closer than one hundred (100) feet to any off-property residence or place of business and shall be setback twenty-five (25) feet from the side lot line and fifty (50) feet from the front lot line.
3. *Rodent Control:* All sheds or other shelter for livestock shall be kept reasonably free of rodents and insects and shall be kept in good repair.
4. *Drainage:* Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.
5. *Parcels Under Five (5) Acres in Size:* On parcels less than five (5) acres in size, all livestock shall be kept within a fenced area.
6. *Colorado Confined Animal Feeding Regulations:* Adherence to the Colorado Confined Animal Feeding Regulations, promulgated by the Colorado Department of Public Health and Environment, Water Quality Control Commission shall be required.
7. *Manure Removal:* All manure shall be removed periodically or incorporated into the soil on a regular basis such that the manure does not draw flies, or other insects, or cause obnoxious odors.
8. *Feed Leftovers:* Spillage and leftovers from livestock feedings must be removed or so disposed of as to prevent fly, bird, or rodent propagation, or creation of odors.
9. *Number of Animals Permitted*
 - a. *Properties Greater than thirty-five (35) Acres:* The keeping of non-commercial livestock and poultry is not regulated, unless the number of animals classify the use as a Livestock Confinement Operation.
 - b. *Properties Less than thirty-five (35) Acres:* The keeping of non-commercial livestock and poultry is allowed in accordance with Section 4-

21. The maximum number of allowable livestock per lot does not apply to young animals below weaning age, or six (6) months of age, whichever is less.

4-06-02-01-09 *RAILROAD YARDS*

1. *Minimum Site Area:* Five (5) acres.
2. *Location:* All railroad yards shall be located at least one (1) mile from a residentially zoned or used property unless a waiver is obtained in writing from the residential property owner(s) within one (1) mile and a disclosure document is recorded against the residential property. If a waiver cannot be obtained but every reasonable effort has been made by the applicant to receive a waiver, the applicant may apply for a Variance from the Board of Adjustment. Proof shall be submitted in the form of copies of certified mail sent to the residents affected.
3. *Access:* All railroad yards shall have arterial road or highway access.

4-06-02-01-10 *TRUCK STOP*

1. *Minimum Site Area:* Five (5) acres.
2. *Access:* All truck stops shall have arterial road or highway access.
3. *Pump Setbacks:* Pump islands may be located a minimum of one hundred (100) feet from all exterior property lines, and pump island canopies may project to within fifty (50) feet of property lines.
4. *Screening:* Truck stops shall be separated from residential uses or residentially zoned properties by five hundred (500) feet. The separation distance shall be measured from the lot line.
5. *Indoor Activities:* The changing of engine oil and filters; the lubrication of motor vehicle chassis; the cleaning of component parts; brake adjustment and replacement; mechanical or hand washing and detailing; front-end alignment; the sale or installation of batteries and minor automotive accessories; the sale or mounting and repair of tires; the testing, adjustment and replacement of parts, the servicing of air conditioners; the servicing of air pollution control devices; the sale of soft drinks, candy, ice and similar items.
6. *Outdoor Activities:* The dispensing of gasoline, oil, air, and water from pump islands; any testing or servicing of automobiles which necessitates a running engine; tire display; trash areas enclosed by walls; public telephones in a well lighted location, visible from the road; the sale of soft drinks, candy, ice and similar items via vending machines.
7. *Painting and Body Work Prohibited:* Painting or other body work shall be prohibited at all truck stops in agricultural zone districts.

8. *Storage:* All products and merchandise shall be stored indoors with the exception of vending machines and tire display.

4-06-02-02 NURSERIES *

1. A nursery shall consist of living materials grown and/or kept on site. A nursery shall be allowed to contain up to ten (10) percent of the approved living nursery area for hardscape materials. The living area is calculated by the placement of living landscaping (trees, shrubs, flowers, etc.) which is no more than ten (10) feet from one another, or as determined by the Director of Community and Economic Development through a site plan review. Hardscape includes but is not limited to the storage of rock, soil, mulch, and other non-living landscape materials, and equipment.
2. All commercial vehicles and/or equipment in excess of seven thousand (7,000) pounds gross vehicle weight and/or hardscape used for the nursery business shall be screened from any adjoining residentially zoned or used property with an eight (8) foot solid screen fence.
3. In all Agricultural Zone Districts no more than two (2) commercial vehicles and/or equipment in excess of seven thousand (7,000) pounds gross vehicle weight used for the nursery business shall be allowed per acre with a maximum of five (5) unless otherwise permitted through a Conditional Use Permit.

***Adopted by the BoCC on December 13, 2010**

4-07 RESIDENTIAL USES PERFORMANCE STANDARDS

4-07-01 GENERAL PERFORMANCE STANDARDS

4-07-01-01 PURPOSE

The purpose of the following general performance standards is to address elements of planning, design, operation and maintenance that shall be applied to all residential development in Adams County. Any use specific performance standards contained in these standards and regulations shall also be applied. Where a use specific performance standard conflicts with a general performance standard, the use specific standard shall apply.

4-07-01-02 SUBSECTION

The following general performance standards are included in this section:

1. Project Compatibility
2. Fencing, Walls and Screening

The following general performance standards are located in other sections of these standards and regulations:

1. Parking (See Section 4-12)
2. Signage (See Section 4-01)
3. Landscaping (See Section 4-15-08)
4. Weeds and Offending Vegetation (See Section 4-17)
5. Site Design Considerations (See Section 4-20)
6. Operational Standards (See Section 4-13)
7. Off-Road Utility, Dumpster, Recycling, and Trash Handling Facilities (See Section 4-21)

4-07-01-02-01 **PROJECT COMPATIBILITY**

4-07-01-02-01-01 **Purpose**

The purpose of this section is to ensure the physical and operational characteristics of proposed structures and uses are compatible when considered within the context of the surrounding area.

4-07-01-02-01-02 *Architectural Character*

New developments in or adjacent to existing developed areas shall be compatible with the established architectural character of such areas by using a complementary design. Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in structure mass and outdoor spaces, similar relationships to the road, similar window and door patterns, and /or the use of building materials which have color shades and textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.

4-07-01-02-01-03 *Structure Size, Height, Bulk, Mass, Scale*

New structures shall either be similar in size and height, or if larger, be articulated and subdivided into massing proportional to the mass and scale of other structures in the immediate vicinity.

4-07-01-02-01-04 *Structure Orientation*

To the maximum extent feasible, primary facades and entries shall face the adjacent road. Main entrances shall face a connecting walkway with a direct pedestrian connection to the road without requiring pedestrians to walk through parking lots or cross driveways.

4-07-01-02-01-05 *Building Materials*

1. *General:* Building materials shall either be similar to the materials already being used in the neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color and texture, shall be utilized to ensure enough similarity exists for the structure to be compatible, despite the differences in materials.
2. *Glare:* Building materials shall not create excessive glare. If highly reflective building materials are proposed, such as aluminum, unpainted metal or reflective glass, the potential for glare from such materials will be evaluated to determine whether or not the glare would create a significant adverse impact on the adjacent property owners, neighborhood or community in terms of vehicular safety, outdoor activities and enjoyment of views. If so, such materials shall not be permitted.
3. *Windows:* Mirror glass with a reflectivity or opacity of greater than sixty percent (60%) is prohibited. Windows shall be individually defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the structure stories and establish human scale and proportion.

4-07-01-02-01-06 *Front Width of Residence*

The width of the residence facing the front lot line should appear to be greater than the length of the residence parallel to the side lot line. This will be reviewed by examining whether the width of the residence, including additions to the main body such as garages, carports, utility or living rooms, is a minimum of thirty-five (35) feet in width facing the road frontage.

4-07-01-02-01-07 *Land Use Transition*

When land uses with significantly different visual character are proposed adjacent to each other and where gradual transitions are not possible or not in the best interest of the community, the proposed structure shall, to the maximum extent feasible, achieve compatibility through compliance with the standards set forth regarding scale, form, materials, and colors and adoption of operational standards including limits on hours of operation, lighting, placement of noise-generating activities and similar restrictions.

4-07-01-02-01-08 *Operational/Physical Compatibility Standards*

The following conditions may be imposed upon the approval of a Conditional Use Permit to ensure new, non-residential development will be compatible with existing neighborhoods and uses, including, but not limited to, restrictions on:

1. Hours of operations and deliveries;
2. Location of activities generating potential adverse impacts on adjacent uses such as noise and glare;
3. Placement of trash receptacles;
4. Location and screening of loading and delivery zones;
5. Light intensity and hours of full illumination; and
6. Placement and illumination of outdoor vending machines

4-07-01-02-02 *FENCING, WALLS, AND SCREENING***4-07-01-02-02-01 *Maximum Height***

Seventy-two (72) inches, except when a residential use is adjacent to existing or proposed arterial roads or state highway. Fences bordering such roads may be uniformly built higher with approval from the Director of Community and Economic Development.

4-07-01-02-02-02 *Retaining Walls*

Any retaining wall over two (2) feet in height shall require plans prepared by a professional engineer as a condition for a building permit except where waived by the Director of Public Works.

4-07-01-02-02-03 *Fences on Corner Lots*

In single family and duplex zone districts, fences up to seventy-two (72) inches in height may be permitted on the common road side of corner lots where houses are back to back with the approval of the Director of Community and Economic Development.

4-07-01-02-02-04 *Prohibited Fences*

1. *Fencing Between Front Setback Line and Front Property Line:* No fence over seventy-two (72) inches in height shall be permitted between the front setback line and a front property line.
2. *Fencing in the Front Setback:* All fencing between the front setback line and front property line greater than forty-two (42) inches shall not be screen fencing and shall adhere to sight distance requirements.
3. *Barbed Wire and Electric Fences:* Barbed wire and electric fences are prohibited as an external boundary fence. Horse enclosures, where permitted, may be constructed of barbed wire or electric fence, but shall be setback from the property line a minimum of five (5) feet.

4-07-01-02-02-05 *Traffic View Obstruction*

Traffic view obstruction as outlined in these standards and regulations is prohibited.

4-07-01-02-02-06 *Fence Bottom*

The bottom of the fence shall be no more than six (6) inches above grade at any point.

4-07-01-02-02-07 *Screen Fencing*

Screen fencing is required to conceal outside storage from all adjacent road right-of-way and lesser intensity uses. Screening is not required between storage yards provided neither yard is visible from an adjacent road right-of-way. This section does not affect required landscaping along street frontages or buffering requirements contained in these regulations. In all practicable cases, the screen fencing addressed below shall be behind the required landscaping. The following

criteria shall be following in determining what form of screening is appropriate to accomplish visual buffering of outside storage yards in the County.

1. If the property is already developed and the proposed storage area is enclosed by an existing chain link fence, which has a useful life remaining, the property owner shall:
 - a. Install heavy gauge PVC or vinyl inserts.
 - b. The inserts shall achieve a minimum of ninety (90) percent opacity.
 - c. Color of the inserts is at the discretion of the applicant.
 - d. If the existing fence does not have a remaining useful life, the property (or portion of the property affected) defaults to item 2.
2. If the property is not developed and is proposed for outside storage, the property owner shall conceal all outside storage with an eight foot solid wood fence or masonry wall.
3. If the property is not feasibly screened by a fence from an adjacent road due to topography, the property owner shall:
 - a. Install fast growing trees (preferably a mix of coniferous and deciduous) appropriately spaced to ensure complete screening at maturity.
 - b. A chain link fence may be constructed at the discretion of the applicant, but must be placed to the interior of the screening trees.
4. All fencing shall be maintained and kept in good condition at all times. Condition of fences shall be evaluated through a review of:
 - a. Structural integrity and being functionally sound under the Uniform Building Code; and
 - b. Substantially the same condition as originally permitted or constructed.

4-07-01-02-02-08 *Outdoor Storage Screening*

Outdoor storage area screening shall consist of a six (6) foot high minimum screen fence. Outdoor storage shall not be allowed above the height of the fence.

4-07-01-02-02-09 *Masonry Wall*

All walls specified to be masonry fencing shall be constructed out of a brick or stone material which does not permit the contents within the fenced area to be seen from the outside.

4-07-01-02-02-10 *Noise Barrier Fencing*

Where existing and proposed arterial roads or state highways traverse, or are adjacent to areas of proposed residential development, the Director of Community

and Economic Development may require noise barrier fencing be installed by the developer. Such fencing shall meet the minimum standards of the Colorado Department of Transportation and these standards and regulations.

4-07-01-02-02-11 *Sidewalk Maintenance*

The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of curb, gutter, and sidewalk along the right-of-way abutting his property including snow removal for pedestrian access.

4-07-01-02-02-12 *Oil and Gas Well Waiver*

Where a new home is constructed within three hundred (300) feet of an existing oil or gas well, the property owner shall submit a signed waiver acknowledging the existence of the facility.

4-07-02 PERFORMANCE STANDARDS BY USE CATEGORY

The following specific performance standards are included in this section:

1. Dwelling, Detached Single-Family
2. Dwelling, Attached Single-Family
3. Dwelling, Townhouse
4. Dwelling, Multi-Family
5. Dwelling, Manufactured Home Park
6. Dwelling, Mobile Home Park

4-07-02-01 DWELLING, DETACHED SINGLE-FAMILY

4-07-02-01-01 *MAXIMUM LOT COVERAGE*

1. *Principal Structure:* 60%
2. *Accessory Structures:* 30%
3. *Structures Combined:* 75%

4-07-02-01-02 *MANUFACTURED HOMES AS DETACHED SINGLE-FAMILY DWELLINGS***4-07-02-01-02-01 *Manufactured Home Location Criteria.***

A single manufactured home may be used as a single-family dwelling on an individual lot in any residential zone district, which allows single-family dwellings.

4-07-02-01-02-02 *Manufactured Home Site Improvement Standards.*

A manufactured home being placed on an individual lot or parcel must comply with the following minimum site standards:

1. At the time of siting, the unit is no more than five (5) years old.
2. The unit is comprised of two (2) or more fully enclosed parallel sections not less than twelve (12) feet wide by thirty-six (36) feet long (producing a dwelling unit with a minimum of eight hundred sixty-four (864) square feet) or the minimum area permitted in the zone in which the manufactured home is to be placed, whichever is greater.
3. The unit was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof with a nominal pitch of 3:12.
4. The unit has exterior siding similar in appearance and quality to siding materials commonly used on conventional site-built Uniform Building Code single-family residences.
5. The unit is installed on the site by a certified manufactured home installer in accordance with the 1997 Uniform Building Code, as amended.
6. Compliance with the site plan which, drawn to scale, shows the exact footprint and exact location of the specific manufactured home to be placed on the site and the exact location of the required off-road parking spaces.
7. The off-road parking area and driveway are paved prior to occupancy.
8. Compliance with the approved landscape plan which, drawn to scale, indicates the types of plant material and their location. The minimum requirement under this subsection is a front lawn of grass. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one hundred twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after the manufactured home has been placed on the site. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.

9. During the time in which the permit application is being reviewed by County staff, the Director of Community and Economic Development shall certify, prior to placement on the site, the design of the manufactured home is compatible with the character of the neighborhood surrounding the lot or parcel upon which it is being placed, considering at a minimum the following features:
 - a. The architectural style;
 - b. The roof line;
 - c. The window placement;
 - d. The location of garages, carports or parking pads;
 - e. Front porches, if present on nearby structures; and
 - f. Landscaping, including the presence or absence of front yard fencing.
10. The tongue, axles, transporting lights, and removable towing apparatus are removed prior to occupancy.
11. The manufactured home is placed on foundation system footings, foundation system piers, foundation system plates and shims, foundation fascia and an anchoring system as defined in the 1997 Uniform Building Code, as amended, and complies with all weather and fire resistance requirements of the HUD code. The wood of the fascia is at least three (3) inches from the ground unless it is pressure-treated wood. Metal fasteners are galvanized, stainless steel, or other corrosive-resistant material. Ferrous metal members in contact with the earth, other than those, which are galvanized or stainless steel, are covered with an asphalt emulsion.
12. The manufactured home is hooked up to public water and sanitary sewer prior to occupancy, and extension of the pressure relief valve for the water heater is provided.
13. Every exit not at grade has a set of stairs, which complies with the 1997 Uniform Building Code requirements, as amended.
14. A used manufactured home has been inspected and certified by the Community and Economic Development Department prior to placement on the site to assure the unit is the one shown on the approved site plan and it complies with all requirements.
15. Title elimination shall occur within six (6) months of occupancy.
16. Placement on the site complies with all building setbacks, building coverage and height requirements of the zone district in which it is located.
17. Accessory uses for a manufactured home on an individual lot or parcel are subject to the accessory building setback requirements of the zone district

in which it is located, the provisions of the 1997 Uniform Building Code, and limited to the following:

- a. one (1) garage or one attached carport,
- b. one (1) hot tub,
- c. one (1) attached or detached storage room with an area of no more than one hundred fifty (150) square feet,
- d. one (1) swimming pool,
- e. decks provided they do not encroach into required yards or exceed forty-two (42) inches in height, in the required front yard,
- f. one (1) gazebo.

4-07-02-01-03**LANDSCAPING**

1. *Front and Side Setbacks:* The entire front and side setbacks shall be landscaped, except for driveways.
2. *Back Yard Setback:* A minimum thirty percent (30%) of the back yard shall be landscaped.
3. *Required Ground Cover:* A minimum of thirty percent (30%) of the required front and side landscape area must be covered by living ground material, such as low growing ground cover, shrubs, or grass, within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one-hundred-twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping. Single-family residential uses in eastern Adams County are not required to install landscaping or automatic irrigation systems.
4. *Required Trees and Shrubs:* A minimum of one (1) large tree and five (5) shrubs, or two (2) ornamental trees and five (5) shrubs, shall be required for each lot. Evergreens shall be considered ornamental.
5. *Minimum Size Requirements:* Minimum size requirements for trees and shrubs shall be:

<i>Plant Type</i>	<i>Maturity Height</i>	<i>Minimum Plant Size at Planting</i>
Ornamentals	Less than 20'	1" to 1-1/2"
Large Deciduous	Over 20'	2" to 2-1/2"
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gallon
Upright Shrubs	3' to 10'	5 gallon

4-07-02-01-04 *HOUSING MODEL VARIETY*

Any development with one hundred (100) or more single-family dwelling units shall have at least four (4) different types of housing models. Any development between three (3) and one hundred (100) single-family dwelling units shall have at least three (3) different types of housing models.

4-07-02-01-05 *DISTINGUISHING CHARACTERISTICS OF HOUSING MODELS*

Each housing model shall have at least three (3) characteristics which clearly distinguish it from the other housing models, including different floor plans, exterior materials, roof lines, garage placement, placement of the footprint on the lot, and/or building face.

4-07-02-01-06 *GARAGE DOORS*

Garage doors shall not comprise more than fifty percent (50%) of the ground floor road-facing linear building frontage. Corner lots are exempt from this standard.

4-07-02-02 *DWELLING, ATTACHED SINGLE-FAMILY*

4-07-02-02-01 *MAXIMUM LOT COVERAGE*

1. *Principal Structure:* 70%
2. *Accessory Structures:* 25%
3. *Structures Combined:* 80%

4-07-02-02-02 *LANDSCAPING*

1. *Front and Side Setbacks:* The entire front and side setbacks shall be landscaped, except for driveways.
2. *Back Yard Setback:* A minimum of thirty percent (30%) of the back yard shall be landscaped.

3. *Required Ground Cover:* A minimum of thirty percent (30%) of the required front and side landscape area must be covered by living ground material, such as low growing ground cover, shrubs, or grass, within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one-hundred-twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.
4. *Required Trees and Shrubs:* A minimum of one (1) large tree and five (5) shrubs, or two (2) ornamental trees and five (5) shrubs, shall be required for each lot. Evergreens shall be considered ornamental.
5. *Minimum Size Requirements:* Minimum size requirements for trees and shrubs shall be:

<i>Plant Type</i>	<i>Maturity Height</i>	<i>Minimum Plant Size at Planting</i>
Ornamentals	Less than 20'	1" to 1-1/2"
Large Deciduous	Over 20'	2" to 2-1/2"
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gallon
Upright Shrubs	3' to 10'	5 gallon

4-07-02-02-03 *HOUSING MODEL VARIETY*

Any development with one hundred (100) or more single-family dwelling units shall have at least four (4) different types of housing models. Any development between three (3) and one hundred (100) single-family dwelling units shall have at least three (3) different types of housing models.

4-07-02-02-04 *DISTINGUISHING CHARACTERISTICS OF HOUSING MODELS*

Each housing model shall have at least three (3) characteristics which clearly distinguish it from the other housing models, including different floor plans, exterior materials, roof lines, garage placement, placement of the footprint on the lot, and/or building face.

4-07-02-03 DWELLING, TOWNHOUSE

4-07-02-03-01 SITE COVERAGE

1. *Principal and Accessory Structures*: Maximum 30%
2. *Paved Area (Driveways)*: Maximum 30%
3. *Open Space (Common and/or Public)*: Minimum 40%

4-07-02-03-02 LANDSCAPING

1. *Minimum Landscaped Area*: Not less than 30% of the site area shall be landscaped.
2. *Required Ground Cover*: A minimum of one-third (1/3) of the required landscape area must be covered by living ground material within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one hundred twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.
3. *Required Trees and Shrubs*: A minimum of one (1) large tree and two (2) shrubs, or two (2) ornamental trees and two (2) shrubs, shall be required for each increment of fifteen hundred (1,500) square feet in western Adams County and three thousand (3,000) square feet in eastern Adams County.
4. *Parking Lot Landscaping*: All parking lots which consist of thirty (30) spaces or more must be designed to include landscaped islands between rows. This landscaping shall be credited toward the total landscaped area required.
5. *Required Tree Mix*: The selection of trees shall be a mix of large deciduous (30% - 70%) and ornamental (30% - 70%) trees. Evergreens shall be considered ornamental.
6. *Minimum Size Requirements*: Minimum size requirements for trees and shrubs shall be:

<i>Plant Type</i>	<i>Maturity Height</i>	<i>Minimum Plant Size at Planting</i>
Ornamentals	Less than 20'	1" to 1-1/2"
Large Deciduous	Over 20'	2" to 2-1/2"
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gallon
Upright Shrubs	3' to 10'	5 gallon

7. *Irrigation System Required:* A fully automatic irrigation system is required.

4-07-02-03-03 **STRUCTURE SITING**

Structures shall be organized on the site in a clustered, efficient manner. There shall be a continuity of design in structure groupings. In larger projects, the unit type shall vary between groupings. Structures should be grouped in such a way to provide visual interest.

4-07-02-03-04 **UTILITY SCREENING**

Group transformers with utility meters shall be used where possible. Utility appurtenances, including telephone pedestals, utility meters, irrigation system backflow preventers, transformers, and other similar utilities may be screened from adjacent properties, parking areas, public roads and pedestrian walkways where it is technically feasible.

4-07-02-04 **DWELLING, MULTI-FAMILY**

4-07-02-04-01 **MINIMUM UNIT SIZE**

Each apartment or condominium shall have a minimum of floor area as stated below:

- a. *Efficiency:* Four-hundred-fifty (450) square feet
- b. *One Bedroom:* Six hundred (600) square feet
- c. *Two Bedroom:* Seven-hundred-fifty (750) square feet
- d. *Three Bedroom:* Nine hundred (900) square feet
- e. *Four Bedroom:* One thousand (1,000) square feet

4-07-02-04-02 **SITE COVERAGE**

1. Apartment/Condominium Developments

- a. *Principal and Accessory Structures*: Maximum 40%
 - b. *Paved Area (including Driveways)*: Maximum 30%
 - c. *Open Space (Common and/or Public)*: Minimum 30%
2. Triplex and Fourplex Developments
 - a. *Principal and Accessory Structures*: Maximum 50%
 - b. *Paved Area (Driveways)*: Maximum 20%
 - c. *Open Space (Common and/or Public)*: Minimum 30%

4-07-02-04-03 *LANDSCAPING*

1. *Minimum Landscaped Area*: Not less than thirty percent (30%) of the site area shall be landscaped.
2. *Required Ground Material*: A minimum of one-third (1/3) of the required landscape area must be covered by living ground material within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one hundred twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.
3. *Required Trees and Shrubs*: A minimum of one (1) large tree and two (2) shrubs, or two (2) ornamental trees and two (2) shrubs, shall be required for each increment of fifteen hundred (1,500) square feet in western Adams County and three thousand (3,000) square feet in eastern Adams County.
4. *Parking Lot Landscaping*: All parking lots which consist of thirty (30) spaces or more must be designed to include landscaped islands between rows. This landscaping shall be credited toward the total landscaped area required.
5. *Required Tree Mix*: The selection of trees shall be a mix of large deciduous (10% - 50%) and ornamental (10% - 50%). Evergreens shall be considered ornamental.
6. Minimum size requirements for trees and shrubs shall be:

<i>Plant Type</i>	<i>Maturity Height</i>	<i>Minimum Plant Size at Planting</i>
Ornamentals	Less than 20'	1" to 1-1/2"
Large Deciduous	Over 20'	2" to 2-1/2"
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall

Low Shrubs	1' to 3'	5 gallon
Upright Shrubs	3' to 10'	5 gallon

7. *Irrigation System Required:* A fully automatic irrigation system is required.

4-07-02-04-04 **OPEN SPACE**

1. *Pedestrian Inclusion:* Open space may include pedestrian pavements and plazas, and any parking lot island greater than four hundred (400) square feet in size.
2. *Active Recreation Areas:* Active recreation areas shall be located where light and noise will not adversely impact adjacent properties.
3. *Coordination with Adjacent Properties:* Open space and trail design shall be coordinated with adjacent properties.

4-07-02-04-05 **BICYCLE PARKING**

Bicycle parking shall be provided for all multi-family development. Bicycle parking areas shall be located near structure entries, but shall not encroach into pedestrian walkways.

4-07-02-04-06 **STRUCTURE SITING**

Structures shall be organized on the site in a clustered, efficient manner. There shall be a continuity of design in structure groupings. In larger projects, the unit type shall vary between groupings. Structures should be grouped in such a way to provide visual interest.

4-07-02-04-07 **UTILITY SCREENING**

Group transformers with utility meters shall be used where possible. Utility appurtenances, including telephone pedestals, utility meters, irrigation system backflow preventers, transformers, and other similar utilities may be screened from adjacent properties, parking areas, public roads and pedestrian walkways where it is technically feasible.

4-07-02-05 **DWELLING, MANUFACTURED HOME PARK**

4-07-02-05-01 **PURPOSE**

The manufactured home parks and manufactured home subdivisions performance and design standards are intended primarily to accommodate planned manufactured home developments in a desirable residential environment thereby providing a greater range and choice of housing types.

These developments are intended to accommodate individual manufactured homes either on their own individual plot of ground within a subdivision, or within a planned-unit manufactured home park on a condominium lot sale basis or lot rental or lease basis so the park remains in one ownership to comply with the conditions of development.

4-07-02-05-02 *ESTABLISHMENT*

Manufactured home parks may be allowed in most residential zone districts by conditional use permit after a public hearing and examination of the development plans and the location thereof. A manufactured home park will only be allowed after finding it complies with the development standards of this section and the zone district in which it may be located, will not be unduly detrimental to surrounding properties, and will be reasonably compatible with the development or potential development of adjoining land.

The Board of County Commissioners may impose reasonable conditions necessary to protect surrounding properties. It is the intent to permit manufactured home parks under appropriate conditions and at locations within the County where they are reasonably compatible with existing and potential development of the properties in the vicinity. Sites selected should be such they can be developed in accordance with this code. Manufactured home parks should have adequate road access and utility services, including acceptable water and sewer services, and should provide the usual residential amenities of a planned unit development. Camping or recreational vehicles and/or trailers are not intended as dwellings in a manufactured home park, but may be permitted within areas of the park designed to meet the recreational vehicle park and campground standards, as permitted by this Section 4-07-02-05 subject to Conditional Use Permit approval.

4-07-02-05-03 *REQUIREMENTS*

The following conditions and restrictions shall apply to all manufactured home parks:

1. A park must have a minimum area of ten (10) acres and be located where ample road access and utility services are available.
2. At least fifteen (15%) percent of the gross site area must be in open space or recreational areas available for use by all residents. Parking, driving and setback areas and small areas less than five thousand (5,000) square feet in area do not count in the required open space.
3. The density may not exceed seven (7) manufactured homes per gross acre nor shall the overall density exceed the density permitted within the zone district in which the park will be located.

4. A twenty (20) foot strip around the boundary must be landscaped to provide a visual screen. All open spaces and other unimproved areas must be suitably landscaped. All landscaping must be maintained and furnished with an automatic sprinkler system.
5. All manufactured homes, and extensions thereof, accessory structures and other buildings must be set back:
 - a. twenty (20) feet from the boundary of the park;
 - b. twenty (20) feet from a public way;
 - c. ten (10) feet from a private interior drive, walking or parking area; and
 - d. sixteen (16) feet from any other manufactured home.
6. One (1) freestanding identification sign may be erected along each major approach to the park so long as such sign:
 - a. does not exceed an area of fifteen (15) square feet;
 - b. does not exceed eight (8) feet in height;
 - c. sets back from the road at least eighteen (18) feet; and
 - d. is of low-intensity illumination and not flashing or animated.
7. Public roads to be dedicated must comply with the County's current specifications and standards. Private roads must be improved to the extent and in the manner acceptable to the Director of Public Works. Minimum paving widths for private roads are:
 - a. thirty-six (36) feet for entrances and all drives with guest parking on both sides;
 - b. twenty-nine (29) feet for two-way drives with parking on one side;
 - c. twenty-two (22) feet for two-way drives with no parking; and
 - d. eleven (11) feet for one-way drives with no parking.
8. Paved off-road parking must be provided at the ratio of two (2) spaces per manufactured home. At least one (1) space must be at the manufactured home space. Other spaces may be in a common parking area so long as each space is within two hundred (200) feet of the manufactured home space to which it relates. No space shall be located closer than eight (8) feet from any road. One (1) guest parking space shall be provided for each (8) manufactured homes in a common parking area.
9. Maps showing location of all parking spaces, buildable areas, and accessory commercial buildings and common buildings, and for all common open areas, shall be included with and made a part of the Conditional Use Permit approval.

10. The area for buildings, structures, manufactured homes, and accessory buildings shall be shown on a map for each site and hereafter called buildable areas. The maximum length and width of any manufactured home shall be shown on the map for each buildable area.
11. No manufactured home or accessory building may be located in any area in excess of the buildable areas indicated on the map.
12. All manufactured home parks shall be provided with safe, convenient paved vehicular access from abutting roads to each manufactured home space.
13. A manufactured home development shall have two (2) separated direct connections to public roads and shall be designed to allow free movement of traffic on such adjacent roads. Access to a manufactured home development shall not be through a residential area to reach a collector route.
14. No manufactured home site shall have direct frontage on a public road outside of the manufactured home park boundaries.
15. A manufactured home park shall have a minimum of one hundred (100) feet of frontage on a public road.
16. Each manufactured home space shall comply with the following:
 - a. The limits of each manufactured home space shall be marked on the ground by suitable means. Location space limits on the ground shall be the same as shown on the required map.
 - b. The manufactured home space shall be improved to provide adequate support for the placement and tie-down of the manufactured home.
 - c. Each manufactured home space shall be provided with an outdoor living and service area. Such area shall be improved as necessary to assure reasonable privacy and comfort. The minimum area shall not be less than three hundred (300) square feet with at least one dimension of fifteen (15) feet. This area shall not be a part of the buildable area. The minimum area within each manufactured home space shall be four thousand (4000) square feet and the minimum space width shall be forty (40) feet.
17. Solid waste collection stands shall be provided for all waste containers. Such stands shall be so designed as to prevent containers from being tipped and minimize spillage and container deterioration and to facilitate cleaning of the area. Solid waste collection stands shall be screened adequately from view.
18. Storage areas shall be provided for the storage of boats, campers, utility trailers and extra vehicles at the following ratio: Three hundred (300) square feet for each four (4) manufactured home spaces. Each storage area shall be enclosed with a chain link or comparable fence six (6) feet in height and shall be screened from exterior view.

19. A properly designed manufactured home park located on a major highway or primary or secondary arterial County road may be designed to utilize a maximum of ten (10) percent of the manufactured home park site to accommodate travel trailers or similar recreational vehicles in accordance with standards for Recreational Vehicle Parks and Campgrounds.
20. All manufactured home parks shall be screened from any adjacent non-manufactured home park or public road with a masonry wall, adequate plantings, or solid material fence of six (6) feet in height.
21. There must be a paved system of walkways, which gives safe and convenient access to every manufactured home and all common facilities.
22. The park must be supplied by central water for domestic use and for fire protection satisfactory to the applicable fire district.
23. The park and each manufactured home must be connected to the central sanitary sewer system or some other system approved by the Director of Community and Economic Development and Tri-County Health Department. Individual sewage disposal systems are prohibited from serving manufactured home parks.
24. There must be a storm sewer system and drainage plan satisfactory to the Director of Community and Economic Development.
25. Utilities (distribution lines within subdivisions) must be underground. High voltage transmission lines are not required to be placed underground.
26. Each manufactured home must be securely installed upon a stand and must be skirted to conceal the undercarriage.
27. At least one-third of the manufactured home spaces in the park must be graded and served with utilities and roads before any units may be located on the site and every unit must be connected with the water and sewer systems before occupancy.
28. The following are allowed in a manufactured home park:
 - a. Manufactured homes, either on individual owned plots of ground, on a condominium basis, or on leased lots;
 - b. Accessory buildings, such as laundry, grounds maintenance shop, recreation, restroom and swimming pool; and
 - c. Those uses permitted in the C-1 zone, not including service stations intended to serve park residents and invited guests, so long as the aggregate floor area of such uses does not exceed the ratio of ten (10) square feet for every manufactured home. All commercial uses shall be approved within the Conditional Use Permit.

4-07-02-05-04 *PLATTING*

A manufactured home park may be platted in accordance with the requirements for plats as provided for in the subdivision standards and regulations, remaining subject to the terms of the Conditional Use Permit. Any manufactured home development involving a subdivision of land into separately owned parcels or lots must be platted as provided in the subdivision standards and regulations. A manufactured home subdivision is subject to all of the requirements of the zone district in which it is located. Lots may be platted within a manufactured home park. All platted lots shall meet the following minimum dimensional requirements:

1. The minimum lot area is seven thousand (7,000) square feet; and
2. The minimum lot width is sixty-five (65) feet.

4-07-02-05-05 *CERTIFICATION*

All manufactured housing shall be certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U. S. C. 5401 et. seq., as amended. Certification shall be demonstrated by a HUD label affixed to the home with a 3 (three) letter identifier (identifying the inspection agency), and 6 (six) digit HUD number. In the alternative the Director of Community and Economic Development Department may approve the equivalent data sheet for the home provided it is identical to the requirements for the State of Colorado or Adams County.

4-07-02-06 *DWELLING, MOBILE HOME PARK*

4-07-02-06-01 *NO NEW MOBILE HOME PARKS*

No new mobile home parks shall be permitted, except in the MH Zone District. Existing mobile home parks may be expanded and modified subject to a Conditional Use Permit where permitted and in accordance with these standards and regulations.

4-07-02-06-02 *CONDITIONAL USE PERMIT REQUIRED*

A conditional use permit shall be required for all expansions or modifications to existing mobile home parks.

4-07-02-06-03 *MINIMUM MOBILE HOME SIZE*

The minimum unit size of any new or replacement mobile home shall be six hundred (600) square feet.

4-07-02-06-04 *LANDSCAPING*

A landscaping plan shall be submitted for review and approval. The setbacks of the development and any other area not covered by mobile homes, driveways, ingress and egress, or other structures, shall be landscaped.

4-07-02-06-05 *OTHER STANDARDS*

Mobile home parks shall meet all design and performance requirements contained in Section 4-07-02-05 for manufactured home parks except a mobile home park shall not be required to meet the minimum area or certification requirements for manufactured home parks. Variations may be permitted as part of the conditional use permit approval where the requirement would unreasonably restrict the improvement or expansion of the mobile home park. The standards shall only be applicable to those areas of a park being modified or expanded. Areas of an existing mobile home park which are not being modified shall not be required to comply with the standards contained in Section 4-07-02-05.

4-08 INSTITUTIONAL USES PERFORMANCE STANDARDS

4-08-01 GENERAL PERFORMANCE STANDARDS

4-08-01-01 PURPOSE

The purpose of the following general performance standards is to address elements of planning, design, operation and maintenance that shall be applied to all institutional development in Adams County. Any use specific performance standards contained in these standards and regulations shall also be applied. Where a use specific performance standard conflicts with a general performance standard, the use specific standard shall apply.

4-08-01-02 SUBSECTIONS

The following general performance standards are included in this section:

1. Project Compatibility
2. Fencing, Walls and Screening

The following general performance standards are located in other sections of these standards and regulations:

1. Parking (See Section 4-12)
2. Signage (See Section 4-01)
3. Landscaping (See Section 4-15-08)
4. Weeds and Offending Vegetation (See Section 4-17)
5. Site Design Considerations (See Section 4-20)
6. Operational Standards (See Section 4-13)
7. Off-Road Utility, Dumpster, Recycling, and Trash Handling Facilities (See Section 4-21)
8. Off-Premise Signs (See Section 4-15)

4-08-01-02-01 *PROJECT COMPATIBILITY***4-08-01-02-01-01 *Purpose***

The purpose of this section is to ensure the physical and operational characteristics of proposed structures and uses are compatible when considered within the context of the surrounding area.

4-08-01-02-01-02 *Architectural Character*

New developments in or adjacent to existing developed areas shall be compatible with the established architectural character of such areas by using a complementary design. Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in structure mass and outdoor spaces, similar relationships to the road, similar window and door patterns, and/or the use of building materials with color shades and textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.

4-08-01-02-01-03 *Structure Size, Height, Bulk, Mass, Scale*

New structures shall either be similar in size and height, or if larger, be articulated and subdivided into massing proportional to the mass and scale of other structures in the immediate vicinity.

4-08-01-02-01-04 *Structure Orientation*

To the maximum extent feasible, primary facades and entries shall face the adjacent road. Main entrances shall face a connecting walkway with a direct pedestrian connection to the road without requiring pedestrians to walk through parking lots or cross driveways.

4-08-01-02-01-05 *Building Materials*

1. *General:* Building materials shall either be similar to the materials already being used in the immediate area or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color and texture, shall be utilized to ensure enough similarity exists for the structure to be compatible, despite the differences in materials.
2. *Glare:* Building materials shall not create excessive glare. If highly reflective building materials are proposed, such as aluminum, unpainted metal or reflective glass, the potential for glare from such materials will be evaluated to determine whether or not the glare would create a significant

adverse impact on the adjacent property owners, neighborhood or community in terms of vehicular safety, outdoor activities and enjoyment of views. If so, such materials shall not be permitted.

3. *Windows:* Mirror glass with a reflectivity or opacity of greater than sixty percent (60%) is prohibited. Clear glass shall be used for institutional front windows or doors. Windows shall be individually defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the structure stories and establish human scale and proportion.

4-08-01-02-01-06 *Land Use Transition*

When land uses with significantly different visual character are proposed adjacent to each other and where gradual transitions are not possible or not in the best interest of the community, the proposed structure shall, to the maximum extent feasible, achieve compatibility through compliance with the standards set forth in this Section regarding scale, form, materials, and colors and adoption of operational standards including limits on hours of operation, lighting, placement of noise-generating activities and similar restrictions.

4-08-01-02-01-07 *Operational/Physical Compatibility Standards*

The following conditions may be imposed upon the approval of development applications to ensure new development will be compatible with existing neighborhoods and uses, including, but not limited to, restrictions on:

1. Hours of operations and deliveries
2. Location of activities generating potential adverse impacts on adjacent uses such as noise and glare
3. Placement of trash receptacles
4. Location and screening of loading and delivery zones
5. Light intensity and hours of full illumination
6. Placement and illumination of outdoor vending machines

4-08-01-02-02 *FENCING, WALLS, AND SCREENING*

4-08-01-02-02-01 *Maximum Height*

The maximum height of fencing, walls, or screening shall be ninety-six (96) inches, which shall include no more than four (4) strands of barbed wire forming the top eighteen (18) inches or less of the fence, placed at a forty-five (45) degree angle.

4-08-01-02-02-02 *Fence Bottom*

The bottom of the fence shall be no more than six (6) inches above grade at any point.

4-08-01-02-02-03 *Electric and Barbed Wire Fencing Prohibited*

Electric fencing and fencing consisting only of barbed wire are prohibited as an external boundary fence.

4-08-01-02-02-04 *Screen Fencing*

Screen fencing is required to conceal outside storage from all adjacent road right-of-way and lesser intensity uses. Screening is not required between storage yards provided neither yard is visible from an adjacent road right-of-way. This section does not affect required landscaping along street frontages or buffering requirements contained in these regulations. In all practicable cases, the screen fencing addressed below shall be behind the required landscaping. The following criteria shall be followed in determining what form of screening is appropriate to accomplish visual buffering of outside storage yards in the County.

1. If the property is already developed and the proposed storage area is enclosed by an existing chain link fence, which has a useful life remaining, the property owner shall:
 - a. Install heavy gauge PVC or vinyl inserts.
 - b. The inserts shall achieve a minimum of ninety (90) percent opacity.
 - c. Color of the inserts is at the discretion of the applicant.
 - d. If the existing fence does not have a remaining useful life, the property (or portion of the property affected) defaults to item 2.
2. If the property is not developed and is proposed for outside storage, the property owner shall conceal all outside storage with an eight foot solid wood fence or masonry wall.
3. If the property is not feasibly screened by a fence from an adjacent road due to topography, the property owner shall:
 - a. Install fast growing trees (preferably a mix of coniferous and deciduous) appropriately spaced to ensure complete screening at maturity.
 - b. A chain link fence may be constructed at the discretion of the applicant, but must be placed to the interior of the screening trees.
4. All fencing shall be maintained and kept in good condition at all times. Condition of fences shall be evaluated through a review of:
 - a. Structural integrity and being functionally sound under the Uniform Building Code; and

- b. Substantially the same condition as originally permitted or constructed.

4-08-01-02-02-05 *Garbage Area Screening*

Garbage area screening shall consist of a six (6) foot high minimum screen fence.

4-08-01-02-02-06 *Outdoor Storage Screening*

Outdoor storage area screening shall consist of a six (6) foot high minimum screen fence. Outdoor storage shall be not allowed above the height of the fence.

4-08-01-02-02-07 *Masonry Wall*

All walls specified to be masonry shall be solid and constructed out of a brick or stone material. The wall shall not permit the contents within the wall to be seen from the outside.

4-08-01-02-02-08 *Noise Barrier Fencing*

Where existing and proposed arterial roads or state highways traverse, or are adjacent to areas of proposed commercial development, the Director of Community and Economic Development may require noise barrier fencing be installed by the developer. Such fencing shall meet the minimum standards of the Colorado Department of Transportation and these standards and regulations.

4-08-01-02-02-09 *Retaining Walls*

Any retaining wall over two (2) feet in height shall require plans prepared by a professional engineer as a condition for a building permit except where waived by the Director of Public Works.

4-08-01-02-02-10 *Traffic View Obstruction*

Traffic view obstruction as outlined in these standards and regulations by any fence, wall or screen is prohibited.

4-08-01-02-02-11 *Sidewalk Maintenance*

The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of curb, gutter, and sidewalk along the right-of-way abutting his property including snow removal for pedestrian access.

4-08-02 PERFORMANCE STANDARDS BY USE CATEGORY

The following general performance standards are included in this section:

1. Crematory/Crematorium ***Adopted by the BoCC on December 13, 2010**
2. Institutional Residential
3. Halfway House ***Adopted by the BoCC on December 13, 2010**
4. Neighborhood Indoor Uses
 - a. Day Care Centers
 - b. Elementary and Secondary Schools
5. Outdoor Public Uses
 - a. Cemeteries
 - b. Picnic, Parks and Playgrounds
 - c. Swimming Pools, Public
6. Places of Worship
7. Public Services
 - a. Fire Stations
 - b. Police Stations and Post Offices
 - c. Utility Substations

4-08-02-01 CREMATORY/CREMATORIUM *

1. All structures used in conjunction with a crematorium shall be setback a minimum of twenty-five (25) feet from all property lines unless required to be greater by the Zone District.

***Adopted by the BoCC on December 13, 2010**

4-08-02-02 INSTITUTIONAL RESIDENTIAL

All institutional residential uses shall meet the following standards:

1. *Location:* No institutional residential facility shall be located within five hundred (500) feet of any other institutional residential facility.
2. *New Construction in Residential Area:* Any new construction allowed in a residential zone district for the operation of a group living facility shall substantially resemble a conventional single-family dwelling.

3. *No Administrative Activities on Premises:* No administrative activities of any private or public organization or agency shall be conducted on the premises of the group living facility.
4. *Residential Suites and Assisted Living Units:* Residential suites and assisted living units shall provide bathrooms but shall not provide cooking facilities.
5. *Density:* Residential suites and assisted living units shall be constructed at the same density as the density in the applicable zone district. If the group home has on-site common use dining, recreation, health care, or a convalescent center, the density for any associated multi-family units shall not exceed two (2) times the allowed multi-family base density for the zone district.
6. *Screened Parking:* Off-road parking for the guests shall be screened with landscaping meeting the requirements of a Type C Bufferyard (See Section **Error! Reference source not found.**).
7. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
8. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with Section 4-08-01-02-02-05 of these standards and regulations.
9. *Drop-Off/Pick-Up Areas:* All institutional residential uses shall provide an off-road drop-off/pick-up area for patrons or clients. The area shall be provided at a rate of one (1) space per eight (8) individuals. The spaces shall be signed as loading areas and at least ten (10) by twenty (24) feet in area. All drop-off/pick-up areas shall be approved by the Director of Community and Economic Development.

4-08-02-03 **HALFWAY HOUSE ***

***Adopted by the BoCC on December 13, 2010**

****Amended by the BoCC on January 7, 2013**

All halfway house uses shall meet the following standards:

1. *Licensing:* Halfway houses must be properly licensed by the State of Colorado.
2. *Location:* No halfway house shall be located within five hundred (500) feet of any other halfway house. Halfway houses shall be located within one (1) mile of an RTD bus or rail stop. The method of measurement shall be from property line a point roughly in the center of the bus or rail stop. Setbacks shall be established as of the date of application.
3. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.

4. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with Section 4-08-01-02-02-05 of these standards and regulations.
5. *Drop-Off/Pick-Up Areas:* All halfway houses shall provide an off-road drop-off/pick-up area for patrons or clients. The area shall be provided at a rate of one (1) space per eight (8) individuals. The spaces shall be signed as loading areas and at least ten (10) by twenty (24) feet in area. All drop-off/pick-up areas shall be approved by the Director of Community and Economic Development.
6. *Setbacks:* Halfway Houses shall be set back a minimum of one-thousand five hundred (1,500) feet from schools (pre-K through grade 12), residentially zoned property, residentially used property, and state licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the state of Colorado). The method of measurement shall be from property line to property line. Setbacks shall be established as of the date of application.
7. *Waiver from Residential Setback:* No halfway house shall be located within 1,500 of a residentially zoned or used property unless a waiver is obtained in writing from the residential property owner(s) within 1,500 feet and a disclosure document is recorded against the property. If a waiver cannot be obtained, the applicant may not proceed with a Conditional Use Permit for the subject property.
8. *Number of Occupants:* The number of occupants within the halfway house shall conform to all standards within the applicable state of Colorado rules and regulations, the applicable fire code, and the applicable building code that is in use by Adams County. In the event of a conflict between any state and county standard, the stricter standard shall apply.
9. *Alcohol and Substance Abuse Management Plan:* All halfway houses shall submit an alcohol and substance abuse management plan to the County.
10. *Legal Non-Conforming Halfway Houses:* Existing and legally permitted halfway houses that do not meet one or more of the standards within this section may continue to operate in accordance with the regulations for the duration of the Conditional Use Permit. Existing and legally permitted halfway houses may apply for a Major or Minor Amendment to the Conditional Use Permit without conformance to these standards and regulations. In the event that a Conditional Use Permit for an existing halfway house expires and/or is revoked, conformance with all standards within these standards and regulations shall be required and the use shall no longer be considered legal non-conforming.

4-08-02-04 NEIGHBORHOOD INDOOR USES

All neighborhood indoor uses shall meet the following standards.

4-08-02-04-01 *GENERAL*

1. *Screened Parking:* Off-road parking for the guests shall be screened with landscaping meeting the requirements of a Type C Bufferyard (See Section **Error! Reference source not found.**).
2. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
3. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with Section 4-08-01-02-02-05 of these standards and regulations.

4-08-02-04-02 *DAY CARE CENTERS*

1. *Licensing:* Day care centers must be properly licensed by the State of Colorado.
2. *Drop-Off/Pick-Up Areas:* Day care centers must provide adequate drop-off and pick-up areas. The required area shall be based upon the maximum number of individuals cared for at a single time. Specifically, there shall be two-hundred-fifty (250) square feet of signed, off-road, drop-off/pick-up area for every eight (8) individuals. All drop-off/pick-up areas shall be approved by the Director of Community and Economic Development.
3. *Outdoor Recreation Facilities:* Where outside recreation facilities are provided, a six-foot high sight-obscuring fence around the recreation area shall be required to be maintained and the recreation area shall be situated in the rear half of the site.
4. *Residential Appearance:* Existing residential structures in residential zone districts shall not be significantly modified in appearance.
5. *Access:* Day care centers shall be located on collector or arterial roads.
6. *New Construction in Residential Area:* Any new construction allowed in a residential zone district for the operation of a day care center shall substantially resemble a conventional single-family dwelling.

4-08-02-04-03 *ELEMENTARY AND SECONDARY SCHOOLS (PRIVATE)*

1. *Minimum Lot Size:* one thousand (1,000) square feet per student at maximum occupancy, or three (3) acres, whichever is less.
2. *Setbacks:* Five (5) feet for every foot of height of the structure, up to a maximum setback of seventy-five (75) feet.
3. *Access:* Schools shall be located on collector or arterial roads.

4. *Drop-Off/Pick-Up Areas:* All schools must provide adequate drop-off and pick-up areas. All drop-off/pick-up areas shall be approved by the Director of Community and Economic Development.
5. *Outdoor Recreation Facilities:* A six-foot high fence shall surround the outside recreation facilities of the school.

4-08-02-05 OUTDOOR PUBLIC USES

All outdoor public uses shall meet the following requirements.

4-08-02-05-01 CEMETERIES

1. *Minimum Lot Area:* The minimum lot area is ten (10) acres for a cemetery except for pet cemeteries, where the minimum lot area is three (3) acres.
2. *Height Limits:* Gravemarkers, tombstones, monuments, and memorials shall not exceed ten (10) feet in height. Buildings, including mausolea, columbaria, and crypts, shall not exceed thirty-five (35) feet in height.
3. *Screening:* The property may be screened from all adjacent properties by a sight-obscuring fence, hedge or wall. If the applicant or Community and Economic Development Department requires screening, all common property lines with an adjacent residential use or zone district shall be screened with landscaping meeting the requirements of a Type B Bufferyard (See Section 4-16).

4-08-02-05-02 PICNIC AREAS, PARKS, AND PLAYGROUNDS

1. *Setbacks:* Picnic areas, parks, and playgrounds shall be setback seventy-five (75) feet from all abutting residentially or commercially zoned properties unless designed as an accessory use to an adjacent use.
2. *Hours of Operation:* Outdoor activities shall not begin before 7:00 a.m. and shall conclude by 11:00 p.m. when abutting residentially zoned or used property.
3. *Lighted Facilities:* Not Applicable
4. *Lighting:* Lighting for all facilities shall be turned off by 11:15 p.m.
5. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
6. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with Section 4-08-01-02-02-05 of these standards and regulations.

4-08-02-05-03 *SWIMMING POOLS, PUBLIC*

1. *Setbacks:* Swimming pools shall be set back one hundred (100) feet from abutting residential and commercial zone districts and uses.
2. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
3. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with Section 4-08-01-02-02-05 of these standards and regulations.
4. *Certified Lifeguard:* At least one (1) certified lifeguard shall be on duty during all hours of operation.

4-08-02-06 *PLACES OF WORSHIP*

All places of worship shall meet the following standards.

1. *Vehicular Access:* When located in a residential district or on a lot contiguous to a residential district or use, a place of worship shall have its principal vehicular entrance and exit on an arterial or collector road or on a local road within one hundred (100) feet of the local road's intersection with an arterial or collector road.
2. *Belfries and Steeples Exempt from Height Limitations:* Belfries or steeples shall be exempt from any height requirements.
3. *Parcels less than 35 acres:* In the A-3 Zone District require Conditional Use Permit approval.

4-08-02-07 *PUBLIC SERVICE*

All public service facilities shall meet the following standards.

4-08-02-07-01 *GENERAL*

1. *Outdoor Storage:* Materials may be stored outdoors, provided the storage area does not occupy more than twenty-five percent (25%) of the structure area and is screened in accordance with Section 4-08-01-02-02-05 of these standards and regulations.
2. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with Section 4-08-01-02-02-05 of these standards and regulations.

4-08-02-07-02 *FIRE STATIONS*

1. *Minimum Parcel Area:* one-half (½) acre

2. *Setback from Residential Zone:* Not Applicable.

4-08-02-07-03 *POLICE STATIONS AND POST OFFICES*

1. *Minimum Parcel Area:* one (1) acre
2. *Setback from Residential Zone:* Not Applicable.

4-08-02-07-04 *UTILITY SUBSTATIONS*

1. *Transmission Lines:* Transmission line rights-of-way shall be exempt from bufferyard requirements.
2. *Screening:* Transformers, electric substations, and outdoor storage yards shall be screened with screen fencing a minimum of six (6) feet high and landscaping meeting the requirements of a Type C Bufferyard (See Section **Error! Reference source not found.**).
3. *Setbacks:* Public utility stations or structures in residential areas shall maintain minimum setbacks in accordance with the National Electric Safety Code (NESC) for electrical lines or the U.S. Department of Transportation (USDOT) for gas lines, be fenced, and either be screened from view or assume a residential appearance.

4-09 COMMERCIAL USES PERFORMANCE STANDARDS

4-09-01 GENERAL PERFORMANCE STANDARDS

4-09-01-01 PURPOSE

The purpose of the following general performance standards is to address elements of planning, design, operation, and maintenance that shall be applied to all commercial development in Adams County. Any use-specific performance standards contained in these standards and regulations shall also be applied. Where a use-specific performance standard conflicts with a general performance standard, the use-specific standard shall apply.

4-09-01-02 SUBSECTIONS

The following general performance standards are included in this section:

1. Project Compatibility
2. Fencing, Walls and Screening

The following general performance standards are located in other sections of these standards and regulations:

1. Parking (See Section 4-12)
2. Signage (See Section 4-01)
3. Landscaping (See Section 4-15-08)
4. Weeds and Offending Vegetation (See Section 4-17)
5. Site Design Considerations (See Section 4-20)
6. Operational Standards (See Section 4-13)
7. Off-Road Utility, Dumpster, Recycling, and Trash Handling Facilities (See Section 4-21)
8. Off-Premise Signs (See Section 4-15)
9. Sexually Oriented Businesses (See Section 4-19)

4-09-01-03 PROJECT COMPATIBILITY**4-09-01-03-01 Purpose**

The purpose of this section is to ensure the physical and operational characteristics of proposed structures and uses are compatible when considered within the context of the surrounding area.

4-09-01-03-02 Architectural Character

New developments in or adjacent to existing developed areas shall be compatible with the established architectural character of such areas by using a complementary design. Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in structure mass and outdoor spaces, similar relationships to the road, similar window and door patterns, and/or the use of building materials with color shades and textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.

4-09-01-03-03 Structure Size, Height, Bulk, Mass, Scale

New structures shall either be similar in size and height, or if larger, be articulated and subdivided into massing proportional to the mass and scale of other structures in the immediate vicinity.

4-09-01-03-04 Structure Orientation

To the maximum extent feasible, primary facades and entries shall face the adjacent road. Main entrances shall face a connecting walkway with a direct pedestrian connection to the road without requiring pedestrians to walk through parking lots or cross driveways.

4-09-01-03-05 Building Materials

1. *General:* Building materials shall either be similar to the materials already being used in the immediate area or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color and texture, shall be utilized to ensure enough similarity exists for the structure to be compatible, despite the differences in materials.
2. *Glare:* Building materials shall not create excessive glare. If highly reflective building materials are proposed, such as aluminum, unpainted metal or reflective glass, the potential for glare from such materials will be evaluated to determine whether or not the glare would create a significant adverse impact

on the adjacent property owners, neighborhood or community in terms of vehicular safety, outdoor activities and enjoyment of views. If so, such materials shall not be permitted.

3. Windows

- a. *Glass:* Mirror glass with a reflectivity or opacity of greater than sixty percent (60%) is prohibited. Clear glass shall be used for commercial storefront display windows or doors.
- b. *Location and Details:* Windows shall be individually defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the structure stories and establish human scale and proportion.

4-09-01-03-06 *Land Use Transition*

When land uses with significantly different visual character are proposed adjacent to each other and where gradual transitions are not possible or not in the best interest of the community, the proposed structure shall, to the maximum extent feasible, achieve compatibility through compliance with the standards set forth in this Section regarding scale, form, materials, and colors and adoption of operational standards including limits on hours of operation, lighting, placement of noise-generating activities and similar restrictions.

4-09-01-03-07 *Operational/Physical Compatibility Standards*

The following conditions may be imposed upon the approval of Conditional Use Permits to ensure new development will be compatible with existing neighborhoods and uses, including, but not limited to, restrictions on:

1. Hours of operations and deliveries.
2. Location of activities that generating potential adverse impacts on adjacent uses such as noise and glare.
3. Placement of trash receptacles.
4. Location and screening of loading and delivery zones.
5. Light intensity and hours of full illumination.
6. Placement and illumination of outdoor vending machines.

4-09-01-04 FENCING, WALLS AND SCREENING

4-09-01-04-01 *Maximum Height*

The maximum height of fencing, walls and screening shall be ninety-six (96) inches, which may not include more than four (4) strands of barbed wire

forming the top eighteen (18) inches or less of the fence, placed at a forty-five (45) degree angle.

4-09-01-04-02 *Fence Bottom*

The bottom of the fence shall be no more than six (6) inches above grade at any point.

4-09-01-04-03 *Fences Prohibited In Landscaped Area*

No fence shall be permitted within any required landscaped area.

4-09-01-04-04 *Electric And Barbed Wire Fencing Prohibited*

Electric fencing and fencing consisting only of barbed wire are prohibited as an external boundary fence.

4-09-01-04-05 *RELATIONSHIP TO STRUCTURE DESIGN*

Fencing shall relate to the principal architectural features of the building in design, location and the way in which it connects to the building.

4-09-01-04-06 *LONG RUNS OF FENCING DISCOURAGED*

Long runs of fencing parallel to public roads are discouraged. Where long runs cannot be avoided, the horizontal alignment of the fences shall be varied to create visual variety and to provide planting pockets between the fence and the road. In addition, periodic breaks in fences should be considered to facilitate pedestrian, bicycle, and transit use.

4-09-01-04-07 *SCREEN FENCING*

Screen fencing is required to conceal outside storage from all adjacent road right-of-way and lesser intensity uses. Screening is not required between storage yards provided neither yard is visible from an adjacent road right-of-way. This section does not affect required landscaping along street frontages or buffering requirements contained in these regulations. In all practicable cases, the screen fencing addressed below shall be behind the required landscaping. The following criteria shall be followed in determining what form of screening is appropriate to accomplish visual buffering of outside storage yards in the County.

1. If the property is already developed and the proposed storage area is enclosed by an existing chain link fence, which has a useful life remaining, the property owner shall:
 - a. Install heavy gauge PVC or vinyl inserts.

- b. The inserts shall achieve a minimum of ninety (90) percent opacity.
 - c. Color of the inserts is at the discretion of the applicant.
 - d. If the existing fence does not have a remaining useful life, the property (or portion of the property affected) defaults to item 2.
- 2. If the property is not developed and is proposed for outside storage, the property owner shall conceal all outside storage with an eight foot solid wood fence or masonry wall.
 - 3. If the property is not feasibly screened by a fence from an adjacent road due to topography, the property owner shall:
 - a. Install fast growing trees (preferably a mix of coniferous and deciduous) appropriately spaced to ensure complete screening at maturity.
 - b. A chain link fence may be constructed at the discretion of the applicant, but must be placed to the interior of the screening trees.
 - 4. All fencing shall be maintained and kept in good condition at all times. Condition of fences shall be evaluated through a review of:
 - a. Structural integrity and being functionally sound under the Uniform Building Code; and
 - b. Substantially the same condition as originally permitted or constructed.

4-09-01-04-08 *GARBAGE AREA SCREENING*

Garbage area screening shall consist of a six (6) foot high minimum screen fence.

4-09-01-04-09 *OUTDOOR STORAGE SCREENING*

Outdoor storage area screening shall consist of a six (6) foot high minimum screen fence. Outdoor storage shall not be allowed above the height of the fence.

4-09-01-04-10 *MASONRY WALL*

All walls specified to be masonry shall be solid and constructed out of a brick or stone material. The wall shall not permit the contents within the wall to be seen from the outside.

4-09-01-04-11 *NOISE BARRIER FENCING*

Where existing and proposed arterial roads or state highways traverse, or are adjacent to areas of proposed commercial development, the Director of Community and Economic Development may require noise barrier fencing be

installed by the developer. Such fencing shall meet the minimum standards of the Colorado Department of Transportation and these standards and regulations.

4-09-01-04-12 *RETAINING WALLS*

Any retaining wall over two (2) feet in height shall require plans prepared by a professional engineer as a condition for a building permit except where waived by the Director of Public Works.

4-09-01-04-13 *TRAFFIC VIEW OBSTRUCTION*

Traffic view obstruction as outlined in these standards and regulations, by any fence, wall or screen is prohibited.

4-09-01-04-14 *SIDEWALK MAINTENANCE*

The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of curb, gutter, and sidewalk along the right-of-way abutting his property including snow removal for pedestrian access.

4-09-02 PERFORMANCE STANDARDS BY USE CATEGORY

4-09-02-01 SUBSECTIONS

The following specific performance standards are included in this section:

1. Airports, Landing Strips and Heliports
2. Animal Hospitals
3. Automobile Service Station
4. Bed and Breakfast Establishments
5. Campground, Commercial
 - a. RV Campground
 - b. Tent Campground
6. Communication Towers, Commercial
7. Commercial Retail
8. Drive-In Establishments
9. Golf Courses and Driving Ranges, Commercial
10. Heavy Retail and Heavy Services

- a. Automobile Dealership
 - b. Automobile Rental
 - c. Automobile or Bus Repair, Painting, and Body Work
 - d. Firewood Sales, Storage and Splitting
 - e. Flea Markets, Outdoor
 - f. Truck, Trailer and Horse Trailer Sales and Rental
 - g. Pawn Shops
11. Indoor Commercial Recreation/Entertainment
- a. Amusement Center, Video Arcade, Pool Arcade
 - b. Auditoriums, Assembly Halls, Movie Theaters
 - c. Bowling Alleys
 - d. Roller Skating Rinks
12. Kennel, Commercial
13. Lodging, Commercial
14. Massage Business
15. Office
16. Outdoor Commercial Recreation
- a. Amusement Parks
 - b. Drive-In Theaters
 - c. Gun and Archery Range
 - d. Ice Skating Rinks
 - e. Miniature Golf Courses
 - f. Water Slide Courses
17. Racing Facility
- a. Automobile and Truck
 - b. Dog and Horse Racing
18. Restaurants
- a. Bars and Cocktail Lounges
 - b. Drive-Thru Restaurants
19. Services

4-09-02-02 AIRPORTS, LANDING STRIPS AND HELIPORTS

1. *Private Airport Minimum Parcel Area:* Private airport minimum parcel area shall be thirty-five (35) acres.
2. *Private Heliports Minimum Parcel Area:* Private heliport minimum parcel area shall be two (2) acres.
3. *Access:* All airports, landing strips and heliports shall access collector or arterial roads or highways.
4. *Verification from the FAA:* A private airport or heliport must submit verification from the Federal Aviation Administration documenting the site does not present a hazard to air navigation.
5. *Approach Zone Restrictions:* Compliance with FAA Requirements:
 - a. *Approach Zone:* Any proposed runway or landing strip shall be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions within the approach zones, comply with regulations for height restrictions in airport approach zones of the FAA, Division of Aeronautics, or a municipal or other airport authority qualified by law to establish hazard zoning regulations.
 - b. *Landing Strip Setbacks:* There shall be sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the FAA. If necessary, air rights or easements shall be acquired from the owners of abutting properties in which approach zones fall.
6. *Residential Areas:* No planned approach areas shall be permitted over existing residential areas.
7. *Setbacks:* All airport or heliport related structures shall be set back at least one hundred (100) feet from any property line.
8. *Buffering:* The Director of Community and Economic Development may require buffering in the form of berms around an airport, landing strip or heliport.
9. *Indoor Repair:* All repair of aircraft and machinery shall be done inside hangars.

4-09-02-03 ANIMAL HOSPITAL

1. *Minimum Space Requirements:*
 - a. *Dogs:* Each dog shall be provided a minimum space equal to the following equation:
 - (1) Width of Kennel = Length of dog from nose to base of tail + 2 feet.
 - (2) Length of Kennel = Width of Kennel + 2 feet.
 - (3) Height of Kennel = Head height of dog standing on all four legs + 1 foot.

- b. *Cats*: Each adult cat shall be provided a minimum of six (6) cubic feet of area. Adult female cats with kittens below three (3) months of age shall be provided with a minimum of eight (8) cubic feet of area.
2. *Waste Disposal*: All animal and food wastes shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department. Animal wastes shall be removed from the site daily or as otherwise necessary to avoid the spread of objectionable odors, insects, pests, and objectionable surface drainage.
3. *Pest Control*: Environmental and/or chemical and scientific controls shall be provided for pest control.
4. *Drainage*: Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.
5. *Care of Animals*: All dogs and/or cats shall be cared for in a humane and sanitary manner as approved by Adams County Humane Society and Adams County Animal Control. Household animals (specifically dogs and cats) boarded overnight shall be kept in climate-controlled, sound-proofed buildings. Where facilities are not sound-proofed, a partially or fully enclosed structure or fenced open area (runs, pens, etc.) shall be used to confine any animals and shall be setback one-hundred-fifty (150) feet from any property line.

4-09-02-04 **AUTOMOBILE SERVICE STATIONS**

1. *Access*: All service stations shall front collector or arterial roads or highways unless the sites are part of a shopping center.
2. *Pump Setbacks*: Pump islands may be located a minimum of forty (40) feet from all exterior property lines, and pump island canopies may project to within twenty (20) feet of property lines. Islands shall not interfere with any sight distance triangles in accordance with these standards and regulations.
3. *Screening*: Service stations shall be separated from abutting residential properties by a six (6) foot high masonry wall and a Type E Bufferyard.
4. *Landscaping*: In addition to all other required landscaping, boundary landscaping is required for a minimum depth of ten (10) feet along all property lines abutting roads, except for the area required for road openings. Permanent irrigation facilities shall be provided for all landscaped areas.
5. *Indoor Activities*: The changing of engine oil and filters; the lubrication of motor vehicle chassis; the cleaning of component parts; brake adjustment and replacement; mechanical or hand washing and detailing; front-end alignment; the sale or installation of batteries and minor automotive accessories; the sale mounting and repair of tires; the testing, adjustment and replacement of parts, the servicing of air conditioners; the servicing of air pollution control devices; the sale of the sale of soft drinks, candy, ice and similar items.

6. *Outdoor Activities:* The dispensing of gasoline, oil, air, and water from pump islands; any testing or servicing of automobiles which necessitates a running engine; tire display; trash areas enclosed by walls; public telephones in a well lighted location, visible from the road; the sale of soft drinks, candy, ice and similar items via vending machines.
7. *Painting and Body Work Prohibited:* Painting or other body work shall be prohibited at all service stations unless approved by Conditional Use Permit.
8. *Storage:* All products and merchandise shall be stored indoors with the exception of vending machines and tire display.
9. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with the Fencing, Walls and Screening section of these standards and regulations.
10. *Restrooms:* One men's and one women's restroom shall be provided to the general public during all hours of operation. All restrooms with exterior entrances shall be located to the side or the rear of the building.

4-09-02-05**BED AND BREAKFAST ESTABLISHMENTS**

1. *Owner Occupied:* A Bed and Breakfast shall be operated by the resident property owner.
2. *Maximum Number of Lodging Rooms:* The maximum number of lodging rooms in a bed and breakfast establishment shall be five (5) rooms.
3. *Location:* The establishment shall be located within a dwelling abutting a designated arterial or collector road, or within a dwelling designated in a historical site.
4. *Signage:* Signage shall meet the requirements of Section 4-01 except in a residential or agricultural zone district where a single sign, which may be lighted but not flashing, shall be permitted within ten (10) feet of the front lot line. The sign shall not exceed ten (10) square feet in area and shall not block sight distance triangles. The sign shall not exceed five (5) feet in height.
5. *Screened Parking:* Off-road parking for the guest rooms shall be screened with landscaping meeting the requirements of a Type C Bufferyard.
6. *Outdoor Storage:* Accessory outdoor storage is prohibited.
7. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with the Fencing, Walls and Screening section of these standards and regulations.

4-09-02-06 **CAMPGROUNDS, COMMERCIAL**

1. *Minimum Parcel Area:* The minimum parcel area for commercial campgrounds shall be one (1) acre.
2. *Maximum Density:* A maximum density of fifteen (15) campsites per acre is permitted.
3. *Duration of Stay at Campground:* Visitors to a commercial campground shall stay for a maximum of sixty (60) days.
4. *Access:* Commercial campgrounds shall be located on properties with direct access to an arterial road or highway. No direct access from a public road to an individual campsite shall be permitted. Internal drives must be improved to the extent and in the manner acceptable to the Director of Community and Economic Development. Minimum paving widths for internal drives are:
 - a. thirty-six (36) feet for entrances and all drives with guest parking on both sides;
 - b. twenty-nine (29) feet for two-way drives with parking on one side;
 - c. twenty-two (22) feet for two-way drives with no parking; and
 - d. eleven (11) feet for one-way drives with no parking.

When in the opinion of the Director Community and Economic Development, paving is not required for a tent campground, paving may be waived. However, all internal drives shall be constructed of at least an approved all weather surface approved by the Director of Community and Economic Development and the applicable fire district. In no case shall paving be waived in a recreational vehicle campground.

5. *Common Recreation Area:* Each campground shall have a common recreation area. One hundred (100) square feet of common recreation area shall be provided per campsite.
6. *Landscaping:* In addition to all other required landscaping, interior landscaping of the campground shall require at least one (1) tree and two (2) shrubs per campsite. Each tree shall be at least two (2) inch caliper in size when planted. Shrubs shall be a minimum of five (5) gallon size when planted.
7. *Tent Campgrounds:*
 - a. Each tent campsite shall be a minimum of five hundred (500) square feet. A ten (10) foot separation shall be maintained between tent campsites.
 - b. One (1) parking space, nine (9) feet by twenty (20) feet, shall be located on each site. No guest parking shall be required for a tent site. Parking spaces shall be provided with an all weather surface approved by the Director of Community and Economic Development. Paving may be required where in the opinion of the Director of Community and Economic Development it is needed to control dust or water quality.

8. *Travel Trailer and Recreational Vehicle Campground:* All travel trailer and recreational vehicle campgrounds shall meet the following standards:
 - a. *Zoning:* Travel trailer and recreational vehicle campgrounds shall be located in permitted zone districts on property having direct access to an arterial road or highway.
 - b. *Minimum Area:* A travel trailer park shall consist of a minimum of one (1) acre for the parking of travel trailers for human occupancy only.
 - c. *Paving of Spaces and Drives:* All recreational vehicle and guest parking spaces and drives shall be paved with asphalt or concrete to the specifications contained in these standards and regulations.
 - d. *Tent Sites:* Freestanding tent sites may be permitted provided not more than fifteen (15%) percent of a travel trailer and recreational vehicle campground shall be used for tent sites.
 - e. *Area per Unit:* Each unit or site shall be improved with a minimum paved parking space for the travel trailer or recreational vehicle with a minimum area of ten (10) feet by twenty-five (25) feet in addition to the access driveway. Each recreational vehicle space shall be a minimum of twenty-five (25) feet in width and forty-five (45) feet in depth.
 - f. *Vehicle Parking:* One (1) paved parking space, nine (9) feet by twenty (20) feet, shall be located on each site. Guest parking, one (1) space for each ten (10) trailer sites, shall be provided off the interior drives.
 - g. *Utilities:* All public utilities shall be placed underground.
9. *Permitted Accessory Uses:* Recreational facilities, laundry buildings, service retail stores, manager's office and storage buildings, sanitary facilities, and fences, constructed in accordance with all the provisions of these standards and regulations and all other applicable County regulations may be permitted as accessory uses.
10. *Manager Housing:* One (1) manufactured home or single-family dwelling may be located in the campground for occupancy of the manager/operator.
11. *Garbage Collection:* At least one (1) garbage pick-up area shall be provided. The garbage pick-up area shall be screened from view in accordance with the Fencing, Walls, and Screening section (See Section 4-09-01-04) of these standards and regulations.

4-09-02-07**COMMERCIAL MOBILE RADIO SERVICE (CMRS) TELECOMMUNICATION SITES**

1. *Design and Performance Criteria for all CMRS Telecommunication Sites:* The purpose of design review for CMRS telecommunications sites is to ensure the necessary antennae, equipment, and equipment shelters are sited and screened in a

to minimize visual and physical impacts on the surrounding area. The following design criteria and requirements shall apply to all CMRS telecommunication antennae, equipment, equipment shelters, and commercial communication towers:

- a. All CMRS telecommunication antennae, equipment, and equipment shelters shall be designed to be compatible with surrounding buildings and existing or planned uses in the area. This may be accomplished through the use of compatible architectural elements such as color, texture, scale, and character.
- b. Siting and installation of CMRS telecommunication antennae, equipment, and equipment shelters shall preserve or enhance the existing character of the topography and vegetation of a site. Existing vegetation, if any, and if suitable with natural features, should be preserved and/or improved to provide screening for the facility. If existing topography of the site does not adequately screen equipment from view, fencing may be required. Fencing should not be used exclusively but instead be supplemented with vegetation. Any security fencing should be of a design, which blends into the character of the existing environment, and meet the height limitation for the zone district in which the fencing is located.
- c. All CMRS antennae and equipment should be no taller than necessary for the efficient operation of the CMRS antennae and equipment.
- d. Applicants shall demonstrate the CMRS telecommunications site is a necessary component of the applicant's overall communication network and communication plan for the community. Such demonstration shall require the applicant to establish at least one (1) of the following criteria: (1) the site is necessary to provide appropriate signal coverage quality; (2) the site is made necessary pursuant to the applicant's FCC license; or (3) the site is necessary to handle increased capacity due to caller volume. In addition, the applicant shall demonstrate: (1) existing topography and/or structures in the surrounding area preclude other locations in the same area; and (2) technical and engineering factors require the site to be in the desired location in relation to other existing sites and system constraints such as frequency requirements, availability of electric power and interconnection to telephone land lines, and site access.
- e. All CMRS telecommunication antennae, equipment, and equipment shelters shall be sited, designed, and screened to minimize the visibility of such equipment from surrounding properties, public roads and neighborhoods.
- f. The colors of all CMRS telecommunication antennae, equipment, and equipment shelters shall minimize the visibility of the facility.
- g. To minimize the visual and physical impact on the surrounding area caused by freestanding and building mounted CMRS telecommunications facilities, the County encourages innovative and multiple use of building

and structures for the location of CMRS telecommunications facilities, antenna, and equipment.

2. *Design and Performance Standards for Structure or Building Mounted CMRS Telecommunications Facilities:* All structure or building mounted CMRS antennae and equipment shall be designed and constructed to blend with and enhance the architectural characteristics of the accompanying building or structure and shall be subject to building permit approval.

- a. Panel Antennae Standards

- (1) Panel antennae shall not protrude horizontally more than two (2) feet from the building wall and shall be painted or treated to match the building or structure to which the panel is attached.
- (2) Panel antennae attached to the side of a building shall not exceed the height of the parapet or the roofline, whichever is greater.
- (3) Panel antennae mounted on an existing penthouse or existing roof-top mounted service equipment for the building shall not exceed the height of the penthouse or service equipment to which the antennae is attached.
- (4) Panel antennae shall not be mounted in a freestanding, sled, or rack-mounted fashion on the top of a building unless: (1) there exists unscreened service equipment on the roof which will be screened from view along with the panel antennae; (2) the screening of the antennae and equipment will be architecturally compatible with the building; and (3) a waiver is obtained from the Director of Community and Economic Development. The construction of artificial penthouses or artificial service equipment on a roof for the purpose of attaching CMRS telecommunication facilities is prohibited.
- (5) No panel antenna shall exceed the maximum height limitation for the zone district in which the panel is located.

- b. Whip Antennae Standards

- (1) Single whip antennas shall not extend more than fifteen (15) feet above the building height.
- (2) Where more than one (1) whip antenna is attached to one (1) building, such antennae shall maintain a minimum separation of fifteen (15) feet between antenna owned by different CMRS telecommunication providers.
- (3) No whip antenna shall exceed the maximum height limitation for the zone district in which the antenna is located.

3. *Design and Performance Standards for Freestanding CMRS Telecommunication Facilities:* All freestanding CMRS telecommunications facilities shall be subject to a Conditional Use Permit. The following design and performance standards shall apply to all freestanding CMRS telecommunication facilities:

- a. The height of any freestanding CMRS communication facility shall conform to the height limit of the zone district in which the facility is located unless a height exception is granted by the Board of County Commissioners.
- b. All freestanding CMRS telecommunications facilities shall meet the landscaping requirements set forth in these standards and regulations including screening of such facilities with vegetation. As a condition of approval of any freestanding CMRS telecommunication facility, the County may require the applicant to provide a performance bond or other surety to the County which is adequate to ensure the completion of all planned and required landscaping and screening associated with the approved CMRS telecommunication facility. A bond may also be required to ensure removal of the facility if it is abandoned or no longer needed. Where the CMRS telecommunications facility is located on a parcel of land leased by the applicant, and which is part of a larger parcel of land under single ownership, reasonable landscaping improvements in accordance with these standards and regulations may be required within the larger unleased parcel where such improvements will bring the facility into conformance with the requirements of these standards and regulations, mitigate the impacts of the telecommunication facility, or enhance the visual qualities and aesthetics of the larger parcel.
- c. A freestanding CMRS telecommunications facility, as defined by these standards and regulations, shall not be located closer than the height of the tower from any property line, unless a waiver from this requirement is obtained from the Board of County Commissioners. ***Adopted by the BoCC on December 13, 2010**
- d. A freestanding CMRS telecommunications facility, as defined by these standards and regulations, shall not be located closer than one thousand (1,000) feet from any other freestanding CMRS telecommunications facility established or proposed by the same or another provider unless a waiver from this requirement is obtained from the Board of County Commissioners. Co-location of CMRS telecommunication facilities on the same freestanding facility is therefore strongly encouraged. No facility owner or lessee or employee thereof shall act to exclude or attempt to exclude any other provider from the same location. A service provider or lessee or employee thereof shall cooperate in good faith to achieve co-location or antennae with other providers. County staff can be used as a resource to facilitate this co-location. Should co-location not be acceptable to existing providers, the service provider wanting to locate on the existing facility shall be required to prove to the satisfaction of the Director of Community and Economic Development co-location is not feasible.
- e. A freestanding CMRS telecommunications facility, as defined by these standards and regulations, shall not be located closer than five hundred

(500) feet from any occupied dwelling unit, unless the property owner of said dwelling unit provides a written waiver. The waiver shall subsequently be recorded as a deed restriction notifying future owners of the location of the CMRS facility.

- f. During the Conditional Use Permit process, the applicant shall demonstrate: (1) the site is necessary to provide appropriate signal coverage quality; (2) the site is made necessary pursuant to the applicant's FCC license; (3) the site is necessary to handle increased capacity due to caller volume; (4) existing topography and/or structures in the surrounding area preclude other locations in the same area; (5) technical and engineering factors require the site to be in the desired location in relation to other existing sites and system constraints such as frequency requirements, availability of electric power and interconnection to telephone land lines, and site access; (6) screening and design of the freestanding facility will make the site compatible with surrounding land uses; and (7) the structure will not block a significant view, including, but not limited to the Front Range of the Rocky Mountains, the South Platte River, the Rocky Mountain Arsenal Wildlife Refuge, Barr Lake, and other significant water bodies.
4. *Design and Performance Standards for CMRS Telecommunication Equipment Shelter:* All CMRS telecommunications equipment shelters shall be screened so they are not visible from any adjacent public roads or public areas.
- a. Equipment shelters associated with roof or building mounted CMRS antennae are encouraged to be located in one of the following areas, which are listed in order of preference from most (1) to least (7) preferred:
 - (1) Inside the building or structure to which the panel or whip antennae are attached.
 - (2) Inside an existing equipment penthouse on the roof of a building.
 - (3) Immediately adjacent to the exterior of an existing equipment or elevator penthouse if the shelter can be visually incorporated into the penthouse structure by the use of screening of similar style and color to the penthouse.
 - (4) If no penthouse exists, consideration may be given to the creation of a screen, which is deemed architecturally compatible with the associated building by the Director of Community and Economic Development, screening both the equipment shelter and the existing service equipment associated with the building such as heating and air-conditioning equipment.
 - (5) Outside of a penthouse on the roof of a building if a parapet exists taller than the CMRS equipment shelter. If the parapet is not taller than the CMRS equipment shelter, consideration will be given to increase the height of the parapet provided the building materials used are the same as

- those existing and if the design of the parapet is found acceptable to County standards and the parapet extension is architecturally compatible with the building.
- (6) Painted or treated the same color and located in such a manner so that an additional protrusion is not created on the roof.
 - (7) On the ground and screened according to the design criteria for CMRS telecommunications facilities.
- b. *Equipment Shelters Associated with Freestanding CMRS Antennae:* CMRS telecommunications equipment shelters associated with freestanding CMRS telecommunications facilities shall:
- (1) Either be located in an enclosed building architecturally compatible with the surrounding environment; or
 - (2) Be screened completely with an architecturally compatible wall or fence so the shelter is not visible from adjacent properties, roads or public areas;
 - (3) In addition, all CMRS telecommunication equipment shelters associated with freestanding CMRS telecommunications facilities shall:
 - (a) Have enclosed buildings, walls, or fencing, the appearance of which is enhanced by vegetation;
 - (b) Be grouped as closely as technically possible to each other and the freestanding facility;
 - (c) Cover a surface area not to exceed four-hundred-fifty (450) square feet per provider;
 - (d) Use designs, materials, and colors compatible with structures and vegetation on the same parcel and adjacent parcels; and
 - (e) Not reduce the parking or landscaped areas below the minimum zone district requirements for other principal uses on the parcel.

4-09-02-08 COMMERCIAL RETAIL

4-09-02-08-01 GENERAL

- 1. *Setback from Residential Zone:* Not Applicable.
- 2. *Entrances:* The building elevation of principal structures shall have at least one (1) road-oriented entrance.
- 3. *Outdoor Storage:* Accessory outdoor storage is prohibited, except temporary display of items for sale provided the display does not interfere with traffic or limit parking. Otherwise, all facilities for storage of supplies shall be located within a building in accordance with Section 4-03-04-02-03.

4-09-02-09 DRIVE-IN ESTABLISHMENTS**4-09-02-09-01 GENERAL**

1. *Drive-In Lanes:* Drive-in lanes shall be separate from the circulation lanes needed for access and parking.
2. *Setback from Residential Zone:* Not Applicable.
3. *Landscaping:* Planting requirements for the drive-up window and access lanes shall be the same as those required for parking area landscaping in accordance with the Parking Performance Standards in Section **Error! Reference source not found.** of these standards and regulations.
4. *Communications Equipment:* None.
5. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.

4-09-02-10 GOLF COURSES AND DRIVING RANGES, COMMERCIAL

1. *Setback from Residential Zone:* Not applicable.
2. *Driving Range Location:* Driving ranges shall be located so adjoining properties are not adversely affected by the activity due to noise, glare, traffic or other factors.
3. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building in accordance with Section 4-03-04-02-03.
4. *Supporting Commercial Uses:* Supporting commercial activities shall be designed for patrons of the golf course or driving range only.

4-09-02-11 HEAVY RETAIL AND HEAVY SERVICES**4-09-02-11-01 GENERAL**

1. *Entrances:* The building elevation of the principal structure shall have at least one (1) road-oriented entrance.
2. *Outdoor Storage:* Materials may be stored outdoors, provided the storage area is consistent with the zone district allowances. All outdoor storage shall be screened in accordance with the Fencing, Walls and Screening section of these standards and regulations. ***Adopted by the BoCC on December 13, 2010**
3. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with the Fencing, Walls, and Screening section (See Section 4-09-01-04) of these standards and regulations.

4. *Smoke and Odor Control:* Smoke and odor shall be controlled by filter, scrubbers, fans, or other means.

4-09-02-11-02 *AUTOMOBILE DEALERSHIP*

1. *Maximum Lot Coverage:* The maximum lot coverage by parking, vehicle areas and buildings is seventy percent (70%).
2. *Access:* Automobile dealerships shall be located on properties with direct access to a collector or arterial road or highway.
3. *Display Area Setback:* The display area shall be set back a minimum of fifty (50) feet from the road right-of-way and fifteen (15) feet from all other property lines.
4. *Setback from Residential Zone:* Not applicable.
5. *Landscaping:* Boundary landscaping is required for a minimum depth of fifteen (15) feet along all property lines abutting roads, except for the area required for road openings. Permanent watering facilities shall be provided for all landscaped areas.
7. *Noise Control:* No loud speaker or music shall be audible from adjacent properties.

4-09-02-11-03 *AUTOMOBILE RENTAL*

1. *Minimum Parcel Area:* two (2) acres
2. *Maximum Lot Coverage:* The maximum lot coverage by parking lots, vehicle areas, storage and buildings shall be seventy percent (70%).
3. *Access:* Automobile rental businesses shall be located on properties with direct access to a collector or arterial road or highway.
4. *Car Storage Area Setback:* The car storage area shall be set back a minimum of fifty (50) feet from the road right-of-way and fifteen (15) feet from all other property lines.
5. *Setback from Residential Zone:* Not applicable.
6. *Gas Pump Setbacks:* Gas pump islands may be located a minimum of twenty (20) feet from all exterior property lines, and pump island canopies may project to within ten (10) feet of property lines. Islands shall not interfere with any sight distance triangles in accordance with these standards and regulations.
7. *Landscaping:* In addition to all other landscaping, boundary landscaping is required for a minimum depth of fifteen (15) feet along all property lines abutting roads, except for the area required for road openings. Permanent watering facilities shall be provided for all landscaped areas.

8. *Noise Control:* No loud speaker or music shall be audible from adjacent properties.

4-09-02-11-04 *AUTOMOBILE OR BUS REPAIR, PAINTING, AND BODY WORK*

1. *Outdoor Activities Prohibited:* All repair and work activities shall take place within a completely enclosed structure.
2. *Setback from Residential Zone:* Not applicable.
3. *Storage of Vehicles:* All storage of vehicles awaiting repair shall be within the enclosed structure or within a compound yard enclosed by a six (6) foot high solid fence or wall, except for driveway openings.
4. *Landscaping:* Boundary landscaping is required for a minimum depth of fifteen (15) feet along all property lines abutting roads, except for the area required for road openings. Permanent irrigation facilities shall be provided for all landscaped areas.
5. *Exhaust Fumes and Odor Control:* Exhaust and odor shall be controlled and treated by filter, scrubbers, fans, or other means.
6. *Noise Control:* No loud speaker or music shall be audible from adjacent properties.

4-09-02-11-05 *FIREWOOD SALES, STORAGE AND SPLITTING*

1. *Minimum Lot Size:* Five thousand (5,000) square feet
2. *Setback from Residential Zone:* Not applicable.
3. *Display of Firewood:* Firewood shall be stacked and displayed for sale in an organized fashion.
4. *Setbacks:* The area where firewood is cut and split must be set back twenty-five (25) feet from any property line.
5. *Sawdust and Debris Control:* Sawdust, woodchips, and any other debris shall be kept from blowing from the site on to other properties.

4-09-02-11-06 *FLEA MARKETS, OUTDOOR*

1. *Minimum Lot Size:* one-half (1/2) acre
2. *Location:* Flea markets shall be located on vacant parcels or parking lots.
3. *Setback from Residential Zone:* Not applicable.
4. *Period of Operation:* Flea markets shall be permitted to operate on Saturdays and Sundays during the months of May through August. Additional hours may be permitted by Conditional Use Permit.

4-09-02-11-07 *TRUCK, TRAILER AND HORSE TRAILER SALES AND RENTAL*

1. *Maximum Lot Coverage:* The maximum lot coverage by parking areas, vehicle areas and buildings is eighty percent (80%).
2. *Display Area Setback:* The display area shall be set back a minimum of fifteen (15) feet from the road right-of-way and ten (10) feet from all other property lines.
3. *Setback from Residential Zone:* Not applicable.
4. *Landscaping:* Boundary landscaping is required for a minimum depth of fifteen (15) feet along all property lines abutting roads, except for the area required for road openings. Permanent watering facilities shall be provided for all landscaped areas.
5. *Noise Control:* No loud speaker or music shall be audible from adjacent properties.

4-09-02-11-08 *PAWN SHOPS*

1. *Pawn Shops only allowed with a Conditional Use Permit:* Pawn shops are only permitted in the C-4 and C-5 Zone Districts after Conditional Use Permit approval by the Board of County Commissioners.
2. *Outdoor Activities Prohibited:* All activities shall be performed or carried out entirely within an enclosed building.
3. *Outdoor Display Prohibited:* The display of items outdoors is prohibited.
4. *Screened Loading Areas:* Loading areas shall be screened in accordance with the Fencing, Walls, and Screening section (See Section 4-09-01-04) of these standards and regulations.

4-09-02-12 *INDOOR COMMERCIAL RECREATION/ENTERTAINMENT*

4-09-02-12-01 *GENERAL*

1. *Setback from Residential Properties:* Not applicable.
2. *Setback from School Properties:* No amusement shall be permitted within five hundred (500) feet of the lot line of a public or private school serving students in the 12th grade or under.
3. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
4. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with the Fencing, Walls, and Screening section (See Section 4-09-01-04) of these standards and regulations.

5. *Outdoor Activities Prohibited:* All activities shall be performed or carried out entirely within an enclosed building.
6. *Full-Time Management:* The owner of the premises shall maintain a full-time adult manager responsible for the premises during all hours of operation.
7. *Nuisance Violation:* Any place of indoor commercial recreation/entertainment which becomes the location of frequent or repeated violations of County regulations or public disturbance, shall be declared to be a nuisance, and may be cited for a nuisance violation under this section.

4-09-02-12-02 *AMUSEMENT CENTER, VIDEO ARCADE, POOL ARCADE*

1. *Location:* No amusement center shall be established within five hundred (500) feet of a public or private school serving students in the 12th grade or under.
2. *Hours of Operation:* An amusement center shall not be open to the public before 11:00 a. m. or after 11:00 p.m.
3. *Security:* The owner shall maintain one (1) full-time security guard for every twenty (20) coin operated amusement devices.

4-09-02-12-03 *AUDITORIUMS, ASSEMBLY HALLS, MOVIE THEATERS*

1. *Minimum Parcel Area:* one-half (½) acre
2. *Security:* The owner shall maintain one (1) full-time security guard for every ten thousand (10,000) square feet of auditorium, assembly hall or movie theater.

4-09-02-12-04 *BOWLING ALLEYS*

1. *Minimum Parcel Area:* one (1) acre
2. *Security:* The owner shall maintain one (1) full-time security guard for every ten thousand (10,000) square feet of bowling alley.

4-09-02-12-05 *ROLLER SKATING RINKS*

1. *Minimum Parcel Area:* one (1) acre
2. *Security:* The owner shall maintain one (1) full-time security guard for every ten thousand (10,000) square feet of roller skating rink.

4-09-02-13 *KENNEL, COMMERCIAL*

1. *Number of Dogs and/or Cats Permitted:* The maximum number of dog and/or cats permitted in a commercial kennel can be found in Section 4-22. The maximum

number of dogs and/or cats allowed does not apply to offspring under five (5) months of age, belonging to one of the adult animals.

2. *Minimum Space Requirements:*

a. *Dogs:* Each dog shall be provided a minimum space equal to the following equation:

(1) Width of Kennel = Length of dog from nose to base of tail + 2 feet.

(2) Length of Kennel = Width of Kennel + 2 feet.

(3) Height of Kennel = Head height of dog standing on all four legs + 1 foot.

b. *Cats:* Each adult cat shall be provided a minimum of six (6) cubic feet of area. Adult female cats with kittens below three (3) months of age shall be provided with a minimum of eight (8) cubic feet of area.

3. *Waste Disposal:* All animal and food wastes shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department.

4. *Pest Control:* Environmental and/or chemical and scientific controls shall be provided for pest control.

5. *Drainage:* Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.

6. *Washroom:* A washroom consisting of a basin or sink and a lavatory shall be provided to maintain the cleanliness among animal caretakers.

7. *Mixing of Dogs and Cats:* Dogs and cats shall not be housed in the same primary enclosure.

8. *Care of Animals:* All dogs and/or cats shall be cared for in a humane and sanitary manner as approved by Adams County Animal Control and Tri-County Health Department.

9. *Operator License Required:* All breeding and boarding kennel operators shall be licensed by the Colorado Department of Agriculture.

10. *Permanent Resident on Property Required:* A person responsible for the commercial kennel, whether the owner of the facility or an employee, shall reside permanently on the subject property. If a responsible party is not available on site, the name and phone number of a responsible party shall be posted on the front of the kennel, on the front door of the caretaker's residence, and in an area visible to any person initially entering the premises. Any dwelling unit constructed to house the owner or employee shall meet the applicable zone district requirements.

4-09-02-14 **LODGING, COMMERCIAL**

1. *Access:* The parcel shall be accessed by a collector or arterial road or highway.

2. *Setback from Residential Zone:* Not applicable.

3. *Entrances:* The building elevation of the principal structure shall have at least one (1) road-oriented entrance.
4. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
5. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with the Fencing, Walls, and Screening section (See Section 4-09-01-04) of these standards and regulations.
6. *Accessory Uses:* Any accessory commercial activities such as restaurants and any outdoor recreational activities such as swimming pools shall not be located along the side of the property adjacent to a residential zone or use.

4-09-02-15 **MESSAGE BUSINESS**

4-09-02-15-01 **GENERAL**

1. *Required Education:* The applicant/operator shall demonstrate proof of 1,000 hours of completed training in massage therapy with major study in theory, method, profession or work of massage, which includes principles of anatomy and physiology. Employees are only required to complete 500 hours of completed training. Training shall be completed at a massage therapy school or equivalency program accredited by the state board of education or division charged with the responsibility to approving private occupational schools.
2. *Criminal Background Investigation:* The Adams County Sheriff's Department shall complete a Criminal Background Investigation and shall issue identification cards to all employees/operators.
3. *Zoning Required:* A Conditional Use Permit is required to operate a Massage Business in the C-0, C-1, C-2, C-3, C-4 or C-5 Zone District. Massage Businesses are prohibited in all other Zone Districts.
4. *Time Limitation:* Conditional Use Permits for Massage Businesses may only be issued for a maximum of five (5) years. Renewals shall be considered a Major Amendment and require approval by the Board of County Commissioners. Applications for renewals shall be made not less than ninety (90) days and not more than one-hundred-twenty (120) days prior to the date of expiration.
5. *Annual Reporting:* The applicant/operator shall provide an annual report for review by the Director of Community and Economic Development and the Adams County Sheriff's Department. Reports shall include re-certification of educational requirements, revised Criminal Background Investigation, and issuance of identification cards to any new employees.

6. *Location:* In determining compatibility with the surrounding area, the Board of County Commissioners may consider locating Massage Businesses meeting the following geographic criteria:
 - a. Adjacent to arterial roads as listed in the Adams County Transportation Plan;
 - b. Adjacent to medical offices or other health-related businesses; and
 - c. In commercial/business areas visible to the traveling public.
7. *Denial of a Conditional Use Permit:* Applicant/operator shall not be eligible for a Conditional Use Permit within one (1) year of a denial by the Board of County Commissioners for the same location.
8. *Failure to Comply with Requirements:* May necessitate a show cause hearing before the Board of County Commissioners where the action taken on the Conditional Use Permit may include, but is not limited to suspension or revocation.

4-09-02-16 OFFICE

4-09-02-16-01 GENERAL

1. *Access:* Entrances to the site shall be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhood.
2. *Entrances:* The building elevation of the principal structure shall have at least one (1) road-oriented entrance.
3. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
4. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with the Fencing, Walls, and Screening section (See Section 4-09-01-04) of these standards and regulations.
5. *Outdoor Activities Prohibited:* All uses shall be performed or carried out entirely within an enclosed building.

4-09-02-17 OUTDOOR COMMERCIAL RECREATION

4-09-02-17-01 GENERAL

1. *Access:* All outdoor commercial recreation shall have collector or arterial road or highway access. No direct access points through a residential road or along a collector serving only residential areas shall be allowed.

2. *Residential Zone Setback*: Not applicable.
3. *Outdoor Storage*: Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
4. *Garbage Storage*: Any garbage storage area located outside shall be screened from public view in accordance with the Fencing, Walls, and Screening section (See Section 4-09-01-04) of these standards and regulations.
5. *Full-Time Management*: The owner of the premises shall maintain a full-time adult manager responsible for the premises during all hours of operation.
6. *Nuisance Violation*: Any outdoor commercial recreation which becomes the location of frequent or repeated violations of County regulations or public disturbance shall be declared to be a nuisance.
7. *Noise Control*: No central outdoor loudspeakers shall be permitted.

4-09-02-17-02 *AMUSEMENT PARKS*

1. *Minimum Lot Area*: five (5) acres
2. *Hours of Operation*: The amusement park shall limit its hours of operation to 9:00 AM to 10:00 PM.
3. *Setback from Residential Properties*: No amusement shall be permitted within one (1) mile of the lot line of a residentially zoned or used property unless a waiver is obtained in writing from the residential property owner(s) within one (1) mile and a disclosure document is recorded against the residential property. If a waiver can not be obtained but every reasonable effort has been made by the applicant to receive a waiver, the applicant may apply for a Variance from the Board of Adjustment. Proof shall be submitted in the form of copies of certified mail sent to the residents affected.
4. *Security*: The owner shall maintain one (1) full-time security guard for every ten thousand (10,000) square feet of amusement.

4-09-02-17-03 *DRIVE-IN THEATERS*

1. *Minimum Parcel Size*: one (1) acre
2. *Maximum Screen Size*: fifteen hundred (1,500) square feet
3. *Projection Screen Visibility*: The projection screen shall not be visible from any public road within fifteen hundred (1,500) feet.
4. *Accessory Uses*: Accessory uses such as snack bars associated with the theater shall be designed for use by patrons of the drive-in theater only.
5. *Screening*: Vehicle parking areas shall be screened so lights will not shine onto adjacent property.

6. *Vehicle Stacking Lanes:* three hundred (300) foot vehicle stacking lanes shall be provided outside the theater entrance.
7. *Dust Control:* If the vehicle parking area is not paved, the theater owner shall spray the lot to control dust from blowing onto adjacent properties.
8. *Property for Daytime Uses:* The use of the theater property for day time uses, including but not limited to, flea markets, vending stands, and fireworks stands, shall require a Temporary Use Permit.

4-09-02-17-04 *GUN AND ARCHERY RANGES*

1. *Minimum Parcel Area:* two (2) acres
2. *Setback from Residential Properties:* No shooting range shall be located within one (1) mile of a residentially zoned or used property unless a waiver is obtained in writing from the residential property owner(s) within one (1) mile and a disclosure document is recorded against the residential property. If a waiver cannot be obtained but every reasonable effort has been made by the applicant to receive a waiver, the applicant may apply for a Variance from the Board of Adjustment. Proof shall be submitted in the form of copies of certified mail sent to the residents affected.
3. *Fencing:* The entire range shall be enclosed by a fence a minimum of six (6) feet high.
4. *Warning Signs:* Warning signs that read “Warning: Shooting Range” shall be posted every one hundred (100) feet on the fence.
5. *Bufferyard:* Two (2) Type D Bufferyards shall encircle the perimeter of the gun range to provide a natural noise barrier. A ten (10) foot berm shall be incorporated into the bufferyard around the site.
6. *Line of Fire:* Line of fire shall be as close to horizontal as possible, but never below horizontal.
7. *Certified Instructor:* The shooting range shall be supervised by a range officer or a National Rifle Association certified instructor.

4-09-02-17-05 *ICE SKATING RINKS*

1. *Minimum Parcel Area:* one (1) acre
2. *Setback from Residential Properties:* Not applicable.

4-09-02-17-06 *MINIATURE GOLF COURSES*

1. *Minimum Parcel Area:* one (1) acre

2. *Setback from Residential Properties:* Not applicable

4-09-02-17-07 *WATER SLIDE COURSES*****

1. *Minimum Parcel Area:* two (2) acres
2. *Setback from Residential Properties:* Not applicable.
3. *Certified Lifeguard:* One (1) certified lifeguard shall be on duty during all hours of operation.

4-09-02-18 **RACING FACILITIES**

4-09-02-18-01 *GENERAL*****

1. *Minimum Parcel Area:* forty (40) acres
2. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
3. *Setback from Residential Properties:* No racing facility shall be permitted within one (1) mile of the lot line of a residentially zoned or used property. If a waiver cannot be obtained but every reasonable effort has been made by the applicant to receive a waiver, the applicant may apply for a Variance from the Board of Adjustment. Proof shall be submitted in the form of copies of certified mail sent to the residents affected.
4. *Nuisance Violation:* Any racing facility which becomes the location of frequent or repeated violations of County regulations or public disturbance, shall be declared to be a nuisance, and may be cited for a nuisance violation under this section.

4-09-02-18-02 *AUTOMOBILE AND TRUCK RACING*****

1. *Location:* All automobile and truck racing facilities shall be located at least one (1) mile from any residentially used or zoned property. If night racing is proposed and the track will be lighted, the automobile and truck racing facility shall be located at least two (2) miles from any residentially zoned or used property. If a waiver cannot be obtained but every reasonable effort has been made by the applicant to receive a waiver, the applicant may apply for a Variance from the Board of Adjustment. Proof shall be submitted in the form of copies of certified mail sent to the residents affected.
2. *Screening:* All racing facilities shall be enclosed by an eight (8) foot high minimum screen fence or wall.

4-09-02-18-03 *DOG AND HORSE RACING*

1. *Location:* All dog racing facilities shall be located at least one (1) mile from any residentially zoned or used property. If a waiver cannot be obtained but every reasonable effort has been made by the applicant to receive a waiver, the applicant may apply for a Variance from the Board of Adjustment. Proof shall be submitted in the form of copies of certified mail sent to the residents affected.
2. *Screening:* All racing facilities shall be enclosed by a six (6) foot high minimum screen fence or wall.
3. *Dog Kennels:* If kennels are provided on the premises, the kennels shall meet all requirements for a commercial kennel as established in these standards and regulations.

4-09-02-19 *RESTAURANTS*

4-09-02-19-01 *GENERAL*

1. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building in accordance with Section 4-03-04-02-03.
2. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with the Fencing, Walls and Screening in Section 4-09-01-04 of these standards and regulations.
3. *Smoke and Odor Control:* Smoke and odor shall be controlled by kitchen exhaust fans, or other means.

4-09-02-19-02 *BARS AND COCKTAIL LOUNGES*

1. *Effect of Bar or Cocktail Lounge on Neighborhood:* Operation of the establishment shall not be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood or be injurious to property or improvements in the area.
2. *Established Need:* The use shall serve public convenience and necessity.
3. *Liquor License Required:* A Liquor License is required from the Board of County Commissioners prior to operation pursuant to state law.

4-09-02-19-03 *DRIVE-THRU RESTAURANTS*

1. *Limited Number of Establishments:* The use shall not contribute to a disproportionate number of drive-thru establishments in the area or contribute

to a land use mix inconsistent with the specific purpose of the zone district in which it is proposed.

2. *Hours of Operation:* Drive-thru establishments within two-hundred-fifty (250) feet of any residentially zoned or used property shall be open for business no earlier than 6:30 AM and close no later than 12:00 AM.
3. *Drive-Thru Window Approval:* The Director of Community and Economic Development shall determine pedestrian safety, the welfare of the adjacent neighborhood, and maintenance of traffic circulation have been adequately addressed before approving the drive-thru window.
4. *Drive-Thru Lanes:* Drive-thru lanes shall be separate from the circulation lanes needed for access and parking.
5. *Drive-Thru Setbacks from residentially zoned or used property:* Not applicable.
6. *Landscaping:* Planting requirements for the drive-up window and access lanes shall be the same as those required for parking area landscaping.

4-09-02-20 SERVICES

4-09-02-20-01 GENERAL

1. *Access:* Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhood.
2. *Entrances:* The building elevation of the principal structure shall have at least one (1) road-oriented entrance.

4-09-02-20-02 OUTDOOR ACTIVITIES PROHIBITED

All uses shall be performed or carried out entirely within an enclosed building.

4-09-02-20-03 OUTDOOR STORAGE

Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.

4-10 INDUSTRIAL USES PERFORMANCE STANDARDS

4-10-01 GENERAL PERFORMANCE STANDARDS

4-10-01-01 PURPOSE

The purpose of the following general performance standards is to address elements of planning, design, operation and maintenance to be applied to all industrial development in Adams County. Any use-specific performance standards contained in these standards and regulations shall also be applied. Where a use-specific performance standard conflicts with a general performance standard, the use-specific standard shall apply.

4-10-01-02 SUBSECTIONS

The following general performance standards are included in this section:

1. Fencing, Walls and Screening

The following general performance standards are located in other sections of these standards and regulations:

1. Parking (See Section 4-12)
2. Signage (See Section 4-01)
3. Landscaping (See Section 4-16)
4. Weeds and Offending Vegetation (See Section 4-17)
5. Site Design Considerations (See Section 4-20)
6. Operational Standards (See Section 4-13)
7. Off-Road Utility, Dumpster, Recycling, and Trash Handling Facilities (See Section 4-21)
8. Off-Premise Signs (See Section 4-15)
9. Sexually Oriented Businesses (See Section 4-19)

4-10-01-03 FENCING, WALLS AND SCREENING

4-10-01-03-01 *MAXIMUM HEIGHT*

Ninety-six (96) inches, which may include more than four (4) strands of barbed wire forming the top eighteen (18) inches or less of the fence, placed at a forty-five (45) degree angle.

4-10-01-03-02 *FENCE BOTTOM*

The bottom of the fence shall be no more than six (6) inches above grade at any point.

4-10-01-03-03 *FENCES PROHIBITED IN LANDSCAPED AREA*

No fence shall be permitted within any required landscaped area.

4-10-01-03-04 *ELECTRIC AND BARBED WIRE FENCING PROHIBITED*

Electric fencing and fencing consisting only of barbed wire are prohibited as an external boundary fence.

4-10-01-03-05 *RELATIONSHIP TO STRUCTURE DESIGN*

Fencing shall relate to the principal architectural features of the building in design, location and the way in which it connects to the building.

4-10-01-03-06 *LONG RUNS OF FENCING DISCOURAGED*

Long runs of fencing parallel to public roads are discouraged. Where long runs cannot be avoided, the horizontal alignment of the fences shall be varied to create visual variety and to provide planting pockets between the fence and the road. In addition, periodic breaks in fences should be considered to facilitate pedestrian, bicycle, and transit use.

4-10-01-03-07 *SCREEN FENCING*

Screen fencing is required to conceal outside storage from all adjacent road right-of-way and lesser intensity uses. Screening is not required between storage yards provided neither yard is visible from an adjacent road right-of-way. This section does not affect required landscaping along street frontages or buffering requirements contained in these regulations. In all practicable cases, the screen fencing addressed below shall be behind the required landscaping. The following criteria shall be followed in determining what form of screening is appropriate to accomplish visual buffering of outside storage yards in the County.

1. If the property is already developed and the proposed storage area is enclosed by an existing chain link fence, which has a useful life remaining, the property owner shall:
 - a. Install heavy gauge PVC or vinyl inserts.
 - b. The inserts shall achieve a minimum of ninety (90) percent opacity.
 - c. Color of the inserts is at the discretion of the applicant.

- d. If the existing fence does not have a remaining useful life, the property (or portion of the property affected) defaults to item 2.
2. If the property is not developed and is proposed for outside storage, the property owner shall conceal all outside storage with an eight foot solid wood fence or masonry wall.
3. If the property is not feasibly screened by a fence from an adjacent road due to topography, the property owner shall:
 - a. Install fast growing trees (preferably a mix of coniferous and deciduous) appropriately spaced to ensure complete screening at maturity.
 - b. A chain link fence may be constructed at the discretion of the applicant, but must be placed to the interior of the screening trees.
4. All fencing shall be maintained and kept in good condition at all times. Condition of fences shall be evaluated through a review of:
 - a. Structural integrity and being functionally sound under the Uniform Building Code; and
 - b. Substantially the same condition as originally permitted or constructed.

4-10-01-03-08 *GARBAGE AREA SCREENING*

Garbage area screening shall consist of a six (6) foot high minimum screen fence.

4-10-01-03-09 *OUTDOOR STORAGE SCREENING*

Outdoor storage area screening shall consist of a six (6) foot high minimum screen fence. Outdoor storage shall not be allowed above the height of the fence.

4-10-01-03-10 *MASONRY WALL*

All walls specified to be masonry shall be solid and constructed out of a brick or stone material. The wall shall not permit the contents within the wall to be seen from the outside.

4-10-01-03-11 *NOISE BARRIER FENCING*

Where existing and proposed arterial roads or state highways traverse, or are adjacent to areas of proposed commercial development, the Director of Community and Economic Development may require noise barrier fencing be installed by the developer. Such fencing shall meet the minimum standards of the Colorado Department of Transportation and these standards and regulations.

4-10-01-03-12 *RETAINING WALLS*

Any retaining wall over three (3) feet in height shall require plans prepared by a professional engineer as a condition for a building permit except where waived by the Director of Community and Economic Development.

4-10-01-03-13 *TRAFFIC VIEW OBSTRUCTION*

Traffic view obstruction as outlined in these standards and regulations, by any fence, wall or screen, is prohibited.

4-10-01-03-14 *SIDEWALK MAINTENANCE*

The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of curb, gutter, and sidewalk along the right-of-way abutting his property including snow removal for pedestrian access.

4-10-02 PERFORMANCE STANDARDS BY USE CATEGORY**4-10-02-01 SUBSECTIONS**

The following specific performance standards are included in this section:

1. Business Park Uses
 - a. Research, Development and Testing
2. Extraction and Disposal Uses
 - a. Extraction Uses
 - b. Solid and Hazardous Waste Disposal
 - c. Oil and Gas Well Drilling and Production
3. Heavy Industrial
 - a. Auction Yards, With Livestock
 - b. Chemical, Petroleum and Explosive Manufacturing
 - c. Metal Industries, Automobile Manufacturing
 - d. Paper, Pulp and Saw Mills
 - e. Salvage Yards
 - f. Recycling Facilities, including Scrap Tire
 - g. Solid Waste Transfer Stations

- h. Outdoor Storage in excess of 100% of the building area
- 4. Light Industrial
 - a. Auction Houses, Without Livestock
 - b. Dry Cleaning Plants
 - c. Electronic, Fabric, Furniture, Medical Supply Production
 - d. Food Product Processing and Manufacturing
 - e. Landscape Contractor Storage Yard
 - f. Accessory Outdoor Storage (Not to Exceed 100% of the building area)

4-10-02-02 BUSINESS PARK USES

4-10-02-02-01 GENERAL

1. *Access:* Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhood.
2. *Outdoor Storage:* Materials may be stored outdoors, provided the storage area is consistent with the zone district allowances. All outdoor storage shall be screened in accordance with the Fencing, Walls and Screening section (See Section 4-10-01-03) of these standards and regulations. ***Adopted by the BoCC on December 13, 2010**
3. *Garbage Storage:* Any garbage storage area located outside shall be screened from the view of the public.
4. *Outdoor Activities Prohibited:* All equipment, material storage, and uses shall be performed or carried out entirely within an enclosed building.

4-10-02-02-02 RESEARCH, DEVELOPMENT AND TESTING

1. *Minimum Parcel Area:* one (1) acre
2. *Fire District Review:* All plans shall be reviewed by the applicable fire district prior to approval in order to determine existing services provide adequate protection for citizens.
3. *Setback from Residential Zoning:* Not applicable.
4. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.
5. *Smoke and Odor Control:* Smoke and odor shall be controlled by filter, scrubbers, fans, or other means.

4-10-02-03 EXTRACTION AND DISPOSAL USES**4-10-02-03-01 *EXTRACTION USES***

1. *Compliance with Colorado Department of Natural Resources:* Requirements contained in this section shall not exempt the owner or operator of an extractive industry from compliance with the requirements of Colorado Department of Natural Resources. Prior to the approval of a Conditional Use Permit by the Board of County Commissioners, a reclamation contract shall be signed and approved by the owner or operator and the Colorado Department of Natural Resources.
2. *Site Size:* The site of an extractive industry shall be of sufficient size and dimensions to accommodate the proposed operations.
3. *Blasting Hours:* Operations utilizing explosive devices shall be restricted to Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M.
4. *Stagnant Water:* Pockets and stagnant pools of water resulting from surface drainage shall either be:
 - a. Sprayed to eliminate breeding places for mosquitoes and other insects using methods and chemicals approved by the Colorado Department of Agriculture; or
 - b. Drained to prevent the creation of such breeding places.
5. *Plan for Development of the Site:* A plan for the Mining Phase and the Reclamation Phase shall be approved by the Director of Community and Economic Development.
6. *Standards of the MCO Zone District:* All other operation and rehabilitation standards of the Mineral Conservation Overlay (MCO) Zone District shall apply as outlined in Section 3-35-06.
7. *Recreational Prospecting in Creeks and Rivers:* In stream recreational prospecting using non-motorized equipment is not regulated by the County. It is incumbent upon the operator of a non-motorized in stream recreational prospecting site to notify and gain permission of the property owner. The use of motorized equipment for such an operation is considered mining. Any operation using motorized equipment is prohibited.

4-10-02-03-02 *SOLID AND HAZARDOUS WASTE DISPOSAL*

1. *General Operating and Performance Standards:* The following General Operating and Performance Standards are applicable to all Solid Waste Disposal Sites and/or Processing Facilities:
 - a. *Compliance with Colorado Solid Waste Act:* Operators shall comply with the Colorado Solid Waste Act (C.R.S. 30-20-100 et. seq.), and all

regulations promulgated pursuant to said Act by the Colorado Department of Public Health and Environment.

- b. **Compliance with State Standards and Regulations:** Operators shall comply with all adopted State and Federal regulations, whether such regulations are adopted prior to, or after, approval of a Certificate of Designation under these standards and regulations.
- c. **Performance Bond Required:** Prior to commencing operations, and thereafter during the active life of the facility, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County.
- d. **Liability Insurance Required:** All solid waste disposal site and/or processing facility operators shall maintain adequate liability insurance in the amount of one million dollars and submit evidence of such insurance upon request from the Director of Community and Economic Development.
- e. **Outdoor Processing Prohibited:** All solid waste processing facility operations shall take place completely enclosed within a building unless otherwise specifically provided for in the approved plan.
- f. **User Service Charges Required:** All solid waste disposal site and/or processing facility operators shall collect service charges from users for the purpose of solid waste management in the County. Such charges shall be collected pursuant to the Board of County Commissioners Resolution of August 28, 1985, as amended.
- g. **Uncovered Loads:** All uncovered loads shall be charged double the normal disposal rate.
- h. **Waste Along Public Rights-of-Way Control:** Operators shall remove trash, or other waste material, disposed of or treated at their facility, along all public rights-of-way within one (1) mile of the facility and up to five (5) miles along the approved haul routes, or as otherwise specified.
- i. **Odor Control:** At no time shall a waste disposal site or waste processing facility create malodorous conditions.
- j. **Erosion Control:** At no time shall a waste disposal site or processing facility allow soil loss or erosion beyond that provided for in the erosion control measures approved in the design and operations plan.
- k. **Storage of Untreated or Unprocessed Waste:** Storage of authorized untreated or unprocessed waste shall not exceed the time limit described in the approved plan, conditions of approval required with the Certificate of Designation, or otherwise required by the Colorado Department of Public Health and Environment.

- l. Outside Storage: All allowed accessory outside storage shall be concealed by an eight (8) foot solid screen fence or other effective screening material as approved by the Director of Community and Economic Development.
- m. Right-of-Way Screening: All new facilities shall provide and maintain attractive visual screening from any public right-of-way from which the facility is visible.
- n. Waste Minimization Program: All operators shall conduct a waste minimization program both with the community and with generators, providing public information and assistance for waste reduction, recycling, and reuse programs.
- o. Certification of Special Structures and Equipment: Special structures not addressed in these standards and regulations, and processing equipment which has the potential to create external environmental impacts (through air emissions, groundwater impacts, etc.), shall be certified by a registered professional engineer or other qualified expert, as determined by the Director of Community and Economic Development, as to proper installation and construction in accordance with the approved design and operations plan prior to start of operations.
- p. Quarterly Reports: Operators shall submit quarterly reports no later than thirty (30) calendar days following the end of the calendar quarter to the Director of Community and Economic Development, Tri-County Health Department, and the Colorado Department of Public Health and Environment, summarizing:
 - (1) Results of Monitoring Data: The results of air and water monitoring data, monitoring of landfill gas, and other environmental monitoring data, as applicable, prepared by a qualified independent firm or other qualified professionals, including in-house certified staff and laboratories acceptable to the Director of Community and Economic Development.
 - (2) Received Waste Figures: Daily average and cumulative figures for the quantity and types of waste received. The cumulative figure shall be related to a percentage completion figure for the current phase of operation, or approved operating capacity.
 - (3) Gross Quarterly Revenues: Gross quarterly revenues for calculation of the County's Solid Waste Management Fee.
- q. Annual Reports: Operators shall submit annual reports to the Director of Community and Economic Development, Tri-County Health Department, and the Colorado Department of Public Health and Environment.
 - (1) Purpose of Annual Reports: The annual reports shall be used to determine if the amount of the performance bond is still adequate and

whether timely progress is being made toward completion or closure, if applicable to the specific operation.

(2) Content of Annual Reports: The annual reports shall summarize the following information

(a) Waste Types and Volumes: The waste types and volumes handled throughout the year.

(b) Operation Completion: The percentage of operation completion to date.

(c) Monitoring Information: An interpretation of all monitoring information on a yearly basis.

(d) Reclamation Activities: A tabulation of reclamation activities to date.

(e) Operational Plans for Following Year: A description of operational plans for the following calendar year.

2. *Landfill Standards (required in addition to General Standards):*

a. Quality Assurance (QA) Program Required: All operators shall fund an independent quality assurance (QA) quality control program to ensure construction of synthetic or clay liners for cells meet required specifications in the approved design and operations plan. The QA program shall be performed by a qualified professional, approved by the Director of Community and Economic Development, representing the County. The expense shall be charged to the operator.

b. Radiation Monitoring Program: The landfill operator shall operate a radiation monitoring program in accordance with an approved plan.

c. Quantity of Paper Permitted: The quantity of paper permitted in a demolition and construction debris landfill is limited and is established by the Board of County Commissioners for each landfill. This standard shall be followed during operations.

3. *Incinerator Standards (required in addition to General Standards):*

a. Monitoring Program: The specific monitoring program approved by the County for on-site soils and air monitoring shall be followed.

b. Waste Minimization Program: The waste minimization program approved by the County shall be followed.

c. Ash Transportation: All ash will be transported in a manner minimizing the release of fugitive dust.

d. Pollution Control Device Residue Collection: The program for residue collection from air pollution control devices approved by the County shall be followed.

- e. Incinerator Operation: The incinerator shall be operated in accordance with the approved design and operations plan.
 - f. Radioactivity Monitoring: The operator shall operate a low level radioactivity monitoring program in accordance with an approved plan.
4. *Inert Fill Operation Standards (required in addition to General Standards):*
- a. *Screening of Loads:* Operators shall inspect and screen each load of material brought to the fill site. Trash, organic material, and other waste material not meeting the definition of inert material shall be removed from each load at the screening location. A visual inspection and screening shall be made where loads are offloaded and materials not meeting the definition of inert material shall be removed. All materials removed from the waste stream shall be disposed of at an approved waste disposal facility and records of the transportation disposal shall be kept.
 - b. *Fencing:* An eight (8) foot solid screen fence or security fence, with additional screening material, as approved by the Director of Community and Economic Development, shall enclose all outside storage.
 - c. *Traffic Control Plan:* Provisions of the traffic control plan shall be followed.
 - d. *Nuisance Control Plan:* Provisions of the nuisance control plan shall be followed.
 - e. *Appearance:* All sites shall maintain a clean, neat, and orderly appearance. Stockpiles of materials may only be placed as specified in the design and operation plan.
 - f. *Performance Bond:* Prior to commencing operations, and thereafter during the active life of the facility, and for five (5) years after closure, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. The amount of said bond shall be \$2,000.00 per acre. Should any corrective actions be required by the County in order to protect the health, safety, and general welfare which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.
5. *Composting Operation Standards (required in addition to General Standards):*
- a. *Removal of Trash from Right-of-Way:* Operators shall remove trash, or other waste material, of the type which is brought to the composting facility, along all public rights-of-way within one-half (1/2) mile of the facility.

- b. *Performance Bond*: Prior to commencing operations, and thereafter during the active life of the facility, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. Said bond shall be sufficient to ensure compliance with operating conditions of the Permit, the amount of which shall be established by the Board of County Commissioners. Should any corrective actions be required by the County in order to protect the health, safety, and general welfare which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.
 - c. *Environmental Bond*: Prior to commencing operations, and thereafter during the active life of the facility, and for five (5) years after closure, the operator shall post a bond sufficient to ensure compliance with the closure plan, and to effect remedial measures if environmental damage is found to be taking place.
 - d. *Traffic Control Plan*: Provisions of the approved traffic control plan shall be followed.
 - e. *Appearance*: All sites shall maintain a clean, neat, and orderly appearance. Litter, dust, and odors may not leave the boundaries of the site.
 - f. *Vehicle Parking*: Transfer vehicles may not be parked on public streets.
 - g. *Vector Controls*: All sites shall maintain vector controls as prescribed by the approved plan.
 - h. *CDPHE Regulations*: Colorado Department of Public Health and Environment Regulations 6CCR 1007-2, Section 14 are hereby incorporated in these Zoning Regulations.
6. Infectious Waste Disposal Site and/or Processing Facility Standards (required in addition to General Standards)
- a. *Radiation Monitoring Program*: The operator shall operate a radiation monitoring program in accordance with an approved plan.
 - b. *General Monitoring Program*: The general monitoring program, approved by the County for each infectious waste disposal and/or processing facility, shall be adhered to.
 - c. *Temperature Operating Charts*: Temperature operating charts from an infectious waste disposal and/or processing facility shall be retained for two (2) years for review by the Director of Community and Economic Development. The County may require additional monitoring if a facility has problems maintaining a temperature or other operational standard.

- d. **Truck Washing:** All trucks shall be washed at least once a week with a detergent and disinfectant to minimize nuisance conditions, unless spills or leaks are detected which must be disinfected immediately. All wash water shall be properly controlled to prevent runoff.
 - e. **Waste Incineration:** Infectious waste incineration facilities shall be permitted to burn infectious waste only. Incineration of waste paper, contraband, or other materials is not permitted unless specifically approved as part of the wastestream.
7. *Hazardous Waste Disposal Site and Facility Standards:* All hazardous waste disposal sites and facilities shall meet the standards established by State and Federal regulatory requirements.

4-10-02-03-03 **OIL AND GAS FACILITY**

4-10-02-03-03-01 **Purpose**

This Section is enacted to protect and promote the health, safety, values, convenience, order, prosperity and general welfare of the current and future residents of the County. It is the County's intent by enacting this Section to facilitate the development of oil and gas resources within the unincorporated area of the County while avoiding or mitigating potential land use conflicts between such development and existing, as well as planned, land uses. It is recognized that under state law the surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Owners of subsurface mineral interests have certain legal rights and privileges, including the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests from a consenting surface owner, subject to compliance with the provisions of this Section and any other applicable statutory and regulatory requirements. Similarly, owners of the surface estate have certain legal rights and privileges, including the right to have the mineral estate developed in a reasonable manner and to have adverse impacts upon their property, associated with the development of the mineral estate, avoided or mitigated through compliance with this Section.

4-10-02-03-03-02 **Definitions**

Oil and Gas Facility means an oil and gas facility as defined by the rules and regulations of the Colorado Oil and Gas Conservation Commission.

For any other definition not listed in this section, the definitions listed in Chapter 11 of the Adams County Development Standards and Regulations and the COGCC's regulations shall govern. If there is a conflict between the definitions in Chapter 11 and the COGCC's definitions, the COGCC's definitions shall prevail. If the term is not found in the COGCC's definitions

or in Chapter 11, the term shall have its common meaning along with the spirit and intent of the Development Standards and Regulations and may be subject to interpretation by the Director of Community and Economic Development or his or her designee.

4-10-02-03-03

General Provisions

1. Access: Oil and gas well installation shall be located to provide convenient access, shall accommodate the traffic and equipment related to the oil and gas operations and emergency vehicles, and shall comply with COGCC rules and Adams County Development Standards and Regulations. Oil and gas operations must avoid or minimize impacts to the physical infrastructure of the county transportation system.
2. Building Permit Required: For all new or substantially modified wells, a building permit is required for the installation of permanent electrical, pumps, tank batteries, and all other above-ground structures as well as any other applicable permits including, but not limited to, culvert permits, oversized-load permits, and floodplain use permit.
3. Setbacks: Oil and Gas Facilities shall be at least 1,000 feet from the property line of any existing or platted residences, schools or future school facilities, state licensed daycares, high occupancy building units, and environmentally sensitive areas.
 - a. Administrative Waiver from Setback Requirements: an administrative waiver may be obtained from the setback requirements if the Operator receives a written waiver from each primary resident and property owner located within the setback.
4. Fees and Permits: All applicable County fees adopted by the County, including postage fees and inspection fees, must be paid at time of application and prior to issuance of a building permit, including for all applicable permits required by the Adams County Development Standards and Regulations.
5. Oil and Gas Road Impact and Maintenance Fees:
 - a. Operators must pay oil and gas road impact and maintenance fees, as approved by the Board of County Commissioners, for all proposed oil and gas wells and pads. This fee shall be paid at the time of issuance of an Oil and Gas Facilities Permit. Any person or entity required to pay the oil and gas road impact fee may elect to submit an independent study and fee calculation to demonstrate that the nature, timing, or location of the proposed oil and gas development is likely to generate impacts costing less to mitigate than the amount of the fee that would be generated by the use of the fee schedule. Any independent fee study for oil and gas development shall generally follow the methodology established in the Adams County Oil & Gas Traffic Impact Study.

- i. The preparation of the independent fee calculation study shall be the sole responsibility of the electing party.
- ii. Any person or entity who requests to perform an independent fee calculation study shall pay an application fee for administrative review. An administrative decision related to the independent study may be appealed to the Board of County Commissioners. The appeal shall be filed within 14 days of staff decision and shall follow the appeal process established for OGF Permit Waivers.

6. Safety Standards:

- a. Operator shall implement a safety management plan and maintain a safety management system applicable to all covered processes. Upstream facilities consisting of a standard, repeatable design may be covered with a single safety management plan. The safety management system shall provide for employees and systems to oversee implementation and periodic revision of the plan. The plan shall include the following elements and describe the manner in which each of the following elements will be applied to the covered processes:
 - i. Process safety information. Compilation of written process safety information needed to conduct process hazard analysis. Process safety information shall include information pertaining to hazards of substances and chemicals used by the process, information pertaining to the technology of the process, information pertaining to the equipment used in the process, and information pertaining to the hazards of the substances or chemicals in the process. Documentation that equipment used in the process complies with recognized and generally accepted good engineering practices;
 - ii. Operating procedures. Written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information, and at least annual review of operating procedures to ensure they reflect current operating practices;
 - iii. Employee participation. Plan for ensuring employee participation in conduct and development of process hazards analysis and access to process hazards analysis;
 - iv. Training. Written procedures detailing initial and refresher employee training requirements and documentation of employee training;

- v. Mechanical integrity. Written procedures designed to maintain the on-going integrity of process equipment, ensure employees involved in maintenance are properly trained to ensure the ongoing integrity of process equipment, ensure that process equipment is tested and inspected in accordance with manufacturer specifications, correct deficiencies in equipment in a safe and timely manner, and ensure that new equipment is installed or constructed properly;
- vi. Management of change. Written procedures to manage changes to covered processes, technologies, equipment and procedures;
- vii. Pre-startup reviews. Written procedures regarding pre-startup safety reviews;
- viii. Compliance audits. Written procedures requiring an audit every five years to verify compliance with the procedures and practices developed under the safety management plan, and procedures requiring correction of any deficiencies identified in audit; operator will make results of audit available to inspector upon request;
- ix. Incident investigation. Written procedures requiring investigations of all near-misses and incidents, including root cause analysis of all incidents resulting in fatalities or serious environmental harm, establishing a system to promptly address and resolve the incident, and requiring that all employees and contractors whose job tasks are relevant to the investigation of the near miss or incident review the investigation report.
- x. Hot work. The facility shall ensure that all hot work complies with local and state fire prevention and protection requirements.
- xi. Contractors. Written procedures describing how operator screens, oversees, shares process safety and emergency response and preparedness information with contractors;
- xii. Process hazard analysis. Process hazard analysis for each covered process;
- xiii. Incident history. List of all reportable safety events as defined by the COGCC rules and regulations that have occurred at the operator's facilities within the last five years, along with any investigation reports, root cause analysis and operational or process changes that resulted from the investigation of the accident;

- xiv. Safety culture assessment. Written procedures requiring operator periodically review safety culture, and at a minimum conduct such review after each major accident; and
 - xv. Inherently safer systems analysis. Require analysis at least every 5 years, whenever a change is proposed at the facility that could result in an incident, after an incident if recommended by the investigation report or root cause analysis, and during the design of new processes, equipment or facilities.
 - xvi. Operator shall make available safety management plan to Adams County at the County's request. Adams County may retain outside consultants to review safety management plan and may request modifications to safety management plan based on its review. Operator must reimburse County for any costs associated with retaining outside consultants.
- b. Automatic safety protective systems and surface safety valves. Operator is required to install automated safety system prior to commencement of production. Automated safety system shall include the installation, monitoring and remote control of a surface safety valve or a wellhead master control valve and shall be able to remotely shut in wells on demand. Surface safety valve or a wellhead master control valve shall be equipped to operate remotely via the automated safety protective system. Operator shall test automated safety system quarterly to ensure functionality and provide results of testing to County quarterly.
- c. Incident and accident reporting.
- i. Incidents. Within a week of any reportable safety event as defined by the COGCC, operator shall submit a report to the County including the following, to the extent available:
 - 1. Fuel source, location, proximity to residences and other occupied buildings, cause, duration, intensity, volume, specifics and degree of damage to properties, if any beyond the facility, injuries to persons, emergency response, and remedial and preventative measures to be taken within a specified amount of time.
 - ii. County may require operator to conduct root cause analysis of any incidents or Grade 1 gas leaks, as defined by the COGCC.
 - iii. Operator shall keep a daily incident log that shall be made available to Adams County upon request. Any spill or release that is reportable to the COGCC shall be simultaneously reported to the County's LGD and applicable fire district.

- iv. Notification to the County's LGD of all spills of a 1 barrel or more that leaves the facility, all spills of any material on permeable ground at the facility that has a reportable spill quantity under any law and copies of any self-reporting submissions that operator provides to the COGCC.
 - v. Notification of the surface owner or the surface owner's tenant, and the water rights holder if applicable, of spills and releases in conformance with COGCC Rules.
- 7. Spill Prevention and Containment. Oil and gas operations shall be in compliance with COGCC safety and spill and release requirements.
 - a. Requirements to minimize liquid spills and releases include the following:
 - i. Berms or other secondary containment devices around crude oil, condensate, and produced water storage tanks enclosing an area sufficient to contain and provide secondary containment for 110% of the largest single tank.
 - ii. Berms or other secondary containment devices shall be sufficiently impervious to contain any spilled or released material.
 - iii. Inspection of all berms and containment devices at regular intervals, but not less than monthly. Berms shall be inspected within forty-eight (48) hours of a precipitation event of 1.0" or more, and Operator shall make necessary repairs as soon as possible, but not more than seventy-two (72) hours after the event.
 - iv. Maintain all berms and containment devices to ensure they are in good condition.
 - v. A prohibition on the storage or use of ignition sources inside the secondary containment area unless the containment area encloses a fired pressure vessel.
 - vi. Construction of containment berms using steel rings, designed and installed to prevent leakage and resist degradation from erosion or routine operation.
 - vii. Construction of secondary containment areas with a synthetic or engineered liner that contains all primary containment vessels and flowlines and is mechanically connected to the steel ring to prevent leakage.
 - viii. For locations within 500 feet and upgradient of a surface water body or ground water source, tertiary containment, such as an earthen berm, around oil and gas facilities. Alternatively, the

County may require Operator to install retention ponds for stormwater management.

- ix. Discharge valves shall be secured, inaccessible to the public and located within the secondary containment area. Open-ended discharge valves shall be placed within the interior of the tank secondary containment.
 - b. Anchoring. Anchoring is required within floodplain or geological hazard areas, as needed to resist flotation, collapse, lateral movement, sinking, or subsidence, and in compliance with Federal Emergency Management Agency (FEMA). All guy line anchors left buried for future use shall be identified by a marker of bright color not less than four feet in height and not greater than one foot east of the guy line anchor.
8. Chemical Handling and Requirements
- a. The owner or operator of any installation that is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., and regulations promulgated under that Act, shall submit both a safety data sheet (SDS) for each such chemical and an annual emergency and hazardous chemical inventory form to the LEPC and the local fire district. A comprehensive and universal listing of all hazardous chemicals must be maintained in an inventory list and must be made available to the County upon request. .
 - b. Drilling and completion chemicals shall be removed at most sixty days after completion.
 - c. Operator shall provide to the County a copy of the chemical disclosure registry form provided to the COGCC pursuant to the COGCC's "Hydraulic Fracturing Chemical Disclosure" rule prior to conducting hydraulic fracturing.
 - d. The following toxic, including orally toxic chemicals shall not be added to the hydraulic fracturing fluid:
 - 1. Benzene
 - 2. Lead
 - 3. Mercury
 - 4. Arsenic
 - 5. Cadmium
 - 6. Chromium
 - 7. Ethylbenzene
 - 8. Xylene

9. 1,3,5-trimethylbenzene
 10. 1,4-dioxane
 11. 1-butanol
 12. 2-butoxyethanol
 13. N,N-dimethylformamide
 14. 2-ethylhexanol
 15. 2-mercaptoethanol
 16. Benzene, 1, 1'-oxybis-,tetrapropylene derivatives, sulfonated, sodium salts
 17. Butyl glycidyl ether
 18. Polysorbate 80
 19. Quaternary ammonium compounds, dicoco alkyldimethyl, chlorides
 20. Bis hexamethylene triamine penta methylene phosphonic acid
 21. Diethylenetriamine penta
 22. FD&C blue no 1.
 23. Tetrakis (triethanolaminate) zirconium (IV) (TTZ)
9. Emergency Preparedness and Response
- a. In General. Oil and gas operations shall not cause unreasonable risks of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, and hazardous material vehicle accidents or spills.
 - b. Emergency Preparedness Plan. Each Applicant with an operation in the County is required to implement an emergency preparedness plan for each specific oil and gas facility. The plan shall be referred to by the the Office of Emergency Management, and the applicable fire district and filed with the County and updated on an annual basis or as conditions change (responsible field personnel change, ownership changes, etc.). The emergency preparedness plan shall consist of at least the following information:
 - i. Name, address and phone number, including 24-hour emergency numbers for at least two persons located in or near Adams County who are responsible for emergency field operations.
 - ii. An as-built facilities map in a format suitable for input into the County's GIS system depicting the locations and type of above

and below ground facilities including sizes, and depths below grade of all oil and gas gathering and transmission lines and associated equipment, isolation valves, surface operations and their functions, as well as transportation routes to and from exploration and development sites, for emergency response and management purposes. The information concerning pipelines and isolation valves shall be held confidentially by the County's Office of Emergency Management, and shall only be disclosed in the event of an emergency. The County shall deny the right of inspection of the as-built facilities maps to the public pursuant to C.R.S. § 24-72-204.

- iii. Detailed information addressing each potential emergency that may be associated with the operation. This may include any or all of the following: explosions, fires, gas, oil or water pipeline leaks or ruptures, hydrogen sulfide or other toxic gas emissions, or hazardous material vehicle accidents or spills. For each potential emergency, threshold / trigger levels shall be pre-identified that govern when an emergency state is declared by the Applicant.
- iv. The plan shall include a provision that any spill outside of the containment area or which has the potential to leave the facility or to threaten a water body shall be reported to the emergency dispatch and the Director immediately.
- v. Detailed information identifying site access, evacuation routes as determined by first responders, zone of influence for each emergency scenario identifying impacted facilities, and buildings and health care facilities anticipated to be used.
- vi. Project specific emergency preparedness plans are required for any project that involves drilling or penetrating through known zones of hydrogen sulfide gas.
- vii. The plan shall include a provision that obligates the Applicant to reimburse the appropriate emergency response service providers for costs incurred in connection with any emergency.
- viii. Detailed information that the Applicant has adequate personnel, supplies, and funding to implement the emergency response plan immediately at all times during construction and operations. Supplies can include adsorption boom, granulated materials, and coordination of foam supplies with the local first responders.
- ix. The plan shall include provisions that obligate the Applicant to keep onsite and make immediately available to any emergency responders the identification and corresponding Safety Data

Sheets (SDS) of all products used, stored or transported to the site. The SDS sheets shall be provided immediately upon request to the Director, a public safety officer, or a health professional. In cases of spills or other emergency events, the plan shall include provisions establishing a notification process to emergency responders of potential products they may encounter, including the products used in the hydraulic fracturing fluids.

- x. The plan shall establish a process for informing surrounding neighbors and schools identified as being within the emergency impact zone of applicable emergency response plan and procedures.

10. Recycle, Reuse and Disposal of Fluids:

- a. Operator shall recycle drilling, completion, flowback and produced fluids unless technically infeasible.
- b. Exploration & Production (E&P) Wastemay be temporarily stored in tanks while awaiting transportation to licensed disposal or recycling sites.
- c. Produced Water must be transported by pipelines unless economically or technically infeasible.

11. Stormwater Controls:

- a. Oil and gas operations shall be in compliance with COGCC rules related to stormwater management regulations and Adams County Stormwater Quality Regulations as contained in the Adams County Development Standards and Regulations / Ordinances and other applicable federal, state, and county requirements.
- b. The Owner or Operator must provide a stormwater management plan that identifies possible pollutant sources that may contribute pollutants to stormwater, best management practices, sampling procedures (if required), and inspections that, when implemented, will reduce or eliminate any possible water quality impacts.

12. Water Bodies and Water Quality:

- a. General. Oil and gas operations shall not cause adverse impacts to surface or ground waters within Adams County. Operators shall comply with all Adams County rules, COGCC Rules, specifically with respect to spills and releases in floodplains and/or water bodies, and applicable water quality standards set by the Colorado Department of Public Health and Environment.
- b. Water quality plan. Operators shall implement a water quality plan and make available to Adams County upon request. Such plan shall include details such as operator's plans for water quality testing,

prevention of illicit or inadvertent discharges, stormwater discharge management, containment of pollutants, and spill notification and response as required by the County and federal and state agencies. The owner or operator shall provide the County with the information it provides to the COGCC ensuring compliance with the water quality protection standards contained in COGCC Rules. The owner or operator shall provide all water source test results to the county and maintain records of such results. The owner or operator shall make available to the County upon approval by the COGCC, its plans concerning downhole construction details and installation practices, including casing and cementing design selected to protect surface waters and source water aquifers from contamination..

- c. Wastewater Injection Wells used for produced water disposal are prohibited in Adams County.
- d. Floodplain. Any disturbance within a 100-year floodplain will be allowed if the Operator has obtained a Floodplain Use Permit from the County and has complied with all of the County's legally adopted floodplain and engineering regulations. A "100-year floodplain" shall be, for purposes of this Section, a "Special Flood Hazard Area" as identified and mapped by the Federal Emergency Management Agency's National Flood Insurance Program and adopted by the County.

13. Well Plugging and Abandonment:

- a. An operator shall comply with all COGCC rules regarding well abandonment and reclamation, including, but not limited to, removal of all equipment from the location and restoring the surface of the land to its original state. Notice of well plugging and abandonment shall be submitted by the operator to the Community and Economic Development Department within forty-eight (48) hours. Notice shall include surveyed coordinates of the decommissioned well.
- b. Decommissioned oil and gas well assessment. Prior to any hydraulic fracturing, and at periods following hydraulic fracturing, the operator must perform assessment and monitoring of plugged and decommissioned or removed from use, and dry and removed from use oil and gas wells (abandoned wells) within one-quarter mile of the projected track of the borehole of a proposed well. The assessment and monitoring includes:
 - i. Identification of all abandoned wells located within one-quarter mile of the projected track of the borehole of a proposed well based upon examination of COGCC and other publicly available records,
 - ii. A Risk assessment of leaking gas or water to the ground surface or into subsurface water resources, taking into account

- plugging and cementing procedures described in any recompletion or plugged and abandoned (P&A) report filed with the COGCC.
- iii. Notification to the County and COGCC of the results of the risk assessment of the plugging and cementing procedures.
 - iv. Permission from each surface owner who has an abandoned well on the surface owner's property to access the property in order to test the abandoned well. If a surface owner has not provided permission to access after thirty days from receiving notice, the applicant shall not be required to test the abandoned well.
 - v. Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well prior to hydraulic fracturing
 - vi. Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well within ninety (90) days after completion, and then every year after production has commenced if initial survey results suggest increased risk of leaking gas or water from the abandoned well.
 - vii. Notification of the results of the soil gas survey to the County and the COGCC within three weeks of conducting the survey or advising the County that access to the abandoned wells could not be obtained from the surface owner.
 - viii. In the event that contamination is detected during any soils testing, no further operations may continue until the cause of the contamination is detected and resolved and the County has given its approval for additional operations to continue.
- c. Marking of plugged and abandoned wells. The operator shall permanently mark by a brass plaque set in concrete, similar to a permanent bench mark to monument the plugged and abandoned well's existence and location. Such plaque shall contain all information required by the COGCC and the County.
14. Noise. The Operator shall control noise levels as follows:
- a. Prior to operations operator will obtain a baseline noise study that encompasses at least three days, one of those days being a weekend.
 - b. Beginning with construction and up to production, the County may require continuous noise monitoring and may require that this be conducted by an approved third party consultant based on the location, nature, and size of the facility.

- c. The Operator must follow COGCC Regulations for noise level.
 - d. The Operator shall post 24-hour, 7 days per week contact information to deal with all noise complaints arising from Operator's oil and gas facility.
 - e. To ensure the Operator controls noise to the allowable levels set forth above, one or more of the following may be required based on the location, nature, and size of the facility:
 - i. Acoustically insulated housing or cover enclosing the motor or engine;
 - ii. Noise management plan identifying hours of maximum noise emissions, type, frequency, and level of noise to be emitted, and proposed mitigation measures;
 - iii. Obtain all power from utility line power or renewable sources;
 - iv. Utilize the most current equipment to minimize noise impact during drilling, completions, and all phases of operation including the use of "Quiet Fleet" noise mitigation measures for completions;
 - v. Sound walls around well drilling and completion activities to mitigate noise impacts;
 - vi. Restrictions on the unloading of pipe or other tubular goods between 6:00 p.m. and 8:00 a.m.;
 - vii. Any abatement measures required by COGCC for high-density areas, if applicable.
 - viii. The use of electric drill rigs.
 - ix. Tier 4 or better diesel engines, diesel and natural gas co-fired Tier 2 or Tier 3 engines, natural gas fired spark ignition engines, or electric line power for hydraulic fracturing pumps.
 - x. Use of quiet design mufflers (also referred to as hospital grade or dual dissipative) or equivalent.
 - xi. The use of liquefied natural gas dual fuel hydraulic fracturing pumps.
15. Air Emissions: Air contaminant emission sources shall comply with the permit and control provisions of the state air quality control program (C.R.S. § 25-7-101 et seq.) and the rules and regulations promulgated by the State Air Quality Control Commission. The Operator shall employ the following control measures and operating procedures to avoid or minimize all emissions into the atmosphere.

- a. Air quality action days. Operator shall respond to air quality action day advisories posted by the CDPHE for the front range area by implementing suggested air emission reduction measures as feasible. Emissions reduction measures shall be implemented for the duration of an air quality action day advisory and may include measures such as:
 - i. Minimize vehicle and engine idling;
 - ii. Reduce truck traffic and worker traffic;
 - iii. Delay vehicle refueling;
 - iv. Suspend or delay use of fossil fuel powered ancillary equipment; and
 - v. Postpone construction or maintenance activities, if feasible.
 - vi. Postpone well maintenance and liquids unloading activities that would result in emission to the atmosphere.
- b. Leak Detection and Repair. Operator shall develop and maintain an LDAR program using modern leak detection technologies for equipment used at the facility that complies with the following requirements:
 - i. Inspections must occur at least semi-annually; more frequent inspections may be required based on thenature , location and size of the facility.
 - ii. Any leaks discovered by operator, including any verified leaks that are reported to operator by a member of the public, shall be reported to the County no later than twenty-four hours after discovery. The operator shall maintain a weekly log of all reported leaks and shall make that log available upon request from the County.
 - iii. Operator shall repair leaks as soon as possible, but at least within seventy-two hours, unless technically or operationally infeasible. . If the leak presents an imminent hazard to persons or property, the operator may not operate the affected component, equipment or pipeline segment until the operator has corrected the problem and notified the County of the successful repair.. In the event of leaks that do not pose an imminent hazard to persons or property, if more than 48 hours repair time is needed after a leak is discovered, operator shall contact the County and provide an explanation of why more time is required.
 - iv. Plan shall include detailed recordkeeping of the inspections for leaking components.

- v. At least once per year, the operator shall notify the County five business days prior to an LDAR inspection of its facilities to provide the County the opportunity to observe the inspection.
- c. Well Completions and Emissions Control
 - i. Operators shall utilize EPA Reduced Emission Completions for oil wells and gas wells.
 - ii. Operators must utilize closed loop, pitless drilling, completions and production systems without permanent on-site storage tanks for containment and/or recycling of all drilling, completion, flowback and produced fluids. Any emissions must be routed to and controlled by a flare or combustor operated with at least a 98% destruction removal efficiency.
- d. Combustion Devices
 - i. For any flares or combustion devices used, manufacture test or other data must be maintained and demonstrate that the device has a destruction removal efficiency of 98% for hydrocarbons.
 - ii. To the extent used, all flares, thermal oxidizers, or combustion devices shall be designed and operated as follows:
 - 1. The flare and or combustor shall be fired with natural gas.
 - 2. The flare and or combustor shall be designed and operated in a manner that will ensure no visible emissions during normal operation. Visible emissions means observations of smoke for any period or periods of duration greater than or equal to one minute in any fifteen minute period during normal operation, pursuant to EPA Method 22. Visible emissions do not include radiant energy or water vapor.
 - 3. The flare and or combustor shall be operated with a flame present at all times when emissions may be vented to it.
 - 4. All combustion devices shall be equipped with an operating auto-igniter.
 - 5. If using a pilot flame ignition system, the presence of a pilot flame shall be monitored using a thermocouple or other equivalent device to detect the presence of a flame. A pilot flame shall be maintained at all times in the flare's pilot light burner. A telemetry system shall be in place to monitor pilot flame and shall activate a

- visible and audible alarm in the case that the pilot goes out.
- 6. If using an electric arc ignition system, the arcing of the electric arc ignition system shall pulse continually and a device shall be installed and used to continuously monitor the electric arc ignition system.
- e. Well Liquids Unloading
 - i. Best management practices during liquids unloading activities are required including the installation of artificial lift, automated plunger lifts and at least 90% emissions reductions when utilizing combustion to control any venting.
 - ii. If manual unloading is permitted, operator shall remain onsite.
- f. General air quality protection measures.
 - i. Operators should work to limit truck traffic to and from the site.
 - ii. Hydrocarbon emissions control of at least 98% or better for crude oil, condensate, and produced water tanks with uncontrolled actual emissions of Volatile Organic Compounds (VOCs) greater than two tons per year (TPY) VOCs.
 - iii. No venting other than if necessary for safety or during an emergency
 - iv. Operators should consolidate product treatment and storage facilities within a facility.
 - v. Operators should centralize compression equipment within a facility.
- g. Site-specific air quality protection measures. To eliminate or minimize air emissions, the County may require any or all of the following depending on the size, location and nature of the facility:
 - i. Ambient Air Monitoring. An air monitoring plan that describes how the operator will conduct baseline monitoring within 500 feet of a proposed facility prior to construction and conduct monitoring during the drilling, completion and production phases of development. The plan may include monitoring for all potential emissions, including but not limited to, methane, VOCs, Hazardous Air Pollutants (HAPs), Oxides of Nitrogen (NOx), Particulate Matter (PM), and Fine Particulate Matter (PM 2.5). Operator shall pay for the baseline and ongoing monitoring. Baseline and continuous monitoring shall be done by a consultant approved of by the County. Any continuous

monitoring system shall be able to alert the operator of increases in monitored air pollutant concentrations.

- ii. Implementation of tankless production techniques.
- iii. The use of zero emission dehydrators.
- iv. Use of a pressure-suitable separator and vapor recovery unit (VRU) where applicable.
- v. Pipeline infrastructure for produced water, natural gas, crude oil and condensate constructed and placed into service prior to the start of any fluid flow from any wellbore.
- vi. The use of no-bleed continuous and intermittent pneumatic devices. This requirement can be met by replacing natural gas with electricity or instrument air, or routing the discharge emissions to a closed loop-system or process.
- vii. Automated tank gauging.
- viii. Flaring shall be eliminated other than during emergencies or upset conditions; all flaring shall be reported to the county

16. Odors:

- a. Operator must implement and maintain and make available to the County upon request, an odor mitigation plan that demonstrates how operator will minimize odors from its operations and comply with Colorado Department of Public Health and Environment, Air Quality Control Commission, Regulation No. 2 Odor Emissions, 5 CCR 1001-4, Regulation No. 3, 5 CCR 1001-5, and Regulation No. 7, 5 CCR 1001-9 sections VII and VIII. The plan shall also provide a plan for timely responding to odor complaints from the community, and for identifying and implementing additional odor control measures to control odors emanating from the oil and gas facility.
- b. Operator must notify the County's LGD no later than 24 hours after receiving odor complaint.
- c. Operator must prevent odors from oil and gas facilities from affecting the health and welfare of the public by proactively addressing and, to the fullest extent, resolving complaints filed by members of the community, in coordination with County and Tri-County Health Department staff.
- d. To ensure compliance with the odor mitigation plan, the County may require the Operator to implement any of the following measures depending on the size, location and nature of the facility:
 - i. Adding an odorant which is not a masking agent or adding chillers to the mud systems.

- ii. Using filtration systems or additives to minimize odors from drilling and fracturing fluids except that operator shall not mask odors by using masking fragrances.
 - iii. Enclose shale shaker to contain fumes from exposed mud, where safe and feasible
 - iv. Wipe down drill pipe each time drilling operation “trips” out of hole
 - v. Increasing additive concentration during peak hours provided additive does not create a separate odor. Additive must be used per manufacturer’s recommended level.
 - vi. Use of at a minimum low odor Tier III drilling fluid.
17. Water source sampling and testing: Using records of the Colorado Division of Water Resources, the applicant will be required to identify and offer to sample all available water sources located within one-half mile of the proposed well or facility. All sampling must be conducted by third-party consultant approved of by the County. Sampling requirements include:
- a. Initial baseline samples and subsequent monitoring samples.
 - b. Initial collection and testing of baseline samples from available water sources shall occur within twelve months prior to the commencement of drilling a well, or within twelve months prior to the re-stimulation of an existing well for which no samples were collected and tested during the previous twelve months.
 - c. Post-stimulation samples of available water sources shall be collected and tested pursuant to the following time frame:
 - 1. One sample within six months after completion;
 - 2. One sample between twelve and eighteen months after completion; and
 - 3. One sample between sixty and seventy-two months after completion.
 - 4. For multi-well pads, collection shall occur annually during active drilling and completion.
 - d. Operator shall collect a sample from at least one up-gradient and two down-gradient water sources within a one-half mile radius of the facility. If no such water sources are available, operator shall collect samples from additional water sources within a radius of up to one mile from the facility until samples from a total of at least one up-gradient and two down-gradient water sources are collected. Operators should give priority to the selection of water sources closest to the facility.

- e. An operator may rely on existing groundwater sampling data collected from any water source within the radii described above, provided the data was collected within the twelve months preceding the commencement of drilling the well, the data includes measurement of all of the constituents measured in Table 1, and there has been no significant oil and gas activity within a one-mile radius in the time period between the original sampling and the commencement of drilling the well.
- f. The operator shall make reasonable efforts to obtain the consent of the owner of the water source. If the operator is unable to locate and obtain permission from the surface owner of the Water Source, the operator shall advise the CED Director that the applicant could not obtain access to the water source from the surface owner.
- g. Testing for the analytes listed in Table 1, and subsequent testing as necessary or appropriate.
- h. Standard industry procedures in collecting samples, consistent with the COGCC model Sampling and Analysis Plan, shall be followed.
- i. Reporting the location of the water source using a GPS with sub-meter resolution.
- j. Field observations. Reporting on damaged or unsanitary well conditions, adjacent potential pollution sources, odor, water color, sediment, bubbles, and effervescence.
- k. Test results. Provide copies of all test results described above to the County, the COGCC, and the water source owners within three months after collecting the samples.
- l. Subsequent sampling. If sampling shows water contamination, additional measures may be required including the following:
 - 1. If free gas or a dissolved methane concentration level greater than one milligram per liter (mg/l) is detected in a water source, determination of the gas type using gas compositional analysis and stable isotope analysis of the methane (carbon and hydrogen).
 - 2. If the test results indicate thermogenic or a mixture of thermogenic and biogenic gas, an action plan to determine the source of the gas.
 - 3. Immediate notification to the the County , the COGCC, and the owner of the water source if the methane concentration increases by more than five mg/l between sampling periods, or increases to more than ten mg/l.
 - 4. Immediate notification to the County , the COGCC and the owner of the water source if BTEX and/or TPH are

- detected as a result of testing. Such detections may result in required subsequent sampling for additional analytes.
5. Further water source sampling in response to complaints from water source owners.
 6. Timely production and distribution of test results, well location, and analytical data in electronic deliverable format to the CED Director, the COGCC and the water source owners.

Table 1. Water Quality Analytes

GENERAL WATER QUALITY	Alkalinity Conductivity & TDS Ph Dissolved Organic Carbon (or Total Organic Carbon)Bacteria Hydrogen Sulphide
MAJOR IONS	Bromide Chloride Fluoride Magnesium Potassium Sodium Sulfate Nitrate + Nitrite as N (total)
METALS	Arsenic Barium Boron Chromium Copper Iron Lead Manganese Selenium Strontium
DISSOLVED GASES AND VOLATILE ORGANIC COMPOUNDS	Methane Ethane Propane BTEX as Benzene, Toluene, Ethylbenzene, Xylenes Total Petroleum Hydrocarbons (TPH)
OTHER	Water Level Stable isotopes of water (Oxygen, Hydrogen,

	Carbon) Phosphorus
--	-----------------------

18. Dust:

- a. Operator shall minimize dust pollution associated with onsite activities and traffic.
- b. No untreated produced water or other process fluids shall be used for dust suppression.
- c. The operator will avoid creating dust or dust suppression activities within 300 feet of the ordinary high-water mark of any water body, unless the dust suppressant is water.
 - i. Safety Data Sheets (SDS) for any chemical-based dust suppressant shall be submitted to the County prior to use.

19. Visual Aesthetics.

- a. Operator shall submit a visual mitigation plan in compliance with COGCC Rules, including but not limited to, a list of the proposed colors for the Facilities, regardless of construction date, which are observable from any public highway, providing for paint that is uniform, noncontrasting, nonreflective color tones (similar to the Munsell Soil Color Coding System), and with colors matched to but slightly darker than the surrounding landscape, a listing of the operations' equipment, proposed fencing, and screening. Plan shall indicate the location of all outdoor lighting on the site and any structures and include cut sheets of all proposed fixtures. Fencing shall be required around all well site equipment, including, but not limited to, storage tanks, well heads, and meters if the well site is visible from a subdivision west of Imboden Road. Such fencing shall screen equipment, provide safety precautions, and be compatible with the surrounding environment. Should fencing apply to a well site, the design and construction of such fencing shall be approved by the Community and Economic Development Department prior to the construction of any site. If a chain link fence is required to achieve safety requirements set by the COGCC, then landscaping and other screening mechanisms shall be required that comply with the County's Development Standards and Regulations and the Operator's safety requirements. Operator shall be responsible for obtaining consent by surface owner allowing any required fencing.
- b. Operator shall submit landscaping and berming plan that includes maintenance and irrigation requirements for planted vegetation throughout the duration of operations, including production. Operator shall be required to provide maintenance funding through bonding to ensure funds are available for upkeep. Weed control is required at the

facility and along access roads until final reclamation and abandonment. Required sound walls shall be included in the visual mitigation plan and shall comply with the color scheme approved by the County, blending with natural background. All landscaping shall be in compliance with County requirements and in compliance with the safety requirements of the Operator. Existing vegetation shall be minimally impacted. Motorized equipment shall be restricted to the well sites and access roads to the well sites. Operator is responsible for obtaining consent by surface owner allowing landscaping as well as automatic irrigation for landscaping in urban mitigation areas and/or parks/recreation areas. All plant materials shall be kept in a healthy growing condition at all times.

- c. Operator shall submit lighting mitigation plan for all phases of development and operation, which adheres to best management practices to minimize light escaping the facility including making all lighting downward-facing and fully shielding bulbs to prevent light emissions above a horizontal plane drawn from the bottom of the fixture. Operator shall conduct a photometric study prior to start of construction to indicate impact on surrounding properties and measure the lumens emitted from the facility outside of the walls.
 - d. Sight access and security. Site shall be properly secured, including, but not limited to, security fencing or barriers to prevent unauthorized access to site. Site shall be properly secured prior to the start of drilling. Proposed fencing, barriers, and screening shall be included in the visual mitigation plan.
20. Flammable material. The area twenty-five feet around anything flammable shall be kept free of dry grass or weeds, conform to COGCC safety standards and applicable fire code. The operator's pre-application and application shall be reviewed by the serving fire district.
21. Mud tracking. Operator shall take all practical measures to prevent mud and dirt tracking onto public right of ways and shall remove tracked mud and dirt within a reasonable time not to exceed two hours.
22. Private Roads. The Operator shall construct (unless already constructed) and maintain an access road designed to meet County and fire district standards and support an imposed load of 75,000 pounds that will accommodate emergency response vehicles such as, but not limited to, law enforcement, emergency command vehicles (cars/SUVs), ambulances, hazardous materials response vehicles, water tenders, and fire apparatus during construction and operation of new tank batteries, new drilling activity and reworks or recompletions of existing wells, unless a local fire department or fire district agrees to a different or lesser standard or waived by the County. With respect to new roads to new tank batteries, the Operator agrees to construct access roads at least twenty (20') feet wide (unless waived by the local fire district and and the County's Public Works Department) with a Class 6 road base, or

as approved by the local fire district, at least nine inches (9”) thick. Best efforts will be made to improve inadequate access to existing tank battery sites identified by the fire district or County, based on service calls and demonstrated problems of accessing the site. Operator and County agree that spot inspections of access roads may be done by the County and/or appropriate emergency response agency, at such County or agency’s sole risk and expense, to ensure that emergency access in accordance with this section is maintained. Operator is required to maintain and repair any damaged roads within ten (10) days of County notice. Operator will assure that temporary access roads are reclaimed and revegetated within sixty days of discontinued use. Erosion shall be controlled in accordance with the Erosion and Sediment Control Plan while the roads are in use.

23. Public Roads. Operator shall utilize existing roads and access points where practical and apply for and obtain access permits for its oil and gas facilities from the County’s Public Works Department. Requirements for the access permit may include the following: a) access location providing for a safe entrance/exit and utilization of main roadways to minimize impact /conflict with residents on local roadways; b) haul route and traffic data; c) pre/post inspection of roadways used by the Operator; d) collateral or bond to insure that road damage caused by the Operator is repaired; e) dust control (material used for dust control must be pre-approved by the County); f) road maintenance agreement during drilling phase; and g) payment of all applicable fees. Operator shall exercise reasonable efforts to minimize heavy truck traffic on local roads within residential neighborhoods between the hours of 9 p.m. and 6 a.m., and shall work with and show written evidence that the applicable school district(s) has been consulted to minimize traffic conflicts with school buses when schools are in session. Operator shall obtain any legally valid and applicable oversize and/or over weight moving permit from the County’s Public Works Department. for all vehicles that exceed legal vehicle dimensions or weights as specified by the Colorado Department of Transportation and the County’s Development Standards and Regulations.
24. Removal of debris. All excess debris shall be removed during construction activities. Site shall remain free of debris and excess materials at all times during operations. Burning of debris and other materials is strictly prohibited at all times. .
25. Removal of equipment. No permanent storage of equipment. When no longer used, equipment shall be removed within thirty days unless a Temporary Use Permit for said storage is obtained from the County.
26. Maintenance of machinery. Routine field maintenance of equipment involving hazardous materials within 300 feet of any water body is prohibited. All fueling shall occur over impervious material and shall not be done during storm events. Operator shall operate and maintain all equipment in accordance with manufacturer specifications. Regular maintenance checks are required for all equipment.
27. Burning. No open burning of trash, debris or other flammable materials.

- 28. Chains. Traction chains shall be removed from heavy equipment on public streets.
- 29. Off-location flow lines and crude oil transfer lines
 - a. Off-location flow lines and crude oil transfer lines regulated by the COGCC shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; surface water bodies; and city open space.
 - b. Without compromising pipeline integrity and safety, applicant shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize impact.
 - c. Setbacks from residential, commercial, or industrial buildings, places of public assembly, the high-water mark of any surface water body and sensitive environmental features will be determined on a case-by-case basis in consideration of the size and type of pipeline proposed and features of the proposed site.
 - d. Operator must conduct leak detection inspections or pressure testing in order to identify flowline leaks or integrity issues.
 - e. Operator must make available to County upon request all records required to be kept by COGCC
 - f. Buried pipelines shall have a minimum of four feet cover.
- 30. Gathering Lines
 - a. Gathering lines shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; surface water bodies; and open space.
 - b. Without compromising pipeline integrity and safety, Operator shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize impact.
 - c. Setbacks from residential, commercial, or industrial buildings, places of public assembly, the high-water mark of any surface water body and sensitive environmental features will be determined on a case-by-case basis in consideration of the size and type of pipeline proposed and features of the proposed site.
 - d. Operator must make available to County upon request all records submitted to the Pipeline and Hazardous Materials Safety Administration (PHMSA) or the Public Utilities Commission (PUC) including those related to inspections, pressure testing, pipeline accidents and other safety incidents.
 - e. Well Connects. Well connects do not require a separate permit as long as the well connect was permitted under the original permit for the Oil and Gas Facility. Well connects are defined as a pipeline, 10" or less inside diameter and 2 miles or less in length, laid running from the

custody transfer point or production facility for a new well(s) to an existing gathering line connection point.

31. Temporary surface water lines

- a. Operator shall use temporary surface water lines, unless infeasible.
- b. Operator may use County Road Right-of-Way, and County drainage culverts for the laying and operation of temporary water lines on the surface and in accordance with Adams County Standards and Regulations, unless infeasible.
- c. Operator will bury temporary water lines at existing driveway and gravel road crossings, or utilize existing culverts, if available, with County approval.

32. Financial Assurance.

- a. Operators shall be required to maintain environmental liability insurance to cover gradual pollution events.
- b. Operator shall be required to file and maintain financial assurance as determined on a site specific basis prior to commencing operations, and thereafter during the active life of the facility, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. Should any corrective actions be required by the County in order to protect the health, safety, welfare, and the environment which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.

33. Mapping Information. Operator shall agree to provide coordinates and/or exact location of well sites to the County's GIS Department within forty-eight (48) hours of final completion of a well site in a format acceptable to the County. Any subsequent changes to a well site location shall also be provided to the County within forty-eight (48) hours of such changes.

4-10-02-03-03-04

INSPECTION AND ENFORCEMENT

1. Inspection: In recognition of the potential impacts associated with oil and gas facilities, all wells and accessory equipment and structures may be examined by the inspectors of the county at reasonable times to determine compliance with applicable provisions of this chapter, the International Fire Code, the International Building Code, and all other applicable standards in this title. The County reserves the right in its discretion to make spot inspections

or to inspect without notice in the event of an issue potentially involving an immediate risk to public health, safety, welfare, the environment, or wildlife, or damage to the property of another. For the purpose of implementing and enforcing the provisions of this chapter, the inspector and other authorized personnel have the right to enter upon private property. The county may use the information collected on the inspections to enforce the requirements of this chapter. The county may also report this information to appropriate state and federal officials, including but not limited to information regarding alleged violations of state and federal rules. Operator shall make available to County, upon request, all records required to be maintained by these regulations or to show compliance with these regulations, and the rules and regulations promulgated by the COGCC and the CDPHE, including permits, Air Pollutant Emission Notices (APENs) and other documents required to be maintained by the COGCC, CDPHE and these regulations. The County shall charge a yearly inspection fee for all Oil and Gas Facilities in the County. Fees for Oil and Gas Facility inspections shall be assessed according to the County's adopted fee schedule.

2. State Notification of Violations: Adams County will cooperate fully with the State of Colorado by notifying the Oil and Gas Conservation Commission of any and all violations of the Colorado Laws and Regulations.
3. Delinquent Taxes: One condition of any oil and gas well building permit is that all taxes as provided by statute, shall be paid.
4. Penalties and Fines: The County has authority under C.R.S. § 29-20-104, as amended, to impose fines for leaks, spills, and emissions.¹ The following table summarizes the fine schedule for violations of these Development Standards and Regulations:

¹ Violations of Section 4-10-02-03-03(15) are capped at \$300/day per violation in accordance with the State Air Pollution Control Act, C.R.S. § 25-7-128.

		<i>Rule Classification</i>		
		Class 1: Paperwork other ministerial regulations, a violation of which presents no direct risk of harm to public health, safety, welfare, and the environment.	Class 2: Regulations related at least indirectly to promoting the public health, safety, welfare, and the environment and wildlife resources, a violation of which presents a possibility of distinct, identifiable actual or threatened adverse impacts to those interests	Class 3: Regulations directly related to protecting public health, safety, welfare, the environment, and wildlife resources, a violation of which presents a significant probability of actual or threatened adverse impacts to those interests.
<i>Degree of threatened or actual impact to public health, safety, welfare, the environment, or wildlife</i>	<u>Major:</u> Actual significant adverse impacts	\$5,000	\$10,000	\$15,000
	<u>Moderate:</u> Threat of significant adverse impacts, or moderate actual adverse impacts	\$1,500	\$5,000	\$10,000
	<u>Minor:</u> No actual adverse impact and little or no threat of adverse impacts	\$200	\$2,500	\$5,000

6. County Violations: In addition to the fines outlined above, the County has authority to cite violations under its control pursuant to Section 1-05-06 Criminal Remedies and Enforcement.
7. Legal Non-conforming: Adams County recognizes that there are oil and gas operations that were legally established prior to the effective date of these regulations that may or

may not conform to these regulations. These operations may continue, provided the facility is not substantially modified.

8. Hearing, Enforcement and Appeal Procedures for Air Quality Violations

a. Hearings:

- i. The BOCC shall grant request for a hearing within 15 days of receipt of such request.
- ii. Hearing date must be set within 90 days
- iii. Notice must be printed in a newspaper of general circulation in the area where the OGF is located.
- iv. Director of CED is a party and has the same right to judicial review as other parties
- v. The Director of CED may appear as a party.
- vi. All testimony must be under oath or affirmation.
- vii. A full and complete record of proceedings and testimony presented shall be taken and filed.
- viii. Information related to secret processes or methods of manufacture or production must be kept confidential. The person seeking to keep information confidential has the burden of proof. Except as provided in the Clean Air Act, information claimed to be related to secret processes or methods of manufacture or production which is emissions data may not be withheld as confidential; except such information may be submitted under a claim of confidentiality and the County shall not disclose such information unless required under the Clean Air Act
- ix. Any person who is affected and not adequately represented shall have an opportunity to be a party upon prior application to and approval by the BOCC in its discretion; such party shall have the right to be heard and cross-examine witnesses
- x. BOCC shall make a decision within 30 days of completion of the hearing
- xi. Burden of proof is on Director of CED with respect to any hearings involving alleged violations.
- xii. Where the Operator requests a hearing before the BOCC on a Permit involving provisions contained in the Air Quality section of these Development Standards and Regulations, the permit applicant bears burden of proof with respect to justification therefor and information, data, and analysis supportive thereof or required with respect to the application

b. Judicial Review:

- i. Final orders or determinations of the Community and Economic Development Director or the BOCC are subject to judicial review
- ii. Any party may move the court to remand the case to the CED Director of the BOCC in the interests of justice for purpose of adducing additional evidence and findings; such party shall show reasonable grounds for failure to adduce such evidence previously
- iii. Any proceeding for judicial review shall be filed in the district court in which the OGF is located

c. Injunctions:

- i. If any person fails to comply with a final order of the CED Director or the BOCC that is not subject to a pending administrative or judicial review, or in the event of a violation of an emission control regulation, or term or condition of a permit, the CED Director or the BOCC may request the District Attorney for the district court in which the air pollution source is located to bring suit for an injunction
- ii. In proceedings brought to enforce an order of the of the CED Director or BOCC, a temporary restraining order or preliminary injunction, if sought, shall not issue if there is probable cause to believe granting such order or injunction will cause serious harm to the affected person and (1) that the alleged violation or activity will not continue or be repeated and (2) the granting of such temporary restraining order or preliminary injection would be without sufficient corresponding public benefit.

d. Coordination with the Air Quality Control Commission

- i. Pursuant to section 25-7-128(4), C.R.S., upon the issuance of any enforcement order or granting of any permit, the County shall transmit to the AQCC a copy of the order or permit. Pursuant to section 25-7-128(6), C.R.S., the City shall confer and coordinate its activities regarding efforts to control or abate air pollution consistent with that provision.

4-10-02-03-05

RESIDENTIAL CONSTRUCTION Standards

1. **Residential Construction Standards:** The Director of Community and Economic Development may impose any one (1) or more of the following standards on a specific site basis as a condition of subdivision approval and/or building permits on platted or unplatted land:

- a. The oil and gas well location shall include a two-hundred-fifty (250) foot buffer in the form of an easement on the Final Plat. No structures may be constructed within the buffer area.
- b. Access to the oil and gas well location shall be provided by a public street or recorded easement for private access.
- c. The Final Plat shall include notice to prospective buyers of the location of the oil and gas well and associated easements.
- d. All oil and gas well flow lines and/or easements shall be graphically depicted on the Final Plat.
- e. All surface and subsurface agreements shall be noted on the Final Plat by the recorded book and page number.
- f. Pursuant to Section 4-06-01-02-01-12, where a new home and/or other permanent structure with plumbing is

constructed within three hundred (300) feet of an existing oil and gas well, the property owner shall submit a signed waiver acknowledging the existence of the facility.

2. Plugged and Abandoned, and Former Oil and Gas Production

Sites: This Section is enacted to protect and promote the health, safety, morals, convenience, order, prosperity, or general welfare of the present and future residents of the County. These regulations are based upon the land use authority of the County.

- a. Prior to submittal of a final plat or site specific development plan, each plugged and abandoned well shall be located and surveyed. The plugged and abandoned well shall be permanently marked by a brass plaque set in concrete similar to a permanent bench mark to monument its existence and location. Such plaque shall contain all information required on a dry hole marker by the Colorado Oil and Gas Conservation Commission and the County.
- b. As a condition of review of any final plat or site specific development plan which contains a plugged and abandoned well or former oil and gas production site or is within 200 feet of such well or site, the owner shall submit a location diagram of the location of the well.
- c. On every final plat or site specific development plan which contains a plugged and abandoned well, there shall be dedicated a well maintenance and workover setback depicted on the plat, the dimensions of which shall be not less than fifty feet in width and 100 feet in length. No structures shall be located within this setback. The plugged and abandoned well shall be located in the center of the setback. There shall be public access for ingress and egress to the setback of a width of not less than twenty feet.
- d. Every final plat and site specific development plan which contains a plugged and abandoned well or a site specific development that includes a property that is less than 200 feet from a plugged and abandon well, shall include the following notation: "The owner shall disclose to prospective purchasers of lots within a radius of 200 feet of the plugged and abandoned well of (1) the location of the plugged and abandoned well, (2) the location of the maintenance and workover setback, and (3) the purpose for the well maintenance and workover setback."
- e. As a condition of building permit review, no dwelling shall be constructed within fifty (50) feet of a plugged and abandoned well.

- f. Prior to issuance of a grading permit within a development containing a known reserve pit site, the reserve pit site shall be tested for expansive soils. Reserve pits containing expansive soils in locations proposed for buildings shall be subject to the provisions of the International Building Code.
- g. No utility lines shall be installed within ten feet of any plugged and abandoned well.

4-10-02-03-03-06**COGCC AND COUNTY APPROVALS REQUIRED**

Development of the OGF shall not commence unless and until applicant receives an approved OGF Permit, including any approved waiver(s), and receives all required approvals and permits from COGCC.

4-10-02-04 HEAVY INDUSTRY**4-10-02-04-01 GENERAL**

1. *Outdoor Storage:* Materials may be stored outdoors, provided the storage area is consistent with the zone district allowances. All outdoor storage shall be screened in accordance with the Fencing, Walls and Screening section (See Section 4-10-01-03) of these standards and regulations. ***Adopted by the BoCC on December 13, 2010**
2. *Garbage Storage:* Any garbage storage area located outside shall be screened from the view of the public in accordance with the Fencing, Walls, and Screening section of these standards and regulations.
3. *Smoke and Odor Control:* Smoke and odor shall be controlled by filter, scrubbers, fans, or other means.

4-10-02-04-02 AUCTION YARDS, WITH LIVESTOCK

1. *Minimum Parcel Area:* one (1) acre
2. *Location:* All auction yards shall be located at least fifty (50) feet away from any on-property residence, fifty (50) feet from any right-of-way and five hundred (500) feet from any off-property residence.
3. *Operation in Accordance to County Tax Regulations:* The yard shall operate in accordance with the County Sales and Tax Department Regulations.
4. *Animal Care:* All animals shall be cared for in a humane and sanitary manner as approved by the Colorado Department of Agriculture and the State Veterinarian's Office.

5. *Manure Handling*: Manure shall be handled and disposed of in a sanitary method, approved by Tri-County Health Department.

4-10-02-04-03 *CHEMICAL, PETROLEUM AND EXPLOSIVE MANUFACTURING*

1. *Minimum Parcel Area*: three (3) acres
2. *Fire District Review*: All plans shall be reviewed by the applicable fire district prior to approval in order to determine existing services provide adequate protection for citizens.
3. *Setback from Residential Properties*: Not applicable.
4. *Outdoor Activities Prohibited*: All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.
5. *Security Fence and Fire Proof Building*: The use shall be totally enclosed by a security fence or wall at least eight (8) feet high and enclosed within a fire proof building.
6. *Prohibited Accessory Uses*: Service stations, dwellings, or research laboratories are not considered accessory uses involved in the manufacture and storage of chemicals, petroleum products, or explosives.

4-10-02-04-04 *METAL INDUSTRIES, AUTOMOBILE MANUFACTURING*

1. *Minimum Parcel Area*: three (3) acres
2. *Setback from Residential Properties*: Not applicable.
3. *Outdoor Activities Prohibited*: All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.
4. *Security Fence*: The use shall be totally enclosed by a security fence or wall at least eight (8) feet high.

4-10-02-04-05 *PAPER AND PULP AND SAW MILLS*

1. *Minimum Parcel Area*: two (2) acres
2. *Setback from Residential Properties*: Not applicable.
3. *Outdoor Activities Prohibited*: All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.

4-10-02-04-06 *SALVAGE YARDS*

1. *Screening*: The salvage operations and yards shall be enclosed by a screen fence at least eight (8) feet high, measured from the lowest point of grade. The fence shall be maintained in good condition. No stored materials shall be visible from ground level immediately outside the fence.

2. *Stored Materials:* The applicant shall demonstrate the stored materials will not pose a danger to surrounding properties or residents, due to noise, runoff, animal or insect populations or other factors.
3. *Setback from Residential Properties:* Not applicable.
4. *Additional Conditions:* The Director of Community and Economic Development may add additional conditions in order to protect the general welfare of citizens.

4-10-02-04-07 *RECYCLING FACILITIES, INCLUDING SCRAP TIRE*

1. *Fencing:* An eight (8) foot solid screen fence or security fence, with additional screening material, as approved by the Director of Community and Economic Development, shall enclose all outside storage.
2. *Traffic Control Plan:* Provisions of the traffic control plan shall be followed.
3. *Nuisance Control Plan:* Provisions of the nuisance control plan shall be followed.
4. *Appearance:* All sites shall maintain a clean, neat, and orderly appearance. Stockpiles of materials may only be placed as specified in the design and operation plan.
5. *Recordkeeping:* All operators shall maintain records showing amounts of stockpiled materials both processed and unprocessed that are consistent with the amounts allowed in the Permit. In addition, records containing customer lists and records showing amounts of recycled material shipped off site shall be maintained.
6. *Performance Bond:* Prior to commencing operations, and thereafter during the active life of the facility, and for one (1) year after closure, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. The amount of said bond shall be \$3.00 per tire including unprocessed and processed tire amounts allowed in the Permit for tire recycling facilities and the amount necessary to remove materials from recycling facilities for disposal at an appropriate disposal facility. The amount of the bond shall be calculated to include removal, tipping fees, and transportation costs. Should any corrective actions be required by the County in order to protect the health, safety, and general welfare which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.
7. *Removal of Trash from Right-of-Way:* Operators shall remove trash, or other waste material, of the type which is brought to the facility, along public rights-of-way within one-half (1/2) mile of the facility.

4-10-02-04-08 *SOLID WASTE TRANSFER STATIONS*

1. *Removal of Trash from Right-of-Way:* Operators shall remove trash, or other waste material, of the type which is brought to the transfer station, along all public rights-of-way within one-half (1/2) mile of the facility.
2. *Performance Bond:* Prior to commencing operations, and thereafter during the active life of the facility, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. Said bond shall be sufficient to ensure compliance with operating conditions of the Permit, the amount of which shall be established by the Board of County Commissioners. Should any corrective actions be required by the County in order to protect the health, safety, and general welfare which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.
3. *Environmental Bond:* Prior to commencing operations, and thereafter during the active life of the facility, and for five (5) years after closure, the operator shall post a bond sufficient to ensure compliance with the closure plan, and to effect remedial measures if environmental damage is found to be taking place.
4. *Traffic Control Plan:* Provisions of the approved traffic control plan shall be followed.
5. *Fencing:* Eight (8) foot solid screen fencing or other screening material as approved by the Director of Community and Economic Development shall enclose all transfer stations.
6. *Appearance:* All sites shall maintain a clean, neat, and orderly appearance. Litter, dust, and odors may not leave the boundaries of the site.
7. *Vehicle Parking:* Transfer vehicles may not be parked on public streets.
8. *Vector Controls:* All sites shall maintain vector controls as prescribed by the approved plan.
9. *Storage of Solid Waste:* All solid wastes not transferred within 24 hours shall be stored in closed containers or in totally enclosed buildings. In no case may solid waste be stored longer than seven (7) days.
10. *CDPHE Regulations:* Colorado Department of Public Health and Environment Regulations 6CCR 1007-2, Section 7 are hereby incorporated in these Zoning Regulations.
11. *Non-Conforming Facilities:* All trash transfer stations in existence, or approved through a public hearing process specifically to operate a trash transfer station, prior to the adoption of this amendment, are considered legally non-conforming. Existing trash transfer station owners and operators

meeting said specification will not be required under these regulations to obtain a Conditional Use Permit to continue operations.

4-10-02-04-09 *OUTDOOR STORAGE IN EXCESS OF 100% OF THE BUILDING AREA*

1. All outdoor storage shall be screened in accordance with the fencing, walls, and screening section (see Section 4-09-01-03) of these standards and regulations.
2. All outdoor storage shall not exceed the height of the fence, unless specifically approved by the board of county commissioners as part of the conditional use permit.
3. All outdoor storage shall consist of non-hazardous materials as determined by the Colorado Department of Public Health and Environment.
4. All outdoor storage shall be designed with adequate access areas and shall meet all requirements of the local fire district.
5. Outdoor storage in excess of 100% of the building area within the Industrial-2 and Industrial-3 zone districts shall meet the following:
 - A. Outdoor storage in excess of eighty percent (80%) of the entire lot or 10 acres shall require an approved conditional use permit.
 - B. Outdoor storage consisting of less than eighty percent (80%) of the entire lot or 10 acres shall be considered a use-by-right in the I-2 and I-3 zone district and shall meet the above criteria.

***Adopted by the BoCC on December 13, 2010**

4-10-02-05 LIGHT INDUSTRY

4-10-02-05-01 *GENERAL*

1. *Outdoor Activities Prohibited:* All equipment, material storage, and uses shall be performed or carried out entirely within an enclosed building.
2. *Outdoor Storage:* Materials may be stored outdoors, provided the storage area is consistent with the zone district allowances. All outdoor storage shall be

screened in accordance with the Fencing, Walls and Screening section (See Section 4-10-01-03) of these standards and regulations. ***Adopted by the BoCC on December 13, 2010**

3. *Garbage Storage:* Any garbage storage area located outside shall be screened from the view of the public.
4. *Smoke and Odor Control:* Smoke and odor shall be controlled by filter, scrubbers, fans, or other means.

4-10-02-05-02 AUCTION HOUSES, WITHOUT LIVESTOCK

1. *Minimum Parcel Area:* one (1) acre
2. *Setback from Residential Properties:* All auction houses shall be located at least fifty (50) feet away from any on-property residence, fifty (50) feet from any right-of-way and two hundred (200) feet from any off-property residence.

4-10-02-05-03 DRY CLEANING PLANTS

1. *Minimum Parcel Area:* one (1) acre
2. *Fire District Review:* All plans shall be reviewed by the applicable fire district prior to approval in order to determine the existing services provide adequate protection for citizens.
3. *Setback from Residential Zoning:* Not applicable.
4. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.

4-10-02-05-04 ELECTRONIC, FABRIC, FURNITURE, AND MEDICAL SUPPLY PRODUCTION

1. *Minimum Parcel Area:* one (1) acre
2. *Setback from Residential Properties:* Not applicable.
3. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.
4. *Smoke and Odor Control:* Smoke and odor shall be controlled by filter, scrubbers, fans, or other means.

4-10-02-05-05 FOOD PRODUCT PROCESSING AND MANUFACTURING

1. *Minimum Parcel Area:* one (1) acre
2. *Fire District Review:* All plans shall be reviewed by the applicable fire district prior to approval in order to determine the existing services provide adequate protection for citizens.

3. *Setback from Residential Zoning:* Not applicable.
4. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.

4-10-02-05-06 *LANDSCAPE STORAGE YARD **

1. *Outdoor Storage:* Outdoor storage of rock, soil, mulch, and other non-living landscaping materials, and equipment, is permitted. Equipment and material storage areas must be screened from view from adjacent parcels and road right-of-way by an eight-foot high minimum screen fence. Only products, materials, and equipment owned and operated by the landscape business may be stored on the site.
2. Any nursery which contains ten (10) percent or more of the approved living nursery area for hardscape materials shall be classified as a Landscape Storage Yard. Hardscape includes but is not limited to the storage of rock, soil, mulch, and other non-living landscape materials and equipment.
3. All commercial vehicles and/or equipment in excess of seven thousand (7,000) pounds gross vehicle weight and/or hardscape used for the landscape storage yard business shall be screened from any adjoining residentially zoned or used property with an eight (8) foot solid screen fence in accordance with the approved landscape plan.
4. In all Agricultural Zone Districts no more than two (2) commercial vehicles and/or equipment in excess of seven thousand (7,000) pounds gross vehicle weight used for the landscape storage yard business shall be allowed per acre with a maximum of five (5) unless otherwise permitted through a Conditional Use Permit.

***Adopted by the BoCC on December 13, 2010**

4-10-02-05-07 *ACCESSORY OUTDOOR STORAGE (NOT TO EXCEED 100% OF THE BUILDING AREA)*

1. All outdoor storage shall be screened in accordance with the Fencing, Walls, and Screening section (See Section 4-10-01-03) of these standards and regulations.
2. All outdoor storage shall not exceed the height of the fence, unless specifically approved by the Board of County Commissioners as part of the Conditional Use Permit.
3. All outdoor storage shall consist of non-hazardous materials as determined by the Colorado Department of Public Health and Environment.
4. All outdoor storage shall be designed with adequate access areas and shall meet all requirements of the local fire district.

4-11 OTHER DESIGN STANDARDS AND CONSIDERATIONS**4-11-01 OPEN SPACE RESIDENTIAL DEVELOPMENTS****4-11-01-01 DESIGN STANDARDS**

In order to preserve open space, tree cover, scenic views and other natural features, the Board of County Commissioners may permit a property owner to increase the density of development of an area by as much as fifty percent (50%) and allow a reduction in the minimum size of lots by not more than fifty percent (50%) provided the development conforms to all applicable regulations for residential subdivisions and the following requirements. This reduction is implemented as part of a P.U.D.

4-11-01-02 OPEN SPACE/CONSERVATION AREA REQUIRED

The owner shall commit a minimum of thirty percent (30%) of the property to open space or conservation. No lot committed to open space/conservation shall be less than two (2) acres in area.

4-11-01-03 ACCEPTABLE OPEN SPACE/CONSERVATION AREA

No open area may be accepted as common open space or conservation area within an open space residential development unless it meets the following requirements:

1. The location, size, and character of the common open space/conservation area is suitable for the residential development or agricultural use;
2. The common open space/conservation area is for preservation of natural flora and fauna, amenity or recreational purposes, or agricultural use; and
3. The uses authorized within the open space/conservation area are appropriate to the scale and character of the development, considering its size, density, expected population, topography and the number and type of dwellings provided, or appropriate for agricultural use.

4-11-01-04 IMPROVEMENT OF OPEN SPACE

Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are those appropriate to the uses, which are authorized for the common open space.

4-11-01-05 USE OF OPEN SPACE/CONSERVATION AREAS

No more than twenty-five percent (25%) of the minimum required open space shall be designated for active recreation purposes in order to preserve a reasonable proportion of natural areas on the site. The purposes for which open space areas are proposed shall be documented.

Conservation areas zoned Conservation (CO) may be used based on the use restrictions in said zone district.

4-11-01-06 CONCENTRATION OF OPEN SPACE/CONSERVATION AREAS

Where practical, open space/conservation areas shall be concentrated in large usable areas.

4-11-01-07 CONTIGUITY OF OPEN SPACE/CONSERVATION AREAS

Where possible, open space/conservation areas shall connect to adjacent off-site open space areas and designated greenways. Where the intended use of the conservation area is agricultural, the conservation area shall be connected to adjacent off-site agricultural area.

4-11-01-08 PRIORITIZATION OF OPEN SPACE TYPES

The following list represents the relative desirability of different types of open space/conservation areas, and should be used as the basis for determining the optimum location for open space/conservation areas within a proposed Open Space Subdivision:

1. Critical areas including riparian areas and floodplain.
2. Pastures and farmland currently or traditionally used for agriculture.
3. Trails and greenways.
4. Significant stands of trees.
5. Mature vegetation on ridgelines.

4-11-01-09 CALCULATION OF OPEN SPACE/CONSERVATION AREA

The calculation of open space/conservation areas shall include all common public or privately held open space/conservation areas, but shall exclude all right-of-way for public roads and the easement width for private roads, and storm water facilities. Individual private residential lot areas shall not be included in the open space/conservation area calculation.

4-11-01-10 OWNERSHIP OF OPEN SPACE

Land shown on the final plat as common open space, and landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one of the following:

1. An association of owners shall be formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space acceptable to the County in providing for the continuing care of the space.
2. A public agency or district, which agrees to maintain the common open space and any buildings, structures or other improvements which have been placed on it.

4-11-01-11 OWNERSHIP AND ZONING OF CONSERVATION AREAS

Land shown in the final plat as a conservation area shall be rezoned Conservation (CO) and shall be maintained by and conveyed to one of the following:

1. An association of owners shall be formed and continued for the purpose of maintaining the conservation area. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the conservation area acceptable to the County in providing for the continuing care of the space.
2. A public agency or district, which agrees to maintain the conservation area and any buildings, structures or other improvements, which have been placed on it.

The conservation area may be held in private ownership where the intended purpose of the conservation area is agricultural use. The maintenance of the conservation area in private ownership shall be approved by the Board of County Commissioners based on the appropriateness of the land's continued agricultural use and the adequacy of the proposed maintenance plan.

4-11-01-12 MAINTENANCE OF OPEN SPACE/CONSERVATION AREAS

A maintenance plan shall be submitted and approved as part of the Open Space Subdivision process. The maintenance plan shall meet the landscape and open space/conservation maintenance requirements contained in Section 4-23. Where the Conservation Area is intended to be used for agriculture, the maintenance plan shall be approved by the Conservation District and shall meet the requirements of Section 4-23.

4-11-01-13 **RELATIONSHIP TO PARKS AND OPEN SPACE REQUIREMENTS**

All Open Space Subdivisions shall also meet the parkland dedication requirements of the Adams County Subdivision Regulations. Open space/conservation areas established for the purpose of meeting the requirements of this Section shall not be counted toward the parkland dedication requirements contained in the Adams County Subdivision Regulations.

4-11-02 **NATURAL, AGRICULTURAL, AND CULTURAL RESOURCES PROTECTION**

4-11-02-01 **PURPOSE**

The purpose of the Natural, Agricultural, and Cultural Resources Protection standards is to: (1) provide for the protection of natural, wildlife, agricultural, and cultural resources, which are an essential component of the community's economic base and establish the character of the community; and (2) preserve and enhance the quality of life County residents enjoy.

4-11-02-02 **OVERVIEW**

There are four (4) subsections to accomplish the purpose of this Section.

1. Resources Review
 - a. *Purpose:* The purpose of this subsection is to coordinate the application of all resource protection standards, the standards of the Natural Resources Conservation Overlay (NRCO), and agricultural and cultural resources preservation objectives.
 - b. *Methodology:* This subsection specifies the types of projects for which a Resources Review must be performed, the content of the Resources Review, and the procedure by which projects requiring a Resources Review are processed.
2. Natural Resources Protection and Natural Resources Conservation Overlay (NRCO)
 - a. Individual Protected Resources
 - (1) *Purpose:* The purpose of this subsection is to protect the following individual natural resources:
 - (a) Waterbodies
 - (b) One Hundred (100) Year Floodplains
 - (c) Wetlands

- (2) *Methodology*: The above listed resources and their subcategories are specifically defined by these standards and regulations. The subsection specifies the mechanisms used to protect the identified resources.
- b. Natural Resources Conservation Overlay (NRCO) District
 - (1) *Purpose*: The purpose of the Natural Resources Conservation Overlay District (NRCO) is to protect areas of identified exceptional environmental value, such as wildlife habitat areas, or areas hazardous for development, such as floodplains. The overlay zone district is established as a means of assuring these lands are treated in a particularly sensitive manner so as to protect the associated natural resources.
 - (2) *Methodology*: The NRCO District specifies the mechanisms used to protect the identified resources. Specifically, the standards are established to help assure natural resources are identified and adequate mitigation is implemented in association with development to assure the long-term protection of important habitat for wildlife as a cohesive and functional system throughout the County. Development is to be designed to protect the areas wildlife needs to survive; therefore, development is to be kept outside of the NRCO, as much as possible.
 - (3) *Mapping*: The areas within the NRCO District are shown on the Adams County Zoning Map, which has been adopted as part of these standards and regulations. These boundaries are approximate due both to the scale of the map and the difficulty in identifying vegetation and other land characteristics for a large area.
- 3. Cultural Resources Preservation
 - a. *Purpose*: The purpose of this subsection is to identify and protect important cultural resources in association with proposed development.
 - b. *Methodology*: This subsection describes what cultural resources are significant and a series of mechanisms and their objective of cultural resources protection.
- 4. Agricultural Preservation:
 - a. *Purpose*: The purpose of this subsection is to identify the mechanisms in these standards and regulations and otherwise utilized by Adams County for the purpose of promoting agricultural preservation.
 - b. *Methodology*: This subsection describes the following mechanisms and their objective of agricultural preservation. These mechanisms include agricultural district zoning, conservation district zoning, land uses permitted in agricultural zone districts, exemptions for regulations for agricultural uses, and open space subdivision standards.

4-11-02-03 RESOURCES REVIEW

4-11-02-03-01 **PURPOSE**

This subsection establishes a Resources Review to coordinate the application of all resource protection standards, the standards of the Natural Resources Conservation Overlay District (NRCO), and agricultural and cultural resource preservation objectives. This subsection further defines the methodology and standards for conducting the Resources Review. The review shall identify the natural, scenic, cultural, and agricultural resources defined in these standards and regulations, and describe how the proposed development will be designed in order to preserve these resources and to meet the standards of this subsection.

4-11-02-03-02 **APPLICABILITY**

All development proposals subject to the provisions of the NRCO District, and any activity, including subdivisions, which disturb an area of one (1) acre or more, shall comply with the provisions of this subsection unless specifically exempted below.

4-11-02-03-03 **EXEMPTIONS**

The following activities and development shall be exempt from this subsection.

1. *Agriculture*: Activities conducted for agricultural purposes.
2. *Development within an Approved Project*: All development pursuant to a project approval already received from Adams County.
3. *Single-Family Home*: Development of a single-family home provided:
 - a. The location proposed for the single-family home is not within the NRCO;
 - b. The single-family home is the only residence on the individual lot or parcel or the density on the site is less than or equal to one (1) dwelling unit per thirty-five (35) acres of base site area; and
 - c. The application for development demonstrates compliance with all setback/buffer standards specified in the Individual Protected Resources and NRCO District subsections of these standards and regulations.
4. *Expansion*: Expansion of an existing building or the addition of an accessory structure to a residential single-family dwelling.

4-11-02-03-04 **METHODOLOGY**

1. *General Content*: A Resources Review shall describe the existing conditions of the property, describe the development proposal and the rationale for the

location of proposed open space, if applicable, and a description of how the proposal meets all the applicable standards and objectives of this Section and the Adams County Comprehensive Plan.

2. *Site Specific Content:* A Resources Review for all proposed developments not otherwise exempted, shall contain the following components, as applicable to the property proposed for development and the proposed project.
 - a. *Individual Protected Resources Component:* The Resources Review for property containing protected resources shall contain an individual protected resources component including maps and/or plans depicting the location of water bodies, one hundred (100) year floodplains, and wetlands. This component also shall describe the level to which all resources are either conserved or developed, depict the setbacks/buffers of all resources for which setbacks/buffers are required, and contain a mitigation plan, if applicable.
 - b. *NRCO Component:* A Resources Review shall contain a NRCO component including a site specific review identifying the location of areas used by wildlife as habitat or migration routes and any area protected by the NRCO District, and plans identifying how the proposed development on the land complies with the standards of the NRCO District.
 - c. *Cultural Resources Component:* A Resources Review shall contain a cultural resources component including a written review of the proposed development, depicts the locations of all cultural resources and includes plans identifying how the proposed development on the land complies with the standards of the Cultural Resources subsection.
 - d. *Agricultural Component:* A Resources Review shall contain an agricultural component identifying the location of agricultural land and describes related agricultural operations, such as irrigation practices, occurring on the land.
3. *Recommendations:* A Resources Review shall contain recommendations for mitigating any negative impacts of the proposed development on the natural, cultural and agricultural resources. The review also shall contain recommendations for resolving conflicting objectives when the Resources Review identifies areas where such conflicts exist.
4. *Priorities:* In reviewing and approving, approving with conditions, or denying an application containing lands regulated by more than one (1) resource category, the Standards for Development in the NRCO District shall be achieved to the maximum extent practical first. The requirements of the individual protected resources shall generally receive second priority but may receive first priority in instances where the individual protected resource would be greatly damaged by development and the damage can be avoided by a change in development design creating a minimal impact to the NRCO.

5. *Professional Consultant(s) Required:* The Resources Review shall be prepared by one (1) or more professionals who have been certified as "qualified" by the Community and Economic Development Department. Individuals may be certified to prepare one (1) or more components of a Resources Review depending upon their qualifications. Each professional shall be deemed qualified by the Department of Community and Economic Development based on education, professional certifications, experience in the field, and their understanding of these standards and regulations, and the Adams County Comprehensive Plan. The Department of Community and Economic Development may form a multi-departmental committee to assist in the certification of consultants.
6. *Selection of Consultant(s):* The County shall maintain a list of qualified professional consultants. The developer of a project requiring a Resources Review shall select one (1) or more individuals from the list of certified consultants to prepare the review. The County also can select a consultant from the same list to review the work of the developer's consultant. In these instances, the County's consultant shall be paid by the County.

4-11-02-03-05 *PROCEDURE*

The Resources Review shall be consolidated and considered with the review necessary to obtain the first development permit for the proposed development for which the review is conducted.

4-11-02-04 INDIVIDUAL PROTECTED RESOURCES AND NRCO DISTRICT

4-11-02-04-01 *PURPOSE*

Waterbodies and wetlands provide critical functions in controlling flood waters, providing wildlife habitat, cleansing water resources and contributing to the special scenic quality of Adams County. Reserving the one hundred year (100) year floodplain protects against the loss of life and property during flood events. The purposes of this Section are to define critical resources, and establish protection standards for waterbodies, floodplains and wetlands.

4-11-02-04-02 *INDIVIDUAL PROTECTED RESOURCES (WATERBODIES, ONE HUNDRED (100) YEAR FLOODPLAINS, AND WETLANDS)*

1. *Purpose:* This Section establishes the protection standards for waterbodies, floodplains, and wetlands, in order to protect the community as a whole from potential negative impacts caused by development which may affect these resources or their functions. This Section prohibits development on and within a certain distance of these resources.

2. Resource Definitions

- a. *Waterbodies*: "Waterbodies" means natural features or manmade reservoirs (i.e., rivers, streams, lakes), which convey or contain surface water.
 - b. *River*: "River" means the South Platte River and Clear Creek.
 - c. *Stream*: "Stream" means a body of running water which is neither one of the identified rivers nor an irrigation ditch, and has one (1) or more of the following characteristics:
 - (1) Has an average annual flow of three (3) cfs or greater including return water from subirrigation practices.
 - (2) Provides a habitat area for one (1) or more species of fish or waterfowl.
 - d. *Natural Lake/Pond*: A "natural lake/pond" means a body of standing water, usually at least six (6) feet deep, which was created by natural processes.
 - e. *Riparian Plant Community*: Riparian plant communities associated with watercourses in Adams County shall be delineated using "Riparian Community Type Classification of Colorado", USDA Forest Service, 1990.
 - f. *Floodplains*: "Floodplains" means land adjacent to a watercourse which is subject to flooding as a result of the occurrence of the 100-year or one percent (1%) frequency flood of a watercourse. Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.
 - g. *Wetlands*: "Wetlands" means an area where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. Delineation of wetlands in the County shall be according to the 1989 Army Corps of Engineers definition of jurisdictional wetlands. This definition excludes irrigation induced wetlands.
3. *No Development or Setbacks/Buffers Required*: Due to the risk of severe negative impacts on the community at large, if waterbodies, floodplains, and wetlands are wholly or partially developed, and the necessity to protect the natural functions of these resources, development of these resources is prohibited in most cases and a setback/buffer is required.
4. *Development Prohibited*: Development in waterbodies, the one hundred (100) year floodplain, wetlands, and significant wildlife habitat is prohibited except for essential facilities as specified below.

- a. Setback/Buffers Required
 - (1) *Measurement*: Setbacks shall be measured from the mean high water or top of bank, whichever is farthest from the thread of the watercourse or the center of the waterbody.
 - b. Setback/Buffer Definitions
 - (1) *Buffer*: The area protected by the setback is the "buffer" and shall remain free from development, parking, open storage of vehicles, refuse, or any other material. Terrain disturbance for bona fide agricultural purposes, flood protection, wildlife habitat enhancement, or pathways are permitted in the buffer upon receipt of applicable permits.
5. *Minimum Setback/Buffer Required*: All development is required to be setback from specified resources as follows:
- a. *Rivers*: Minimum one-hundred-fifty (150) feet.
 - b. *Streams*: Along streams, development shall be located out of the riparian plant community, but in no case shall the required setback be less than fifty (50) feet nor more than one hundred-fifty (150) feet.
 - c. *Natural Lake/Pond*: Adjacent to natural lakes or ponds, development shall be located out of the riparian plant community, but in no case shall the required setback be less than fifty (50) feet nor more than one hundred-fifty (150) feet.
 - d. *Wetlands*: Minimum fifty (50) feet.

4-11-02-04-03

DEVELOPMENT OF ESSENTIAL FACILITIES

- 1. *Essential Facilities in or Adjacent to Waterbodies and Floodplains*: Certain water dependent uses must be located in or adjacent to waterbodies and/or in floodplains. These may be permitted provided all structures meet the following requirements:
 - a. *Flood Control, Irrigation, or Essential Crossings*: Only structures, which are essential to flood control, irrigation or essential road or utility crossings, shall be permitted.
 - b. *Not for Human Habitation*: Structures in the floodplain shall not be intended or designed for human habitation.
 - c. *Elevation of Structures and Utilities*: Any generally horizontal element not part of the support structure shall be at least one (1) foot above the one hundred (100) year flood elevation. All service and utility connections, such as electrical and heating equipment, water, sewer, electric, or gas, shall be similarly located.

- d. *Floodway*: Except for crossings for access, no structures shall intrude into the floodway.
 - e. *Minimum Obstruction of Flood Waters*: Structures constructed in the flood fringe shall not cause any rise more than one-half (1/2) foot in the 100-year water surface elevation and structures constructed in the floodway shall cause zero (0) feet of rise. Should a development cause more rise than allowed, a Conditional Letter of Map Revision (CLOMR) shall be submitted. Any increase in flood height shall be confined to the subject property and shall cause no increase in the flood height on adjacent properties.
 - f. *Compliance with Floodplain Overlay District*: All development within the floodplain shall comply with the Adams County Floodplain Overlay District standards. In the event of a discrepancy between the Floodplain Overlay District standards and these standards, the more stringent standard shall control.
 - g. *Minimize Negative Impacts on Wildlife*: All development shall be designed to minimize negative impacts on wildlife.
 - h. *Fill in Floodplains*: Fills or deposition of materials in floodplains may be allowed provided the following standards are met:
 - (1) Fill shall be allowed only for essential crossings, water dependent uses, or flood control.
 - (2) No fill shall be in the floodway or within twenty (20) feet of the floodway.
 - (3) Fill or other materials shall be protected against erosion by riprap, vegetative cover, sheet piling, or bulkhead sufficient to prevent erosion.
 - (4) Fill shall be clean and compacted to minimize erosion potential.
2. *Essential Facilities in or Adjacent to Wetlands*: Wetlands may be developed under the following circumstances. Notwithstanding, receipt of a local permit for developing wetlands does not absolve a developer from obtaining all other State or Federal permits necessary to develop wetlands.
- a. *High-Intensity Use Degrades Wetland/Wetland Agriculture-Induced*: Where the intensity of adjoining uses causes the retained wetlands to become degraded habitats and the wetland area is suitable for development due to planning, location, and other factors, or where the wetland is induced by agricultural irrigation, a wetland may be developed.
 - b. *Necessary to Reshape Wetland to Provide Building Site*: Where, due to parcel shape and interaction with topography, it is necessary to reshape the wetland boundary to provide a building envelope, a wetland may be

redeveloped. Filling up to five (5) percent of the wetland on the parcel, not to exceed one (1) acre, is permitted.

- c. *No Alternate Site*: Development shall be permitted only where it is demonstrated the proposed activity cannot be practically located at an alternative, non-wetland site.
- d. *Practical Measures to Reduce Impact*: It shall be demonstrated reasonable project modification measures have been taken to reduce wetland loss and degradation.
- e. *On-Site Mitigation Wherever Possible*: On-site mitigation shall be provided wherever possible. On-site mitigation shall be at a ratio of one and one-half (1.5) acres of new wetland for every one (1) acre of wetland filled. All off-site mitigation shall be at a ratio of two and one half (2.5) acres of new wetland for every one (1) acre filled. It shall also be demonstrated these new wetlands will restore lost wetland functions and values.
- f. *Wetland Replanting*: The new wetland area shall be planted with a hydric tolerant mix of seeds in suitable areas, wetland plants, and suitable seed bank soils. A wetlands biologist, or other professional with experience in wetland creation, shall certify the planting plan.
- g. *Persistence*: It shall be demonstrated the created or restored wetland will be at least as persistent as the impacted wetland system it replaces.
- h. *Buffers*: Buffers shall be provided around wetlands created pursuant to this subsection.

4-11-02-04-04 *NATURAL RESOURCES CONSERVATION OVERLAY (NRCO) DISTRICT*

See Chapter 3 for NRCO District standards and open space requirements.

4-11-02-05 AGRICULTURAL RESOURCES PRESERVATION

4-11-02-05-01 *PURPOSE*

Ranching and farming are agricultural uses, which formed the original basis for the communities in Adams County. In all areas of the County, the agricultural industry is threatened by residential development and urbanization. Paradoxically, much of the attraction for residents of Adams County is the open space created by agricultural operations, the very operations threatened by increasing urbanization. The purpose of this Section is to identify the mechanisms in these standards and regulations, which have been adopted for the purpose of promoting agricultural preservation.

4-11-02-05-02

SUMMARY OF MECHANISMS TO PROMOTE AGRICULTURAL PRESERVATION

The following mechanisms are available through application of these standards and regulations as incentives for land in Adams County to be maintained in agricultural production.

1. *Agricultural Assessment*: By Colorado Statute, agricultural uses in Adams County do not pay property taxes on the market value of land upon which they are located. If they did, agriculture in Adams County would have disappeared long ago. Agricultural assessments are a conscious decision in order to retain agriculture for as long as possible.
2. *Open Space Subdivisions and P.U.D.s*: Developments in the Agricultural Districts are required to cluster homes and to provide either thirty percent (30%) or sixty percent (60%) open space. If the property proposed for development has an existing agricultural operation, or a land owner wishes to establish an agricultural operation on the portion of the property proposed as open space, agriculture is an accepted and encouraged use of the required open space.
3. *Agricultural Zoning Density*: Developments in the Agricultural Districts are kept at a low density. Residential development and agriculture are generally incompatible. The more the permitted form of development can either prevent or mitigate such conflicts, the more likely it is that agricultural operations can continue. Low development densities can help to mitigate some conflicts.
4. *Agricultural Land Uses*: Certain uses generally compatible with agricultural uses have been permitted in the Agricultural Districts in order to provide opportunities for agricultural families to diversify their income base, yet retain their primary way of life--agriculture. The following uses have been permitted in the Agricultural Districts, in many cases, specifically to promote agriculture: Agricultural employee housing, mobile home, nurseries, bed and breakfasts, agricultural support and service uses, produce stands, campgrounds, outdoor recreational uses, home businesses, cottage industries including small food manufacturing operations, etc.

4-11-02-05-03

STANDARDS

Any conversion of agricultural land shall comply with the following standards.

1. *Site Evaluation*: Farm and ranch lands shall be assessed according to the USDA Agricultural Soil Capability Classifications. The site shall be mapped and the soils with the lowest classifications shall be developed first.
2. *Agricultural Connectivity and Efficiency*: Agricultural lands or operations proposed for development shall be reviewed to determine what impacts

the proposed development will have on the continued agricultural use of the undeveloped portions of the tract. Development shall be located so as to ensure the agricultural continuity is maintained and the remaining agricultural tracts are able to be used efficiently.

4-11-02-06 CULTURAL RESOURCES PRESERVATION

4-11-02-06-01 **PURPOSE**

The purpose of this subsection is to identify and protect important cultural resources in association with proposed development.

4-11-02-06-02 **METHODOLOGY**

A survey for important cultural and historic resources meeting the criteria of the Colorado State Historic Preservation Office (SHPO) shall be conducted in all cases where more than five (5) acres will be disturbed. The survey shall meet the requirements of the SHPO and be conducted by a professional approved to conduct historic and cultural resource surveys by the SHPO Office.

4-11-02-06-03 **STANDARDS**

1. *No Development or Setbacks/Buffers Required:* Due to the risk of severe negative impacts to cultural resources from development, and the necessity to protect these historic resources for future generations, development which would destroy the historic and cultural significance of these resources is prohibited in most cases and a setback/buffer is required.
2. *Development Prohibited:* Development of a site, which would result in the destruction of a cultural or historic resource, is prohibited except as specified below.
 - a. *Use Degrades Value:* Where the intensity of adjoining uses cause the retained resource to be placed at significant risk or to become degraded, the resource may be relocated or excavated pursuant to a plan approved by the SHPO.
 - b. *Necessary to Reshape the Land to Provide Building Site:* Where, due to parcel shape and interaction with topography, it is necessary to remove the resource in order to develop the remainder of the site, the resource may be relocated or excavated pursuant to a plan approved by the SHPO.
 - c. *Practical Measures to Reduce Impact:* It shall be demonstrated all reasonable project modification measures have been taken to reduce the chance of loss and degradation.

3. *Setback/Buffers Required:* A setback from all identified resources shall be provided.
 - a. *Measurement:* Setbacks shall be measured from the boundaries of the resource identified.
 - b. *Setback/Buffer Definitions*
 - (1) *Buffer:* The area protected by the setback is the "buffer" and shall remain free from development, parking, open storage of vehicles, refuse, or any other material.
 - c. *Minimum Setback/Buffer Required:* All development is required to be setback from identified cultural resources by at least one hundred (100) feet unless an alternative setback is justified by the Resource Review Recommendations.
 - d. *Setback Standards from Section Lines and Section Line Roads:* Setbacks from Section Lines and Section Line Roads shall be one hundred (100) feet from the right-of-way centerline or the Section Line where a road right-of-way is not established. The Section Line and Section Line Road setback may be varied at the discretion of the Director of Community and Economic Development where the Director of Community and Economic Development determines:
 - (1) A new Section Line Road could not be reasonably aligned within one hundred (100) feet of the Section Line;
 - (2) The existing Section Line Road can be reasonably expanded within the existing right-of-way;
 - (3) The existing right-of-way is adequate for construction of a new Section Line Road; or
 - (4) Due to the prevailing development pattern, future road construction or expansion is generally precluded such that the setback would have limited or no effect on future road expansion or construction options.

In no case shall the Director of Community and Economic Development reduce the setback below the minimum right-of-way setback required within the applicable zone district.

4-12 PARKING, LOADING, AND CURB CUT REQUIREMENTS

4-12-01 APPLICABILITY

Off-road parking and loading requirements in all new developments shall comply with the general access, circulation, and parking standards set forth in this Section.

4-12-02 GENERAL STANDARDS

4-12-02-01 SAFETY BARRICADES

A curb, rail, fence, guard, or other continuous safety barricade of a height or design sufficient to retain vehicles within the parking area shall be provided except for single-family residences and duplexes.

4-12-02-02 COMMERCIAL AND INDUSTRIAL PARKING LOT SCREENING/FENCING REQUIRED

For each boundary line of a commercial or industrial parking area abutting directly on a residential lot a wall, fence, or screen planting of a year-round nature shall be installed at least forty-eight (48) inches high to serve as a barrier for passage of persons and waste material, to conceal glare from headlights, and to reduce noise, fumes, and pavement heat.

4-12-02-03 PLANTINGS PROTECTED

Wheel or bumper guards shall be located so no part of any vehicle extends beyond the boundary lines of the parking area or comes in contact with walls, fences, plantings, or any other structures.

4-12-02-04 PARKING AREA LANDSCAPING REQUIREMENTS

Parking areas are required to meet standards for landscaping within the parking area and around the perimeter of the parking area. Landscaping requirements are found in Section **Error! Reference source not found.** of these standards and regulations.

4-12-02-05 SURFACE OF PARKING AREA

Except for agricultural areas, off-road parking areas shall be surfaced and maintained with a portland or asphalt concrete surface, or other suitable surface as determined by the

Director of Community and Economic Development. Drainage shall be subject to the approval of the Director of Community and Economic Development.

The surface of the parking area shall be maintained with the following minimum requirements:

1. Potholes shall not exceed six (6) inches deep or six (6) inches wide.
2. Cracks shall not exceed three (3) inches in width.
3. The parking area shall be maintained in a weed free condition pursuant to Section 4-16.
4. All striping shall be evident at the property line.

4-12-02-06 DESIGN AND LAYOUT OF PARKING LOTS

Parking stall designs, driveways, and other details of a plan for parking shall be subject to the approval of the Director of Community and Economic Development.

4-12-02-07 LIGHTING

Any lighting used to illuminate required off-road parking areas shall be arranged in conformance with the following:

1. Lights shall be shielded so directly emitted light shall not shine directly onto surrounding properties;
2. Light shall be arranged so neither direct nor reflect light may create a traffic hazard and no color light(s) may be used in a manner which would be confused with traffic control devices;
3. No blinking, flashing, rotating or otherwise animated lights shall be permitted except temporary holiday lighting displays or safety devices required by federal, state, county or local regulations;
4. The maximum lighting level shall not exceed one (1.0) foot-candle for parking areas and twenty (20.0) foot-candle in loading areas and unloading platforms; and
5. Light levels measured twenty (20) feet beyond the property line shall not exceed one-tenth (0.1) foot-candle as a direct result of on-site lighting.

4-12-02-08 SIGNS

Only signs indicating entrances and exits or designating conditions of use, direction, or identification shall be maintained within a parking area. Signs indicating entrances, exits, or conditions of use shall not exceed four (4) square feet in area, nor shall there be more than one (1) such sign for each entrance or exit.

4-12-02-09 ENTRANCES AND EXITS, CURB CUTS, CURB RETURNS:

All curb cuts are subject to approval of the Director of Community and Economic Development or the Colorado Department of Transportation for State Highways and are not a use by right. Their placement, size, use, signing, and construction shall conform (at the developer's expense) to the Director of Community and Economic Development written requirements. An Access Permit for all entrances, curb cuts, and curb returns shall be obtained from the Director of Community and Economic Development.

4-12-02-10 EXPANSION OR ENLARGEMENT OF USE

Whenever any building or use is enlarged in height or in ground coverage, off-road parking for said expansion or enlargement shall be in accordance with the requirements of these standards and regulations.

4-12-03 SINGLE AND TWO FAMILY DWELLINGS

4-12-03-01 GENERAL

Off-road parking for one and two family dwellings shall be designed to meet the following objectives:

1. Provide an adequate number of parking spaces for the use.
2. Minimize conflicts with traffic on adjacent roadways.

4-12-03-02 AMOUNT OF PARKING REQUIRED

One and two family dwellings shall provide a total of two (2) off-road parking spaces per dwelling unit.

4-12-03-03 ACCESS TO PARKING

Access to the off-road parking shall comply with the provision of these standards and regulations, including but not limited to, the following:

1. Obtaining an Access Permit.
2. Limiting the number and spacing of accesses based on the functional classification of the roadway.

4-12-03-04 PAVED PARKING REQUIRED

Whenever an access to off-road parking spaces is adjacent to a paved road, the access shall be paved with asphaltic concrete, concrete, or similar material from the edge of the roadway to the right-of-way line for the roadway.

4-12-04 MULTI-FAMILY RESIDENTIAL AND NON-RESIDENTIAL**4-12-04-01 GENERAL**

Off-road parking for multi-family and non-residential developments shall be designed to meet the following objectives:

1. Provide for the safe and convenient movement of vehicles, bicycles, and pedestrians to and from the site and through the site.
2. Efficiently provide an adequate number of parking spaces for the site.
3. Minimize the interference of drive-in facilities and loading zones with access and circulation within the site.

4-12-04-02 ACCESS STANDARDS

Parking areas shall be designed with clearly defined and unobstructed points of ingress and egress rather than continuous access from an adjacent roadway. No parking space or lot will be permitted which would require a vehicle to back into the roadway to exit the space or lot.

Entrances and exits to the parking lot shall be sited with the objectives of minimizing disruption to traffic flows on the access road. When a parking lot is adjacent to both an arterial road and a road of lower functional classification such as a collector, access shall be from the lower classification road to avoid interfering with the primary function of the arterial road, which is to move traffic rather than to provide access.

When entrances and exits must be located off of higher classification roads, they shall be sited so as to create the least interference with intersections and to preserve the traffic carrying capacity of the road. Speed change lanes or auxiliary lanes shall be provided if required by the Director of Public Works. Wherever possible, entrances and exits shall be separated from intersections per the criteria set forth in Chapter 8 of these regulations.

Entrances and exits to the parking lot should also be sited with the objective of minimizing conflicts within the parking lot and encouraging efficient circulation patterns. The property owner is responsible for all maintenance of the access to and from a public right-of-way.

In cases where there are adjacent and compatible land uses, parking areas shall be designed with circulation between the uses in mind, providing internal connections between the parking areas for the adjacent uses.

4-12-04-03 SPACES REQUIRED

In connection with every institutional, commercial, and industrial use, there shall be provided, at the time any building or structure is erected, enlarged, or increased in capacity, off-road parking spaces in accordance with the following requirements:

Use	Minimum Required Off-Road Parking Spaces
Art galleries	1 space for each 300 sq. ft. of gross floor area
Auditoriums, assembly halls, theaters	1 space for each 4 seats or 1 space for each 40 sq. ft. of floor area available for the accommodation of movable seats in the assembly room, whichever is greater
Auto repair shops	2 spaces for each service bay
Banks and other financial institutions	1 space for each 200 sq. ft. of gross floor area used by general public and 1 space for each 600 sq. ft. not used by general public
Bed and breakfast inns	1 space per rental unit and 1 space per 4 employees
Boarding houses	1 space for each rental unit
Car wash, automatic or self-service	5 spaces per bay automatic and 2 for self-service
Churches	See "Places of worship"
Clubs and lodges	1 space for 200 sq. ft. of gross floor area used by the general public or membership and 1 space for every 600 sq. ft. not used by the general public or membership
Colleges and universities	as determined by Director of Community and Economic Development
Commercial dormitory	1 space for each rental unit
Contractor's offices	1 space for each 10,000 sq. ft. of gross floor area
Contractor's yards, building	1 space for each 10,000 sq. ft. of yard materials, storage
Convalescent centers	1 space per 4 beds plus 1 space for each 2 staff members
Correctional facilities	Sufficient spaces to supply 1 space for each employee per shift and 1 space for every 5 occupants. The requirement may be modified with the use permit.
Day care facility	1 space for each employee on a major shift, plus 2 drop off spaces for patrons
Dormitories, fraternity, and sorority houses	1 space for each 2 beds

Dwellings	
Single family	2 spaces for each dwelling unit
Two-family	2 spaces for each dwelling unit. The Planning Commission may require up to 1 space for every 2 units for visitor parking.
Multifamily	
Studio/ Efficiency	0.75 spaces per unit type
1 Bedroom	1.0 spaces per unit type
2 Bedroom	1.5 spaces per unit type
3+ Bedroom	2.0 spaces per unit type
Visitor	Minimum of 15% of the required parking shall be provided for visitors in addition to the minimum required off-road parking
Efficiency units	1 per unit
Retirement communities, elderly housing	1 space for every 2 multi-family units plus 1 space for each 4 staff members whose work is associated with the units or with the occupants of the units. 1 space for each single-family unit
Fairgrounds	1 space for each 600 sq. ft. of gross floor area
Funeral homes	1 space for each 4 seats in chapel
Golf courses	Based on review by the Director of Community and Economic Development considering site size, topography and supporting facilities
Government buildings	Based on review by the Director of Community and Economic Development considering site size, topography and supporting facilities
Hospitals	1 space for every 2 beds; 1 space for each doctor and nurse; and 1 space for every 4 additional employees
Hotels	1 space per rental unit
Junk yards	1 space plus 1 space for each 10,000 sq. ft. of yard
Laboratories, research	1 space per 1,000 sq. ft. of floor and area facilities
Manufacturing, processing, assembly, distribution, bottling works, machine shop, metal, wood-working, plumbing, electrical, printing shop, roofing shop	1 space for each 1,000 sq. ft. of floor area
Medical, dental and similar offices	4 spaces for each doctor or nurse and 1 space for each employee
Meeting rooms, exhibit halls	1 space for each 4 seats or 1 space for each 40 sq. ft. of floor area available for the accommodation of movable seats or exhibits
Mobile home park	2 spaces for each mobile home site
Motels	1 space per rental unit

Museums	1 space for each 300 sq. ft. of gross floor area
Night clubs	1 space for each 3 seats
Offices	1 space for each 300 sq. ft. of gross floor area
Nursing homes	See: "Convalescent center"
Places of worship	1 space for every 5 seats
Radio, TV recording studio	1 space for each 300 sq ft of gross floor area
Recreation, indoor	Based on review by the Planning Commission considering site size, topography and type of use
Recreation, outdoor	Based on review by the Planning Commission
Restaurants, cafeterias, dining rooms including drive-up windows	1 space for every 3 seats
Retail spaces or other unspecified	See: "Service establishments"
Schools	
Kindergarten, elementary	1 space for each classroom and 1 space per 300 sq. ft. of administrative office space
High school, college, vocational, business	6 spaces for each classroom and 1 space per 300 sq. ft. of administrative office space
Service establishments and retail	
Dealing infrequently with public such as furniture repair, secretarial services.	1 space for each 600 sq. ft. of gross floor area
Dealing frequently with public such as barber shops, beauty shops, laundromats, video stores, drug stores, groceries, etc.	1 space for each 200 sq. ft. of gross floor area
Transportation terminals	
Freight	1 space per 1,000 sq. ft. of gross floor space
Passenger	1 space per 200 sq. ft. of gross floor space
Veterinary establishments	4 spaces for each doctor and 1 for each employee
Warehouses	1 space for each 5,000 sq. ft. of gross floor area
Wholesale establishments	1 space for each 900 sq. ft. of gross floor area

4-12-04-04 PARKING LOT LAYOUT

1. In general, surface parking lots shall be beside or behind the land use they serve. Circulation patterns around parking lots can be established using various stall types, angled parking, one or two-way drive aisles, signing, or pavement marking.

2. Parking Stall Options by Type. Required parking may choose the following mix of parking stalls types and sizes:
 - a. Standard stalls: up to 100% of total required parking;
 - b. Compact stalls: up to 20% of total required parking;
 - c. Micro stalls: up to 5% of total required parking.
3. Fraction: If the calculation of the number of vehicular parking spaces in the Table 8.10-1 Table of Vehicular Parking Spaces contains a fraction, such number shall be rounded up or down to the next whole number:
 - a. Fractions less than one-half (.5) shall be rounded down to the whole number; and
 - b. Fractions which are one-half (.5) and greater shall be rounded up to the next higher whole number.
4. Motorcycle stalls: Automobile parking requirements may be reduced one (1) space for every four (4) motorcycle spaces, provided up to a maximum five (5) percent of the total required automobile spaces.
5. Tandem Stalls.
 - a. Tandem parking may be permitted for up to fifty percent (50%) of the total residential parking requirement of multifamily developments if all of the following criteria are met:
 - i. Each residential unit may have only one (1) tandem parking stall (equaling two (2) parking spaces) for each multifamily dwelling unit requiring two (2) parking spaces.
 - ii. Ingress and egress for the tandem parking stalls do not interfere with the safety of residents or adjacent property owners, and the functionality of adjacent parking.
 - b. For calculating the percentages of allowed parking stall options: Tandem parking is equivalent to two (2) standard parking spaces.
 - c. Design Standards.
 - i. Tandem parking stalls are permitted when their size equals two (2) standard stall dimensions (9 feet by 37 feet), and when storage space is provided in the garage area for items which typically occupy garage space (e.g. bicycles, garbage cans and other gear).
 - ii. Parking spaces are assigned to each unit in the development.
 - iii. Adequate visitor parking is provided.
 - iv. Tandem parking shall not be used for the storage of boats, trailers, recreational vehicles, or materials.
6. Parking Stall Length in Surface Parking or Non-Parallel Parking. Parking stalls which have low landscape or additional hardscape (such as a raised walkway) at the head of the stall,

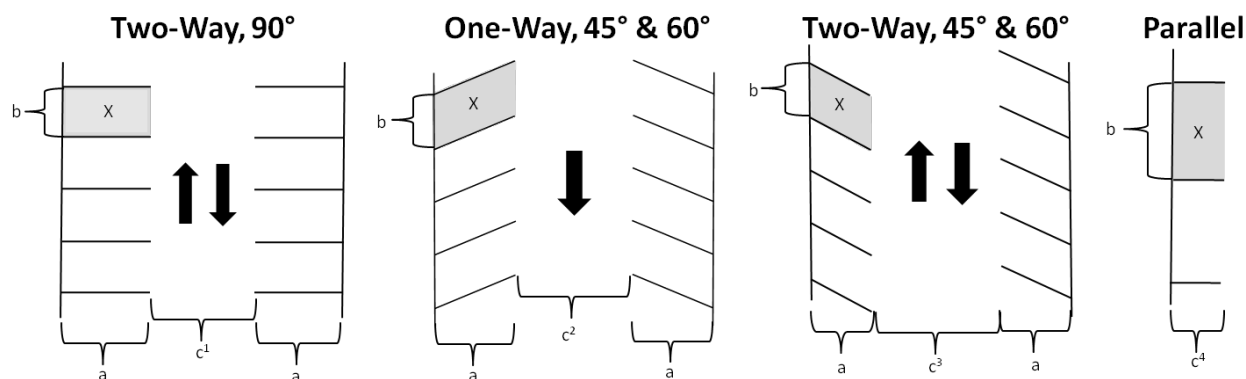
may reduce the paved portion of the stall length by two (2) feet as long as the vehicle can hang into the landscape or hardscape by two (2) feet without reducing or impacting pedestrian walkway widths or the proposed landscape. Vehicle overhang must be indicated on all construction drawings using this technique.

7. Location Criteria.

- a. Head-in Compact and Micro stalls may not be located on a fire lane unless their length is equivalent to a Standard stall;
- b. Single loaded parking stall lengths and the fire lane widths are equal to at least thirty seven (37) feet with two (2) lanes that are a minimum of nine (9) feet wide;
- c. Double loaded parking stall lengths and fire lane widths are equal to at least fifty-six (56) feet with two (2) lanes that are a minimum of nine (9) feet wide; or, as otherwise approved by the Director.
- d. Parking spaces which are closest to the building's entrances shall not be Compact spaces.
- e. Motorcycle spaces shall be located according to the same criteria and standards that are applicable to Micro parking spaces.
- f. Visitor parking shall be provided in a location that is convenient to visitors and shall be accessible at all times. Visitor parking shall not be located within a secured private or common parking garage that requires a key, handset, or other electrical or mechanical device to gain access to such spaces.

4-12-04-05 **PARKING SPACE SIZE**

Standard parking spaces shall conform to the dimensions shown on the following table:



Stall Type ¹	Angle	Stall Size (x)	Stall Length (a)	Stall Width (b)	Automobile Drive Aisle Width ^{2,3}			
					Two-Way, 90° (c ¹)	One-Way (c ²)	Two-Way, Angled (c ³)	Parallel (c ⁴)
Standard	90°	18.5' x 9'	18.5'	9'	24'	-	-	-

	60°	18.5' x 9'	20.5'	7'	-	18'	22'	-
	45°	18.5' x 9'	19.5'	6.5'	-	18'	20'	-
<i>Compact</i>	90°	16' x 8'	16'	8'	22'	-	-	-
	60°	16' x 8'	18'	7'	-	18'	20'	-
	45°	16' x 8'	17'	5.5'	-	18'	20'	-
<i>Micro</i>	90°	12' x 7'	12'	7'	18'	-	-	-
	60°	12' x 7'	14'	6'	-	16'	18'	-
	45°	12' x 7'	13.5'	5'	-	16'	18'	-
<i>Parallel</i>	-	20' x 7'	-	20'	-	-	-	7'
<i>Motorcycle</i>	-	8' x 4'	-	-	Shall meet Automobile Drive Aisle Width			

¹ When wheelstops are provided, they shall be positioned eighteen (18) inches into the parking stall. Wheelstops shall not be used in conjunction with curbs.

² The automobile drive aisle width is based on the largest stall type and its required drive aisle width when a mix of stall types is utilized along a drive aisle.

³ Drive aisle widths may be modified for emergency access as required by the adopted Fire Code.

4-12-04-06 PARKING FLEXIBILITY OPTIONS AND ADJUSTMENTS

The intent of providing flexible standards and adjustments to parking requirements in order to provide methods, incentives and techniques that will enable development to decrease the reliance on the automobile, diminish the percentage of land dedicated to parking and reduce the amount of parking needed to support the development while providing adequate parking for the its uses and users in order to minimize spillover into adjacent neighborhoods.

4-12-04-06-01 PARKING FLEXIBILITY

The total or a portion of the required off-road parking spaces may be provided through alternative measures including:

1. Off-Site Parking. Required parking may be provided by off-street parking within six hundred (600) feet of the development for which the parking is required. Off-site parking may be shared between multiple uses if those uses meet the parking requirements associated with each use and the Shared Parking requirements in this Section.
2. Shared Parking. Required parking may be shared between uses if the all of the following requirements are met:
 - a. Shared parking will only be permitted if principal operating hours do not overlap, or if the overlap is less than one-half hour. Principal operating hours

- are defined as the time span during which a business or facility has its highest level of activity from employees, clients, customers and/or other users.
- b. Spaces Required. If the businesses have non-overlapping principal operating hours, the property owner(s) shall provide parking spaces equal to those required for each use for which parking is being shared.
 - c. Location. The location of the parking facilities must be:
 - 1) Within a reasonable walking or sight distance or otherwise associated with the uses involved in the shared parking contract. The location may not be more than six hundred (600) feet from the property line of the business it is serving; and
 - 2) The parking facilities are a permitted use in the applicable zoning district.
 - d. Pedestrian Connection. A convenient pedestrian connection shall be provided between the shared uses and the parking facilities. This pedestrian connection shall be designed as barrier free and built with appropriate lighting and safety considerations.
 - e. Shared Parking Contract. A contract is enacted, signed by all the owners/operators of the shared uses and the County, which provides for County enforcement. The shared parking contract shall:
 - 1) Provide that the land comprising the required shared parking facilities shall not be encroached upon, used, sold, leased, or conveyed for any purpose except in conjunction with the building or use which the required parking serves, so long as the shared parking facilities are needed. The contract terms shall be for as long as any of the shared uses continues in existence;
 - 2) Indicate Prime Hours of Operation for shared uses;
 - 3) Assign maintenance provisions for the parking facilities and landscaping;
 - 4) The parking contract approved by the Director shall be filed with the deed of the parcels involved, so that the agreement is binding upon successors; and
 - 5) Changes to the contract, redrafting of the original enacted contract or termination of the contract shall be reviewed and approved by the Director.
- 3. Electric Vehicle Charging Parking. For every electric vehicle charging station provided, the required number of parking spaces may be reduced by an equivalent number, provided the total reduction does not exceed five percent (5%) of the total required parking spaces.
 - 4. Other Parking Measures. The Director may consider and approve other parking measures that fulfill the intent and purpose of the parking code such as Vertical Stacking Spaces and Family Friendly parking (priority parking after ADA parking, for pregnancy, young children, etc.)

4-12-04-06-02 *PARKING ADJUSTMENTS*

1. Transportation Demand Management Study. The Development may receive additional reductions in required parking by providing a Transportation Demand Management Study (Study) that reviews multiple comparable projects in the region. The Study must be prepared by a traffic or parking professional. Additional parking reductions up to 25% of the total required off-road parking as recommended by the Study may be approved by the Director, based on the following criteria:
 - a. Demonstrable pedestrian, bicycle, or mass transit facilities, including train stations and Park & Ride facilities, or services provided to encourage and promote use by employees, residents or customers which replaces single occupant automobile use, including:
 - i. On-site Car and Bike Sharing
 - ii. Van Pool service
 - iii. Shuttle service
 - iv. Transit passes
 - v. Transit-supportive site design, including the provision of one of the following to improve transit access:
 - 1) Bus stops adjacent to the development;
 - 2) Loading space on-site for transit;
 - 3) Transit information centers;
 - 4) Enhanced pedestrian routes within one-half (1/2) mile of a Park & Ride or Rail Station, where all of the following requirements shall apply:
 - i. Generally continuous weather protection (50% of property frontage not including crossings of vehicular routes);
 - ii. Continuous, direct sidewalks or walks to/from the Park & Ride or Rail Station;
 - iii. Generally continuous street lighting; and, minimized and/or enhanced pedestrian crossings of vehicular routes.
 - b. Density of more than 14 dwelling units per acre;
 - c. Presence or provision of basic daily uses within 1,300 feet (i.e. 1/4 mile) such as grocery/corner store, drug store, and child care; and/or weekly uses such as bank, convenience store, restaurant, or theater;
 - d. Other criteria accepted by the Director as supported by the Study and the intent of this Section.

4-12-04-07 *HANDICAP PARKING SPACES*

Each parking lot shall contain at the least, the minimum number of handicap spaces shown in the following table:

Total Parking Spaces in Lot	Minimum Number of Accessible Spaces Required
Less than 25	1
26-50	2
51-75	3
76-100	4
101-450	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2 percent of total spaces
Greater than 1000	20 spaces plus 1 space for every 100 spaces or fraction thereof over 1000

Parking spaces for the physically handicapped shall have a stall width of thirteen (13) feet unless the space is parallel to a pedestrian walkway. All other dimensions for the space shall be the same as those for standard parking spaces.

Handicap parking spaces shall be located as close as possible to the nearest accessible building entrance using the shortest accessible route of travel. Whenever possible, the accessible route should not cross lanes for vehicular travel.

Each handicap space shall be clearly designated as being reserved for the use of the physically handicapped with the appropriate signing and/or pavement marking.

4-12-04-08 SETBACKS

Parking lots shall be setback from road rights-of-way and from side and rear lot lines in accordance with the approved landscaping plan. ***Adopted by the BoCC on December 13, 2010**

4-12-04-09 PEDESTRIAN FACILITIES

Parking lots shall be designed to minimize conflicts between vehicles or bicycles and pedestrians. Pedestrian routes, which provide direct and convenient access through the site, should be identified and incorporated into the layout of the parking lot. To the extent practical, pedestrian improvements shall be provided within the parking lot, which collect and channel pedestrians safely through the lot, minimizing the need to use driving aisles for walkways.

Pedestrian routes shall be highly visible, incorporating design elements such as grade separation, special paving, pavement marking, or other means to clearly delineate the routes for both pedestrians and vehicles. Where pedestrian routes cross driving aisles, consideration should be given to providing pedestrian refuge areas.

Pedestrian drop-off areas shall be provided where needed, particularly for land uses serving children and the elderly. Pedestrian drop-off areas shall not be sited in any rights-of-way for public roads.

4-12-04-10 BICYCLE FACILITIES

A minimum number of bicycle parking spaces shall be provided, equal in number to five percent (5%) of the total number of automobile parking spaces provided, but not less than one (1) space. However, this requirement for bicycle parking spaces may be reduced by the Director of Community and Economic Development for sites which are unlikely to be accessed by bicycles.

Bicycle parking spaces shall be located near building entrances, but not so close as to interfere with pedestrian or automobile traffic near the entrances.

Bicycle parking facilities shall be designed to allow the bicycle frame and both wheels to be securely locked to the parking structure, which shall be of permanent construction materials such as heavy gauge tubular steel permanently attached to the pavement.

4-12-04-11 DRIVE-IN FACILITIES

Drive-in facilities shall be designed to minimize interference with access and circulation on public roadways and within the parking lot. In order to accomplish this, drive-in facilities shall be located on separate routes off of the primary circulation routes for vehicles, bicycles and pedestrians, such as the sides or rear of the parking lot. Drive-in facilities shall be clearly signed and marked to provide efficient flow through the facility. Drive-in facilities shall provide adequate stacking spaces for automobiles entering and exiting the facility.

4-12-04-12 LOADING ZONES

Loading zones and service areas shall be designed to minimize interference with access and circulation on public roadways and within the parking lot. When possible, loading zones and service areas shall be located on separate routes off of the primary circulation routes for vehicles, bicycles and pedestrians, such as at the sides or rear of the building.

Accesses to parking lots, which will also be used by delivery and service vehicles, shall be designed to minimize conflicts with the movements of other vehicles, bicycles, and pedestrians. Loading zones shall meet the following requirements:

1. *Location:* No loading spaces shall be located within thirty (30) feet of road intersections nor in any required yard space.
2. *Surfacing:* All open off-road loading areas shall be surfaced with an all weather material such as concrete or asphalt designed to carry the heaviest vehicle loads commonly expected. Consideration should be given to the weight of fire and sanitation equipment as well as delivery vehicles.

3. *Repair and Service:* No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any zone district.
4. *Utilization:* Space allocated to any off-road loading space, accessory drives, or aisles, shall not be used to satisfy the space requirements for any off-road parking or trash handling facilities.
5. *Ingress and Egress:* Each required off-road loading space shall be provided with a means of unobstructed ingress and egress to an alley or onto a public road wide enough to accommodate expected vehicles. Where such ingress and egress is made into a public road, it shall be through driveways or openings, which meet required standards. Permanent wheel stops or curbing shall be provided to prevent any vehicle using the loading area from encroachment either on the required front yards, side yards, or adjacent property.
6. *Off-Road Loading Requirements:* Loading spaces shall be required for uses which normally handle large quantities of goods, including but not limited to, industrial plants, wholesale establishments, warehouses, freight terminals, hospitals and retail establishments. Off-road loading spaces may be either inside or outside the building and on the same or adjoining premises. The loading spaces shall be of sufficient size and number to allow normal loading and unloading operations appropriate to the property to be served. In no case shall the loading space hinder the movement of traffic or pedestrians. The loading spaces shall be indicated on site plans submitted for approval. The Director of Community and Economic Development may require one (1) or more additional loading areas if the magnitude of the use would anticipate the need for more loading or standing space. Loading berths shall be ten (10) feet by twenty-five (25) feet with fourteen (14) feet of vertical clearance. The size may be modified by the Director of Community and Economic Development where site or use conditions warrant changes to this standard. Generally, one (1) loading space shall be provided for every twenty-five thousand (25,000) square feet of gross floor area.
7. *Landscaping Requirements:* Loading areas shall be screened from public roads and adjacent residential property in accordance with the screening requirements of Section 4-15-08.
8. *Vehicle stacking requirements:* Vehicle stacking is the minimum required length of an on-site drive aisle necessary to allow for the movement of vehicles within a parking lot to a drive-up window service or other drive-through services without impeding the flow of traffic on-site and off-site. Stacking distance shall be measured from the point of service within a designated drive aisle. The required stacking distance may be distributed between accesses serving the site, provided a minimum stacking distance of twenty (20) feet is provided at each access point. The minimum required stacking distances shall be as follows:

Type of Facility	Stacking Distance
Drive-up bank	120 feet per window

March 19, 2019

Drive-up restaurant	200 feet per window
Drive-up liquor store	60 feet per window
Drive-up cleaners	60 feet per window
Automatic car wash	200 feet per wash line
Self-service car wash	60 feet per wash line
Service station	50 feet per service position

4-13 OPERATIONAL STANDARDS

These operational standards are designed to limit or eliminate conditions, which may negatively impact the environment and use of surrounding properties. These standards shall apply in all zone districts and to all uses of lands in Adams County.

4-13-01 LIGHTING

1. *Position of Lighting Facility:* Lighting facilities shall be arranged and positioned so no direct light or reflection creates a nuisance or hazard on any adjacent property or right-of-way. Exterior lighting shall be compatible with that of adjacent properties.
2. *Consideration of Pilots:* No lighting facility shall make it difficult for pilots to distinguish airport lights from others, result in glare in the eyes of the pilots using an aviation facility, impair visibility in the vicinity of an aviation facility or, in any way create a hazard or endanger the landing, take-off, or maneuvering of aircrafts intending to use an aviation facility.
3. *Lighting Fixtures:* All lighting fixtures shall be located so as to shield direct rays from adjoining properties. Luminaries shall be of a low level, indirect, diffused type and shall not exceed a height of greater than twenty (20) feet above finished grade.
4. *Upward Lighting:* Upward lighting for architectural, landscape or decorative purposes, shall have at least ninety percent (90%) of the total distribution pattern within the profile of the illuminated structure. Light fixtures used to illuminate flags, statues, or any other object mounted on a pole, pedestal, or platform, shall use a narrow cone beam of light not to extend beyond the illuminated object.

4-13-02 VIBRATION

Every use shall be so operated so the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on any boundary line of the property on which the use is located except those activities typically performed as part of an agricultural operation in an Agricultural Zone District, which shall be exempt.

4-13-03 NOISE

1. The maximum permissible sound pressure levels of any continuous source of sound are established for a time period within each zone district listed. Sound pressure levels shall be measured at the property line or boundary of a public right-of-way, at a height of at least four (4) feet above the immediate surrounding surface, on a sound level meter of standard design and operated on the “A” weighting network.

<i>Zone District</i>	<i>Day 7 AM–10 PM</i>	<i>Night 10 PM–7 AM</i>
Residential Estate (RE) Residential-1-A (R-1-A) Residential-1-C (R-1-C) Residential Two-Family (R-2) Residential Moderate Density (R-3) Residential High Density (R-4) Mobile Home Dwelling (MH) Commercial-0 (C-0) Conservation (CO) Public Lands, Parks, Open Space, and Facilities (PL)	55	50
Commercial-1 (C-1) Commercial-2 (C-2) Commercial-3 (C-3) Commercial-4 (C-4) Commercial-5 (C-5) Industrial-1 (I-1)	60	55
Agricultural-3 (A-3) Agricultural-2 (A-2) Agricultural-1 (A-1) Industrial-2 (I-2) Industrial-3 (I-3)	80	75
Other Overlay Zones	Same as Underlying Zone District	Same as Underlying Zone District
Aviation (AV) Denver International Airport (DIA)	None	None

2. *Limits of Construction Activities:* No person shall engage in outdoor construction activities in any zone district between the hours of 10 PM and 6 AM. Construction projects shall be limited to a maximum permissible noise level of 80 dBA in all zone districts. Construction activities directly connected with abatement of an emergency are excluded from this time restriction. Any construction activity which will be performed outdoors between the hours of 10 PM and 7 AM shall be required to obtain a special use permit.

4-13-04 DUST AND DEBRIS CONTROL

1. *Prohibition of Blowing Dust and Debris:* The blowing of dirt, sand, or debris from one property to an adjacent, or surrounding property, or right-of-way is not permitted.

Agricultural operations in Agricultural Zone Districts are exempt from this prohibition.

2. *Prevention of Blowing Dust and Debris:* The prevention of blowing of dirt, sand, or debris may be accomplished by oiling, placement of base course, asphaltting, application of calcium chloride, watering and wetting down the area, installation of a snow fence or barrier, chiseling the ground, and/or other effective means. Agricultural operations in Agricultural Zone Districts while exempt from this requirement generally may be required to take actions where blowing dust is determined by the Tri-County Health Department or the Director of Public Works which constitutes a hazard to motorists or the public health.

4-13-05 ELECTROMAGNETIC AND ELECTRICAL INTERFERENCE

No equipment shall be operated in such a manner as to adversely affect the operation of any off-premises electrical, radio or television equipment. No use may be made of land or water within the County, which will create electrical interference with navigational signals for radio communications between an aviation facility and aircraft.

4-13-06 HUMIDITY, HEAT, GLARE, SMOKE, OR RADIATION

Every use shall be operated so it does not emit any offensive, harmful, hazardous, or annoying amount of heat, glare, humidity, smoke, or radiation at any point on any boundary line of the lot on which the use is located.

4-13-07 ODOR

Every use shall be operated so it does not create a malodorous condition except those odors, which may typically be associated with an agricultural operation in an Agricultural Zone District.

4-13-08 MOVING BUILDINGS OR STRUCTURES

4-13-08-01 PERMIT REQUIRED

No building or structure shall be moved into, within, or set down in the unincorporated area of Adams County or transported upon any public right-of-way within said area until a moving permit and a building permit have been obtained.

4-13-08-02 INSPECTION AND CONFORMANCE REQUIRED

Buildings or structures proposed to be moved shall meet all the regulations of Adams County and shall be compatible in size, structure, age, value, and general architectural design to the neighborhood in which they are proposed to be moved. A building proposed to be moved, is required to be inspected prior to being moved.

4-13-09 MOVING AND CULVERT INSTALLATION PERMIT FOR OIL AND GAS WELLS**4-13-09-01 PERMIT REQUIRED**

A Moving and Culvert Installation Permit must be obtained each time a County road is used for the transportation of a drilling rig. The names of both the Operator and Mover shall appear on the application for the permit. The Director of Public Works must be notified of the day and time of the move prior to commencing the move. The Oil and Gas Well Inspector may temporarily postpone moves due to inclement seasonal weather conditions where road or bridge damage might occur. If a move is temporarily postponed due to inclement seasonal weather conditions, the life of the permit shall be extended for the number of days during which the move was temporarily postponed.

4-13-09-02 PERMIT WITHHELD

A Moving and Culvert Installation Permit shall be withheld unless a copy of the drilling permit issued by the State of Colorado Oil and Gas Conservation Commission and evidence of insurance is submitted by both the Operator and Mover meeting the following requirements and are submitted to the Director of Public Works:

1. A policy of liability insurance obtained by each of the parties named on the application wherein the County shall be named as an insured party. The endorsement of Adams County as an insured party shall be obtained by each applicant. The policy shall specify damage to County roads, bridges, and other property of the County is an insured item, with a minimum liability coverage of \$100,000 to guarantee payment for damage to any County roads, bridges, and/or property of Adams County during any moving operations and under all Moving and Culvert Installation Permits issued hereunder.
2. In lieu thereof, the applicant may request the County to substitute a letter of indemnity or self-insurability in place of a liability policy. If in the determination of the Board of County Commissioners, a letter of indemnity or self-insurability provides sufficient coverage for damages, which might occur, the substitution shall be allowed.
3. No policy or liability insurance shall be permitted to lapse, be canceled, or be withdrawn unless ten (10) days written notice from the insurance company is given to Adams County prior to any lapse, cancellation, or withdrawal. In the event of any

such lapse, cancellation, or withdrawal, the Moving and Culvert Installation Permit shall be deemed canceled and no further moves shall be allowed until reinstatement of this policy of liability or letter of indemnity. The policy or letter of indemnity shall be kept valid and in force as long as the drilling rig remains in the County and until such rig leaves the County.

4-14 SIGNS AND OUTDOOR COMMERCIAL ADVERTISING DEVICES

4-14-01 PURPOSE

These sign standards are intended to provide each property owner an opportunity for effective identification while limiting the number and area of all signs permitted while maintaining the visual appearance of scenic corridors and all other areas of Adams County by avoiding clutter.

4-14-02 APPLICABILITY

These sign standards apply to all signs and attractive devices of whatever nature and wherever located, within the unincorporated portions of Adams County except off-premise signs which are regulated by Section 4-15 of these Development Standards and Regulations. All signs or attractive devices not specifically permitted or excepted by this Section 4-01 are prohibited.

In conjunction with these Development Standards and Regulations, the Colorado Outdoor Advertising Act, C.R.S. 43-1-401 et. seq, and the Colorado Rules and Regulations promulgated there under by the Colorado Department of Transportation shall be adhered to. Nothing in these Standards and Regulations shall be construed to allow advertising devices which are prohibited, or otherwise non-conforming with the Colorado Outdoor Advertising Act.

4-14-03 EXEMPTED SIGNS

The provisions of this Section 4-01 do not apply to the following, which are therefore excepted from obtaining a sign permit.

1. *Flags:* Any flag or insignia shall conform to the following limitations:
 - a. Flags shall not exceed the proportions which have been established by Presidential declaration, to wit: three feet by five feet (3' x 5') when hung from a building, or five feet by seven feet (5' x 7') when hung from freestanding flag pole. Flags larger than the specified sizes are not permitted.
 - b. Flags shall have a minimum clearance of eight feet (8') when they project over public sidewalks and fifteen feet (15') when projecting over roads.
 - c. Flags and insignia shall be maintained in a clean and undamaged condition at all times.

- d. The display of national flags and insignia shall be governed by the standard rules of international protocol.
 - e. No more than three (3) flags shall be displayed per parcel of record and shall be mounted on a single flag pole, or three (3) separate flag poles installed either on the building or adjacent to the building/use to which they are appurtenant.
 - f. No flag shall be displayed on a pole greater than twenty (20) feet in height unless otherwise required by law.
2. *Art*: Works of art not used in connection with a commercial promotion or as an advertising device.
3. *Merchandise*: Merchandise or models of products or services, which are incorporated as an integral part of an indoor window display. Merchandise includes photographic window displays of real estate available for sale, lease or rental from a licensed real estate broker.
4. *Signs on Vehicles*: Signs displayed on motor vehicles or trailers which are being operated or stored in the normal course of business, such as signs indicating the name of the owner or business which are located on delivery trucks, trailers and the like; provided, the primary purpose of such vehicles is not for the display of signs, and provided such vehicles are parked or stored in areas appropriate to their use as vehicles.
5. *Cornerstones*: Cornerstones, tablets, and the like which identify the name of the building or the date of erection, when carved into stone, concrete, bronze or other permanent material and are made an integral part of a building or structure.
6. *Menu Display Boxes*: One (1) menu display box of up to two (2) square feet is allowed for each restaurant, bar and lounge for the purpose of displaying menus. A permit shall be obtained for menu display boxes larger than two (2) square feet, and the exceeding two (2) square feet shall be counted against the total allowable sign area.
7. *Small Signs*: Signs not legible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way.
8. *Interior Signs*: Signs displayed within the interior of a building, which are not legible from the exterior of the building.
9. *Address Numbers*: Address numbers, provided they do not exceed five (5) square feet in area.
10. *Single-family and Two Family Residential Signs*: Non-illuminated wall-mounted signs for single-family and two-family uses which do not exceed three (3) square feet in area and non-illuminated freestanding signs no more than five (5) feet in height and three (3) square feet in area.

11. *Pennants*: Strings of flags, pennants, and streamers shall be permitted and shall not require a sign permit for properties in the C-4 and C-5 Zone Districts which have frontage on a road in the state highway system, excluding the interstate system.
12. *Official Notices and Warning Signs*: Official notices erected by the government, public utility companies, or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, or similar devices. These signs shall not be legible from the property line unless required to be larger by Federal, State, or local laws. This includes signs in the right-of-way which comply with the current Manual on Uniform Traffic Control Devices (MUTCD) published by the Federal Highway Administration to control traffic, identify roads, warn of danger, or are otherwise required by Federal, State, or local laws.
13. *Temporary Signs*: All temporary signs shall meet the following requirements:
 - a. *Election Signs*:
 - i. Shall only be placed on private property thirty (30) days before the Primary Election and shall be removed within ten (10) days after the General Election to which they pertain by the person or organization that placed the signs or by the property owner of the property on which the sign is located.
 - ii. The maximum size of any election sign shall be thirty-two (32) square feet.
 - iii. The maximum number of signs shall be limited to one (1) sign for parcels one (1) acre or less and one (1) sign per two hundred (200) feet of street frontage for parcels greater than one (1) acre for each candidate or ballot issue.
 - iv. Signs shall be placed on private property, outside any right-of-way, County-owned property, or easement and shall be placed to avoid any sight obstruction for traffic safety.
 - v. Shall not be illuminated.
 - b. *Real Estate Signs*:
 - i. Shall advertise the sale or rental of the property on which the sign is located.
 - ii. The maximum size of any real estate sign shall be thirty-two (32) square feet.
 - iii. The maximum number of signs shall be limited to one (1) sign for parcels one (1) acre or less and one (1) sign per street frontage for parcels greater than one (1) acre.

- iv. Signs shall be placed on private property, outside any right-of-way or easement and shall be placed to avoid any sight obstruction for motorists, cyclists and pedestrians.
 - v. Shall not be illuminated.
- c. Other Temporary Signs:
 - i. The maximum sign size shall be thirty-two (32) square feet.
 - ii. One (1) temporary sign may be displayed for a period not to exceed fourteen (14) consecutive days, a maximum of two times per calendar year for each lot or parcel. For properties with more than one unit or tenant, each unit or tenant may display one (1) temporary sign for a period not to exceed fourteen (14) consecutive days, a maximum of two times per calendar year. For properties with more than one unit or tenant, no more than five (5) temporary signs shall be displayed on a property at any given time.
 - iii. Signs shall be placed on private property, outside any right-of-way or easement and shall be placed to avoid any sight obstruction for motorists, cyclists and pedestrians.
 - iv. Banners, balloons and/or flags may be used for a period of time not to exceed fourteen (14) consecutive days in any calendar year to promote a special event.
 - v. Signs associated with an approved Temporary Use Permit shall be allowed for the duration of the permit. Signs associated with a Special Use Permit shall be considered permanent signs and are required to obtain a sign permit and a building permit.
 - vi. Shall not be illuminated.
- 2. Changing copy on the face of a sign, display encasement, marquee, or maintenance where no structural changes are made, or changing the interchangeable letters on signs designed for use of interchangeable letters does not require a sign permit.
- 3. Notices posted by governments for public hearings do not require a sign permit.

4-14-04 PROHIBITED SIGN TYPES

Any sign or attractive device not specifically authorized by this Section 4-01 is prohibited unless required by law. The following are examples of signs, conditions, and other attractive devices which are prohibited:

- 1. Any sign or attractive device located within, on, or projecting over a property line which borders a public or private road, highway, alley, lane, parkway, avenue, road, sidewalk, easement, or other right-of-way, except as provided in this Section 4-01.

2. Any sign which would create a sight obstruction for traffic or create a hazard for motorists, cyclists, or pedestrians.
3. Any sign or attractive device attached to any public utility pole or structure, road light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property, except as provided herein.
4. Any sign or attractive device placed, which by reason of its location, will obstruct the view of any authorized traffic sign, signal or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device.
5. Any sign or attractive device which is placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exit way required by the building and fire codes as adopted by Adams County.
6. Any sign or attractive lighting device, whether on the exterior of the building, or on the inside of a window which is visible beyond the boundaries of the lot or parcel, or from any public right-of-way, with intermittent, flashing, rotating, scintillating, blinking, or strobe light illumination.
7. Any sign or attractive lighting device with exposed incandescent, metal halide, fluorescent light bulbs, or other exposed light source.
8. Any sign or attractive device which emits audible sound, odor, smoke, steam, laser or hologram lights, or other visible matter, including any sign which employs any stereopticon, or motion picture projection.
9. Any sign which includes animated images or graphics, scrolling messages, or video moving images similar to television images.
10. Any sign or attractive device animated by any means, including fixed aerial displays, balloons, pennants, including strings of flags, streamers or devices affected by the movement of the air, and inflatable signs or inflated devices, except as provided for in Sections 4-05 and 4-14-03 of these Development Standards and Regulations.
11. Any sign or attractive device with movement of the sign body such as rotating, moving up and down or any other type of action involving a change in position of the sign body or segment thereof, whether by mechanical or any other means.
12. Any banner, temporary, or portable sign or attractive device including, but not limited to: sandwich, A-frame, tire rim or hand-held sign, animated sign or costumed character, stuffed animal, vehicle used as a sign or sign structure, string of lights arranged in the shape of a product, an arrow, or any commercial message with the exception of holiday decorations except as provided for in this Section 4-14.
13. Any sign or attractive device mounted, attached or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on the

public right-of-way or private premises in a manner intended to attract attention of the public for advertising purposes.

14. Any sign or attractive device painted, attached or mounted on fuel tanks, outdoor storage containers and/or solid waste receptacles or their enclosures.
15. Any roof sign or roof mounted attractive device.
16. Any sign or attractive device which includes search lights or beacons.
17. Auditory commercial messages or music.
18. Any sign or attractive device unlawfully erected or maintained.
19. Any sign considered graffiti pursuant to the definition in Chapter 11.

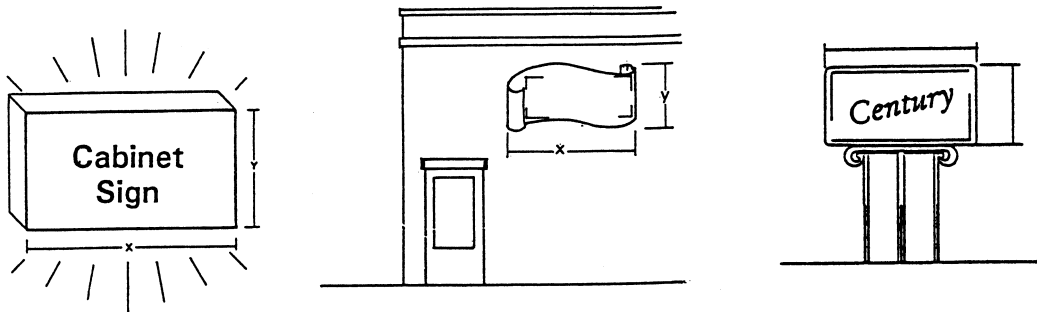
4-14-05 GENERAL SIGN REQUIREMENTS

4-14-05-01 SIGN AREA MEASUREMENT

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof which will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the back drop or structure against which it is placed, but not including any supporting framework, bracing, or other decorative fence or wall when such fence or wall otherwise conforms to these regulations and is clearly incidental to the display itself. For canopy signs, if the canopy is back-lit, the entire canopy area shall be used to determine sign area.

4-14-05-01-01 *SIGN COPY WITH BACKGROUND*

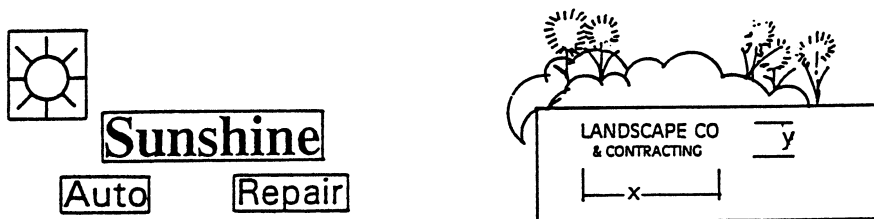
Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured by the area contained within the sum of the smallest rectangle(s) which will enclose both the sign copy and the background.



4-14-05-01-02

INDIVIDUAL LETTERS

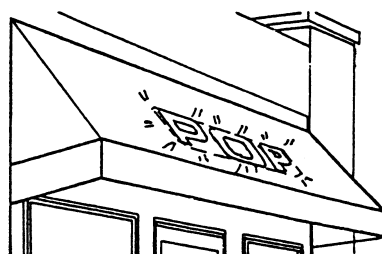
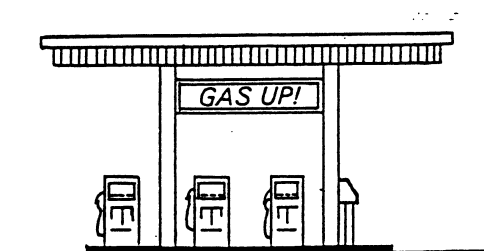
Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured, or otherwise altered to provide a distinctive background for a sign copy, is measured as a sum of the smallest rectangle(s) which will enclose each word and each graphic in the total sign.



4-14-05-01-03

ILLUMINATED SIGNS

Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element, which contains sign copy. Such elements may include, but are not limited to lit canopy fascia signs, spanner board signs, and/or interior lit awnings.



4-14-05-01-04

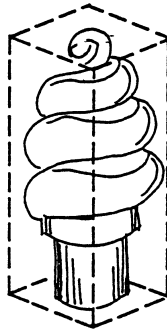
MULTI-FACED SIGNS

Multi-faced signs are measured as a total of all sign faces. However, when two (2) sign faces are placed back to back so that both faces cannot be viewed from any one (1) point at the same time, and when such sign faces are part of the same sign structure and are not more than twenty-four (24) inches apart, the sign area shall be computed by the measurement of one (1) of the faces. If the sign area of the faces is not equal, computation will be based on the larger of the two (2) sign faces.

4-14-05-01-05

SCULPTURAL SIGNS

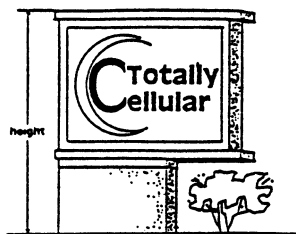
Spherical, free-form, sculptural, or other non-planar sign areas are seventy-five percent (75%) of the sum of the areas using only the four (4) vertical sides of the smallest four-sided polyhedron which will encompass the sign structure. Signs with greater than four (4) faces are prohibited.

**4-14-05-02 SIGN HEIGHT MEASUREMENT**

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed based on the elevation of the base of the sign being equal to the elevation of the nearest point of the crown of the adjacent public road or the grade of the land at the principal entrance to the principal structure on the lot, whichever is higher.

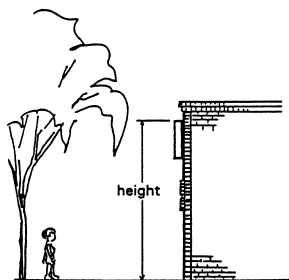
4-14-05-02-01 FREESTANDING SIGNS

Sign height is the distance measured from grade at the base of a sign to the topmost portion of a sign, excluding decorative embellishments. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height.



4-14-05-02-02 **BUILDING MOUNTED SIGNS**

The height of wall, fascia, mansard, parapet or other building mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.



4-14-06 **TYPES AND AREAS OF PERMANENT SIGNS**

4-14-06-01 **SIGN PERMIT AND BUILDING PERMIT REQUIREMENTS**

A sign permit shall be required to display, erect, relocate, or alter any sign. All applications for sign permits to display, erect, relocate, or alter any sign shall be submitted to the Director of Community and Economic Development on an application form published by the Director of Community and Economic Development. The application shall be accompanied by an elevation drawing of the sign as well as a site plan depicting the location of the sign on the property and applicable fees.

A building permit shall be required to display, erect, relocate, or alter any sign in accordance with the building code as adopted by Adams County. All applications for building permits to display, erect, relocate, or alter any sign shall be submitted to the Director of Community and Economic Development Department on an application form published by the Community and Economic Development Department. The application shall be accompanied by all required submittals including, but not limited to, those materials required by the building code as adopted by Adams County.

4-14-06-02 **CRITERIA FOR ISSUANCE OF A SIGN PERMIT**

Any application for a sign permit to place or construct a sign may be issued only upon finding the sign meets the following criteria:

1. The size, height, design, location, duration, and characteristics of each sign shall comply with the standards in this Section 4-14.

2. Any light used to illuminate a sign shall be arranged to reflect light away from nearby residential properties and away from the vision of passing motorists. Internal illumination is encouraged.
3. Only those signs which identify a legal, principal use on the same lot with the sign shall be permitted, except off-site directional signs, which shall comply with the off-site directional sign requirements in this Section 4-14.
4. All signs shall be located completely within an enclosed sign cabinet (except individual letters or graphics against a wall, fascia, or parapet of a building or surface of another structure as allowed by these regulations, that has been painted, textured, or otherwise altered to provide a distinctive background for a sign copy) or other approved method by the Director of Community and Economic Development.

4-14-06-03 ELECTRONIC SIGN STANDARDS*

4-14-06-03-01 DEFINITION OF ELECTRONIC SIGN*

An electronic sign is a sign which displays electronic static images, static graphics, or static pictures, with or without textual information. Such a sign may be changed or altered by electronic means on a fixed display screen composed of a series of lights including light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices within the display area where the message is displayed.

All electronic on-premise signs shall only contain information and/or advertising for goods and services specifically available on site. Any advertising for goods and services not located on the site shall conform to the off-premise (billboard) regulations.

4-14-06-03-02 ELECTRONIC SIGN RESTRICTIONS*

An electronic sign is permitted to be incorporated into a permanent freestanding or permanent wall sign subject to the following restrictions:

1. *Duration of Message:* Each message displayed shall remain motionless for a minimum of four (4) seconds, with ten (10) seconds optimal. All such signs shall have a default mode to prevent the display from malfunctioning in a flashing or intermittent fashion.
2. *Transition of Message:* Each message shall transition to the next message instantaneously.

*Electronic Sign Regulations were adopted by the Board of County Commissioners on May 3, 2010

3. *Prohibited Electronic Signs:* Any sign or attractive device which includes animated images or graphics, scrolling messages, video, moving images similar to television images, emits audible sound, employs stereopticon, or includes motion picture projection. Any sign or attractive device which displays its message or portion thereof for less than four (4) seconds before a change occurs shall be considered flashing or intermittent.
4. *Brightness / Luminance:* Electronic signs shall be equipped with and employ the use of light monitors and controls that allow sign brightness to automatically adjust to outside conditions. Electronic signs shall not exceed a maximum of 150 foot-candles during nighttime hours from sunset to sunrise. A foot-candle is a unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot. Foot-candles shall be measured a maximum of two hundred (200) feet from the sign.

4-14-06-04 **FREESTANDING SIGN STANDARDS**

4-14-06-04-01 ***DEFINITION OF FREESTANDING SIGN***

A freestanding sign is a sign which is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of a building.

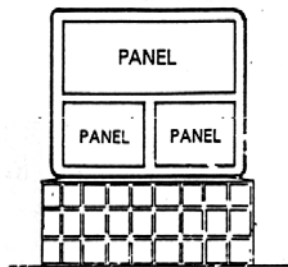
4-14-06-04-02 ***FREESTANDING SIGN RESTRICTIONS***

Freestanding signs are permitted subject to the following restrictions:

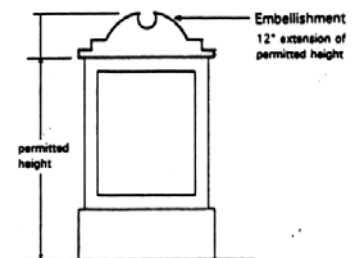
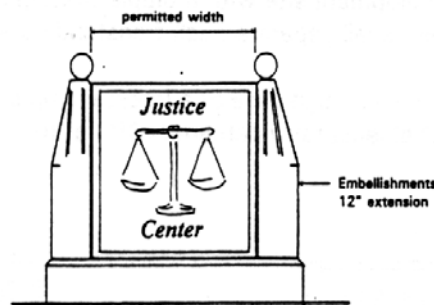
1. *Number of Freestanding Signs:* One (1) freestanding sign is permitted for lots or parcels with zero (0) feet to four hundred ninety-nine (499) feet of street frontage; one (1) additional freestanding sign is permitted for lots or parcels with five hundred (500) feet of street frontage or more.
2. *Sign Design:* The permanent sign base of a freestanding sign shall be reviewed at the time of a sign and/or building permit submittal.
3. *Sign Landscaping:* A landscaped area located around the base of the sign equal to two and one-half (2.5) square feet for each square foot of sign area, is required for all freestanding signs. The landscaped area shall contain living landscape material consisting of shrubs, and/or perennial ground cover plants placed throughout the required landscaped area having a spacing of not greater than three (3) feet on center. Where appropriate, deciduous or evergreen

trees shall be planted in a manner, which frames or accents the sign structure.

4. *Number of Sign Panels:* A freestanding sign may consist of more than one (1) sign panel provided all such sign panels are consolidated into one common integrated sign structure. In the event a sign is installed which does not utilize the maximum sign area permitted, any supplemental additions shall conform within, and be compatible with the existing sign structure.



5. *Embellishments:* Freestanding sign structures may extend above the allowable height and/or permitted horizontal dimension for the purposes of sign structure enhancement or embellishment, provided such extension does not exceed a maximum of twelve (12) inches on any side.



6. *Setback:* The leading edge of any freestanding sign is required to be set back a minimum of eight (8) feet from the front property or right-of-way line, and a minimum of fifteen (15) feet or the height of the sign from any side or rear lot line, whichever is greater.
7. *Sign Height:* The maximum height of any freestanding sign shall be thirty-six (36) feet for signs in the C-3, C-4, and C-5 Zone Districts, twenty-five (25) feet for signs in the A-1, A-2, A-3, C-0, C-1, C-2, I-1, I-2, and I-3 Zone Districts, and twelve (12) feet for signs in the R-3, R-4, M-H, CO, and PL Zone Districts. For uses permitted by Conditional Use Permit, Special Use Permit, Temporary Use Permit or legal, non-conforming uses, the Director of Community and Economic Development shall determine which

sign height allowance best suits the use. In making this determination, the Director of Community and Economic Development shall find one or more of the following: 1) The proposed sign height is compatible with the surrounding area; 2) The type of use and associated sign height is more consistent with a different Zone District; or 3) The Zone District where the use is a principally permitted use is more consistent for the basis of sign height.

8. *Sign Area:* The maximum area of any freestanding sign face shall be one-hundred-sixty (160) square feet for signs in the C-3, C-4, and C-5 Zone Districts, one hundred (100) square feet for signs in the A-1, A-2, A-3, C-0, C-1, C-2, I-1, I-2, and I-3 Zone Districts, and forty (40) square feet for signs in the R-3, R-4, M-H, CO, and PL Zone Districts. For uses permitted by Conditional Use Permit, Special Use Permit, Temporary Use Permit, or legal, non-conforming uses, the Director of Community and Economic Development shall determine which sign area allowance best suits the use. In making this determination, the Director of Community and Economic Development shall find one or more of the following: 1) The proposed sign area is compatible with the surrounding area; 2) The type of use and associated sign area is more consistent with a different Zone District; or 3) The Zone District where the use is a principally permitted use is more consistent for the basis of sign area.
9. *Clearance:* No freestanding sign shall project over any sidewalk, private drive, parking lot, or public road.
10. *Sight Distance Triangle:* Freestanding signs are prohibited in the sight distance triangle as calculated in Chapter 7 of these regulations.
11. *Subdivision Signs:* Permanent subdivision or neighborhood identification signs for neighborhoods which have adopted an Adams County Neighborhood Plan shall be constructed of brick, or other approved material by the Director of Community and Economic Development and reviewed as part of a new subdivision and/or sign permit request. Subdivision or neighborhood identification sign(s) shall not exceed forty (40) square feet in area and shall not exceed twelve (12) feet in height. All subdivision or neighborhood identification signs shall be setback a minimum of eight (8) feet from the front property line and a distance equal to the height of the sign from the side and rear property lines. All subdivision or neighborhood identification signs on the same side of a road or highway shall be separated by a minimum of one thousand three hundred twenty (1,320) linear feet. All subdivision

or neighborhood identification signs shall be maintained by a home owners association, lot owners association, or other County approved management entity. Permanent subdivision or neighborhood identification signs shall also conform to the sign landscaping, clearance, and sight distance triangle provisions of this Section 4-14-06-03-02.

4-14-06-05 BUILDING MOUNTED SIGNS

4-14-06-05-01 DEFINITION OF BUILDING MOUNTED SIGN

A building mounted sign is a sign, which is attached to any supporting elements of a building. Building mounted signs include canopies, marquees, projecting, suspended, wall, and window signs.

4-14-06-05-02 BUILDING MOUNTED SIGN RESTRICTIONS

Building mounted signs are permitted subject to the following restrictions:

1. *Total Number of Signs:* No more than one (1) building mounted sign shall be permitted per frontage or commercial/industrial user in the A-1, A-2, A-3, R-3, R-4, M-H, C-0, C-1, C-2, C-3, C-4, C-5, I-1, I-2, I-3, CO, and PL Zone Districts.
2. *Projecting and Suspended Signs:* Projecting and suspended signs which extend less than four (4) feet and are hung at least six (6) inches away from the building, and clear the sidewalk by at least eight (8) feet in height are permitted. Such signs are permitted to be placed perpendicular to the building face or corner of the building. Projecting and suspended signs are limited to one (1) sign not to exceed sixteen (16) square feet per business and do not count against the total number of permitted building mounted signs. Projected and suspended signs are counted against the total building mounted sign area.
3. *Building-Mounted Sign Placement:* No building mounted signs are permitted at a location higher than the cornice line of any building. Sign copy on decorative awnings on second story windows shall not be permitted.
4. *Awning/Canopy Signs:* Awning/canopy signs may be used in lieu of projecting signs, and may be used in coordination with flush mounted wall signs. Awning and canopy signs shall be counted as a building mounted sign and shall be limited in area as a building mounted sign.

5. *Building Wall Painting:* Graphics painted directly on the building when the wall surface already has been painted and is presently painted in a uniform manner, are permitted. Signs proposed on unpainted rock or brick are not permitted. Historic ghost graphics shall not be defaced or obscured. Building wall painted signs are counted against the total building mounted sign area.
6. *Sign Area:* The maximum total area of all building mounted signs shall be fifteen percent (15%) of the building wall area on which the sign(s) is(are) placed for signs in the C-3, C-4, and C-5 Zone Districts, five percent (5%) of the building wall area on which the sign(s) is(are) placed for signs in the A-1, A-2, A-3, C-0, C-1, C-2, I-1, I-2, and I-3 Zone Districts, and forty (40) square feet for signs in the R-3, R-4, M-H, CO, and PL Zone Districts. For uses permitted by Conditional Use Permit, Special Use Permit, Temporary Use Permit or legal, non-conforming uses, the Director of Community and Economic Development shall determine which sign area allowance best suits the use. In making this determination, the Director of Community and Economic Development shall find one or more of the following: 1) The proposed sign area is compatible with the surrounding area; 2) The type of use and associated sign area are more consistent with a different Zone District; or 3) The Zone District where the use is a principally permitted use is more consistent for the basis of sign area.
7. *Window Signs:* Window signs shall not exceed fifteen percent (15%) of the total window area per building face. Window signs are counted against the total building mounted sign area. Window signs or attractive devices shall be placed so as not to prevent or inhibit free ingress to or egress from any window, door, or any exit way required by the building and fire codes as adopted by Adams County.
8. *Clearance:* Building mounted signs shall be located so there is a minimum of nine (9) feet of vertical clearance over any sidewalk, private drive, or parking lot and twelve (12) feet of vertical clearance over any public road.

4-14-07 OFF-SITE DIRECTIONAL SIGN

4-14-07-01 PERMITTED BY SPECIAL USE PERMIT

An off-site directional sign may be established to advertise a business, commodity, service, campaign, drive, residential development, or special event

located within one thousand (1,000) feet of the property on which the sign is placed upon the issuance of a Special Use Permit, sign permit, and building permit.

4-14-07-02 **LIMITATIONS**

All off-site directional signage shall meet the following requirements:

1. *Support:* All off-site directional signage shall be wall mounted or supported by not more than one (1) pole or support.
2. *Maximum Size and Use Categories Allowed:* Off-site directional signage shall be limited to twenty (20) square feet per face in the commercial and industrial use categories.
3. *Maximum Height:* Off-site directional signage shall be limited to twenty (20) feet above the grade of the right-of-way on which the sign fronts.
4. *Number of Signs:* Off-site directional signage shall be limited to one (1) single or double faced sign per lot.
5. *Separation:* The minimum distance between each off-site directional sign on the same side of a road or highway shall be eight hundred (800) linear feet. The minimum distance between an off-site sign and any other permitted sign shall be one hundred (100) feet.
6. *Setbacks:* The minimum setback requirements shall be consistent with minimum setback requirements for all signs in the commercial and industrial use categories.
7. *Number per Business:* A maximum of two (2) off-site directional signs are allowed for the business being advertised via the off-site directional signage. These two (2) signs shall not be located on the same lot.
8. *Illumination:* Off-site directional signs may be illuminated.
9. *Counted Toward Allowable Signage:* Off-site directional signs shall be counted towards the maximum number of freestanding signs permitted on the lot on which it is located.
10. *Permits Required:* Before any off-site directional sign is erected, a Special Use Permit and a sign permit shall be issued by the Director of Community and Economic Development and a building permit shall be issued by the Building Safety Division.

4-15 OFF-PREMISE SIGN (BILLBOARD)

Off-premise signs are permitted with an approved Conditional Use Permit in the C-5, commercial zone district and permitted with an approved Conditional Use Permit in the industrial zone districts. All off-premise signs shall meet the standards contained in this Section 4-15.

A Conditional Use Permit or a Major Amendment to an existing Conditional Use Permit or Planned Unit Development shall be required to display, erect, relocate, or alter any off-premise sign excluding indirect lighting traditionally used and attached to a sign, but not internally located.

In conjunction with these Development Standards and Regulations, the Colorado Outdoor Advertising Act, C.R.S. 43-1-401 et. seq, and the Colorado Rules and Regulations promulgated thereunder by the Colorado Department of Transportation shall be adhered to. Nothing in these Standards and Regulations shall be construed to allow advertising devices which are prohibited, or otherwise non-conforming with the Colorado Outdoor Advertising Act.

4-15-01 MAXIMUM NUMBER OF SIGNS

Only one (1) two-faced off-premise sign shall be permitted per lot.

4-15-02 MAXIMUM SIZE

No off-premise sign shall exceed three hundred (300) square feet per face.

4-15-03 MAXIMUM HEIGHT AND MINIMUM CLEARANCE

No off-premise sign shall exceed forty (40) feet in height. Height shall be determined as the distance from the grade of the right-of-way on which the sign fronts to the top of the sign including all projections. If located within one thousand (1,000) feet of an intersection of two (2) or more public rights-of-way, the lowest point of the sign face(s) shall be at least eight (8) feet above the ground.

4-15-04 ELECTRONIC SIGN STANDARDS*

4-15-04-01 DEFINITION OF ELECTRONIC SIGN*

An electronic sign is a sign which displays electronic static images, static graphics, or static pictures, with or without textual information. Such a sign may be changed or altered by electronic means on a fixed display screen composed of

a series of lights including light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices within the display area where the message is displayed.

4-15-04-02 **ELECTRONIC SIGN RESTRICTIONS***

An electronic sign is permitted to be incorporated into an off-premise sign subject to the following restrictions:

1. *Duration of Message:* Each message displayed shall remain static for a minimum of four (4) seconds, with ten (10) seconds optimal. All such signs shall have a default mode to prevent the display from malfunctioning in a flashing or intermittent fashion.
2. *Transition of Message:* Each message shall transition to the next message instantaneously.
3. *Prohibited Electronic Signs:* Any sign or attractive device which includes animated images or graphics, scrolling messages, video, moving images similar to television images, emits audible sound, employs stereopticon, or includes motion picture projection. Any sign or attractive device which displays its message or portion thereof for less than four (4) seconds before a change occurs shall be considered flashing or intermittent.
4. *Brightness / Luminance:* Electronic signs shall be equipped with and employ the use of light monitors and controls that allow sign brightness to automatically adjust to outside conditions. Electronic signs shall not exceed a maximum of 150 foot-candles during nighttime hours from sunset to sunrise. A foot-candle is a unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot. Foot-candles shall be measured a maximum of two hundred (200) feet from the sign.

4-15-05 **OTHER LIMITATIONS**

All off-premise signs shall meet the following requirements:

1. All off-premise signs on the same side of a road or highway shall be separated by a minimum of two thousand (2,000) linear feet.
2. The minimum right-of-way and property line setback requirements shall be equal to the height of the billboard as measured from the leading edge of the base of the sign pole. Variations in the setback requirement may be granted with the issuance of a Conditional Use Permit.
3. Setbacks from residentially zoned or used property: Not applicable.

*Electronic Sign Regulations were adopted by the Board of County Commissioners on May 3, 2010

4. All off-premise signs may be illuminated.
5. Off-premise signs which contain, include, or are illuminated by a changeable message including electronic, digital, LED, fiber optics, light bulbs, or other illumination devices are allowed and shall remain motionless for periods not less than four (4) seconds, with ten (10) seconds optimal. A Conditional Use Permit, Major Amendment to an existing Conditional Use Permit or Planned Unit Development shall be required prior to installing any electronic means to any off-premise sign.
6. Where an off-premise sign has two (2) faces these faces shall be back to back and shall not be more than three and one half (3.5) feet from one another.
7. Before any off-premise sign is erected, a building permit must be approved and issued by the Director of Community and Economic Development.

4-15-06 OTHER USES

An off-premise sign may be classified as a principal or accessory use on the property.

4-15-07 REVIEW PROCESS

The review process for an off-premise sign is as follows:

1. The applicant submits a Conditional Use Permit application to the Adams County Community and Economic Development Department.
2. If the Conditional Use Permit is approved by the Board of County Commissioners, the applicant submits a sign permit application and a Roadside Sign Permit Application from the Colorado Department of Transportation, if applicable, to the Adams County Community and Economic Development Department.
3. The Adams County Community and Economic Development Department reviews the sign permit application for compliance with the Development Standards and Regulations and executes the local jurisdiction approval section of the Roadside Sign Permit Application.
4. If approved by Adams County, the applicant submits the issued sign permit as well as the executed Roadside Sign Permit Application to the Colorado Department of Transportation.
5. Once the Colorado Department of Transportation has issued a Roadside Advertising Permit, the applicant returns the sign permit and Roadside Advertising Permit to Adams County for review, approval, and issuance of a building permit.

4-15-08 ADVERTISING BANNER (HORIZONTAL BILLBOARD)

An Advertising Banner is an ‘off-premise sign’, horizontal to the ground and of sufficient size to be seen by air passengers either landing or departing Denver International Airport. It must not be legible to the general public at ground level and is solely intended to be viewed by air passengers.

All Advertising Banners shall meet the standards contained in this Section 4-15.

Advertising Banner may be approved by issuance of an approved Conditional Use Permit (CUP) by the Board of County Commissioners. In addition to the general performance standards for Advertising Banners the Board of County Commissioners may impose additional condition, and/or conditions precedent in order to mitigate negative externalities associated with the location or operation of the advertising banner to ensure compatibility with the surrounding area.

4-15-09 LOCATION

Advertising Banners are permitted with an approved Conditional Use Permit in the A-3, agriculture zone district. Advertising Banners are permitted within a five (5) mile perimeter of Denver International Airport. In addition, advertising banners may be located within the area delineated by the Adams County Board of County Commissioners. All Advertising Banners shall be separated by a minimum of two thousand (2,000) linear feet.

4-15-10 MAXIMUM SIZE OF AN ADVERTIZING BANNER AND MINIMUM SIZE OF PROPERTY

The area of an Advertising Banner shall be a maximum of ten (10) acres. An Advertising Banner shall not be located on A-3 zoned property which is less than two and a half (2.5) acres in size.

4-15-11 MAXIMUM HEIGHT OF AN ADVERTIZING BANNER

The maximum height of an Advertising Banner shall be a maximum of six (6) feet.

4-15-12 OTHER LIMITATIONS

All Advertising Banners shall meet the following requirements:

1. The minimum setback requirements for Advertising Banners shall be consistent with the minimum setback requirements of the A-3 Zone District.

2. An Advertising Banner shall not be legible from adjacent public roadways, freeways or adjacent properties. Where the property on which an Advertising Banner is located fronts a public roadway and the Advertising Banner is attached to the ground, the Advertising Banner shall be screened from the public roadway by a wood or brick screen fence, a minimum of six (6) feet high, along the portion of the Advertising Banner that is adjacent to the public roadway. No Advertising Banner may be located within five hundred (500) feet of a residentially zoned or used property (measured from the property line to the leading edge of an Advertising Banner) unless a waiver is obtained from the affected property owner(s) and the waiver is recorded with the Adams County Clerk and Recorder.
3. Advertising Banners may be illuminated provided that such illumination (1) shall not present a hazard to pilots of any type of aircraft, (2) is not directed upward, and (3) has been approved by the County. The FAA and DIA will be important referral agencies and their comments will be considered by the Board of County Commissioners in their decision regarding the issuance of a Conditional Use Permit.
4. Before any Advertising Banner is erected, a building permit and a sign permit must be approved and issued by the County.
5. Advertising Banners shall be made of a non-reflective, flame- retardant material (i.e. mesh) as approved by the County. The FAA and DIA will be important referral agencies and their comments will be considered by the Board of County Commissioners in their decision regarding the issuance of a Conditional Use Permit.
6. Advertising Banners shall be securely fastened to the ground and/or an appropriate support structure shall be constructed to County specifications.
7. Advertising Banners shall be constructed of material which does not allow collection of rainwater or other significant amounts of precipitation which may cause a nuisance to aircraft pilots.

4-15-13 OTHER USES

Once an Advertising Banner is established on a lot, all other use or accessory use of the lot shall cease and no use or accessory use shall be established until such Advertising Banner is removed from the property.

4-16 LANDSCAPING**4-16-01 PURPOSE**

The purpose of this Section is to provide landscaping and performance standards which:

1. Enhance and promote a unique image for Adams County.
2. Protect the public health, safety and welfare by:
 - a. Increasing parking lot traffic safety by guiding the circulation of cars and people and lowering traffic speeds;
 - b. Minimizing noise, air, water and visual pollution;
 - c. Screening and buffering incompatible land uses;
 - d. Reducing the amount of reflected glare and heat absorbed in and around developments;
 - e. Breaking up large expanses of parking lots;
 - f. Preserving property values and neighborhood characteristics by lessening the impacts of potentially incompatible uses; and
 - g. Providing screening from wind.
3. Conserve water resources by:
 - a. Promoting the use of xeriscaping and drought-tolerant native plantings; and
 - b. Promoting the utilization of stormwater detention as an irrigation source.
4. Ensure landscaping is an integral part of the site design and development process.

4-16-02 APPLICABILITY

Development which satisfies one (1) of the following criteria shall be exempt from this section:

1. Agricultural uses.
2. Submitted or approved plans, building permits and/or development existing prior to the effective date of this Section shall comply with the regulations which were in effect at the time of approval.

The provisions of this article shall apply to development, which meets one (1) of the following and is not exempt:

1. All new development which has not applied for a building permit before the effective date of this Section; or
2. Existing development which requires a change in use permit as determined within the Change in Use Section of Chapter 4. ***Adopted by the BoCC on December 13, 2010**

When there is a change in use, as determined within the Change in Use Section of Chapter 4*, all of the applicable landscape requirements that can reasonably be complied with shall be complied with. Compliance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure on a permanent foundation. Mere financial hardship caused by the cost of meeting the landscaping requirement does not constitute grounds for finding compliance is not reasonably possible. ***Adopted by the BoCC on December 13, 2010**

The Screening and Fencing Standards of Chapter 4, as amended, determine additional standards and regulations for screening and fencing performance standards.

4-16-03 EXISTING VEGETATION

Existing valuable trees, shrubs and grasses shall be preserved within natural drainage areas and areas not needed for development. Healthy, mature trees and younger plants, which would normally succeed older plants, shall be preserved. Trees, which are decayed, diseased, or reaching the end of their natural life span should not be preserved. If valuable trees are destroyed by the development, new trees shall be installed to replace the destroyed trees. Existing vegetation, which is retained as part of the development, may be counted as part of the landscaping requirement, unless prohibited by Section 4-17, Weeds and Dangerous Trees, of these standards and regulations.

4-16-04 LANDSCAPE MATERIALS & LOCATION

4-16-04-01 LANDSCAPE MATERIALS

All landscape materials shall conform to these standards and regulations. All landscape materials shall be healthy and compatible with the local climate and the site soil characteristics, drainage, and water supply.

No artificial trees, plants, or turf shall be used as a landscape material. If an applicant is interested in using artificial turf in their development, they shall meet the minimum standards for required plant materials and submit a request for an alternative turf

design with drainage specifications to the Director of Community and Economic Development. Areas for cultivation of crops or pasture shall not be considered landscaped. No noxious weeds, as defined by the Colorado Department of Agriculture, will be permitted in any area designated for landscaping.

4-16-04-02 LANDSCAPE LOCATION

Landscaped areas shall not be enclosed by a fence, which limits its visibility. If a sight obscuring fence is required, it shall be set back from the landscaped area. This will have the effect of having the landscaped area adjacent to the right-of-way and the fence will be located behind the landscaped area.

All landscaping shall be located so it does not interfere with utilities, easements, road lighting or fire hydrants.

4-16-05 XERISCAPING

Xeriscaping is encouraged in all areas of the county. When xeriscaping is proposed, the xeriscape landscape plans shall be developed to assure a successful, low water and low maintenance landscape. The following fundamental principles should be followed in proposing a xeriscape landscape plan:

1. *Planning and Design:* In addition to aesthetics and function of plants, the soils, drainage patterns, exposure to heat and wind, and the manner in which the site is irrigated, must be considered.
2. *Limited Turf Areas:* Where feasible, use less water demanding materials, such as ground covers, low water usage plants, or mulches instead of turf, and locate turf only in areas where it provides functional benefits.
3. *Turf Species:* Areas close to the building or where uniform turf is desired are best planted with fine-bladed, sod-forming turf varieties such as Buffalo grass or Bluegrass. Outlying areas, where soil cover is needed, but foot traffic is limited, can be planted with various coarse grasses such as Tall Fescue, Smooth Brome, and Wheatgrasses. Species of grass, which grow with the average rainfall received by Adams County per year, include Tall Fescue, Smooth Brome Fairway Crested Wheatgrass, Ephraim Crested Wheatgrass, Buffalograss, Blue Gramma, and others. Some varieties of Bluegrass, which are relatively drought tolerant, include Majestic, America, and Merion. The above listed drought tolerant grasses need water to become established. They also need occasional irrigation during a prolonged dry spell. The key to drought tolerance is deep root development. This is brought about by deep, thorough soil preparation and deep, infrequent watering.

4. *Soil Improvements:* Soil improvement allows for better absorption of water and improved water-holding capacity of the soil. Soils with organic matter also provide nutrients to plants. Improve the soil prior to planting and installation of any irrigation system by digging in a minimum of three (3) cubic yards of organic matter per one thousand (1,000) square feet to be planted. Organic matter could include aged manure, sphagnum peat moss, humus, compost or aged sawdust.
5. *Efficient Irrigation:* When used, well-planned sprinkler systems can save water. For efficient water use, irrigate turf areas separately from other plantings. Landscape plantings should be grouped according to similar water needs. Turf areas are best watered with sprinklers. Trees, shrubs, and groundcovers can be watered efficiently with low volume drip or spray systems.
6. *Mulches:* Mulched planting beds are an ideal replacement for turf areas. Mulches cover and cool the soil, minimize evaporation, reduce weed growth and slow erosion. Mulches also provide landscape interest. Mulches should be placed over geo-textile fabric (filter fabric) where ground cover or shrubs are to be used in order to allow water and air to pass through the fabric and discourage weed growth.
7. *Low Water Use Plants:* Low water use plants can serve nearly every landscape function. Section 4-16-14 includes recommended guides on xeriscape plants for the Front Range area.

4-16-06 BUFFERYARDS

4-16-06-01 BUFFERYARDS

The exterior boundaries of the lot which do not abut a public road right-of-way shall meet the bufferyard requirements shown below, depending upon the adjacent land use. All lesser intensity uses shall be buffered from higher intensity uses with a plant material bufferyard. If the adjacent land use is a vacant building or ground, then the zoning shall be used in place of the land use. Plant material used for bufferyards between uses differing in intensity is in addition to the total landscaping requirement.

The following bufferyards and plantings shall be required between the identified land uses at the time of occupancy:

Land Use	Existing Residential Uses	Existing Commercial Uses	Existing Industrial Uses	Existing Institutional Uses	Existing Agricultural Uses
New Residential	A	C	D	A	A

Uses					
New Commercial Uses	C	A	B	B	C
New Industrial Uses	D	B	none	D	D
New Institutional Uses	A	B	D	A	A

Note: If a use does not conform to one (1) of the above categories, the Director of Community and Economic Development shall determine which category best matches the use.

Bufferyard Classification Requirements:

1. **Bufferyard A:** Five (5) foot minimum bufferyard width with one (1) tree per eighty (80) linear feet of lot line.
2. **Bufferyard B:** Ten (10) foot minimum bufferyard width with two (2) trees per eighty (80) linear feet of lot line.
3. **Bufferyard C:** Fifteen (15) foot minimum bufferyard width with two (2) trees per eighty (80) linear feet of lot line and six (6) foot high sight obscuring fence or wall located on the interior line of the bufferyard.*
4. **Bufferyard D:** Fifteen (15) foot minimum bufferyard width with three (3) trees per sixty (60) linear feet and six (6) foot sight obscuring fence or wall located on the interior line of the bufferyard.*

*A continuous hedge may be substituted for the required fence or wall in Bufferyards C and D, as long as it has a minimum height at installation of three (3) feet and will reach six (6) feet or more at maturity.

4-16-06-02 SPECIAL BUFFERYARDS

Any new development abutting any portion of the designated Adams County Trail System, a public park, or limited access highway, shall be buffered from the trail, or park, using a Type C Bufferyard, unless increased or decreased by the Director of Community and Economic Development.

4-16-07 REQUIRED LOT LANDSCAPING

In addition to the required bufferyards and bufferyard landscaping, the following site landscaping shall also be required:

1. *Minimum Landscape Area:* All developments shall be required to landscape a minimum of ten (10) percent of the lot area. At least fifty

(50) percent of the required landscape area shall be placed so it abuts adjoining public right-of-ways, excluding alleys and drives.

2. *Other Requirements:* The placement and design of the landscaping shall be at the discretion of the developer, but shall be approved by the Director of Community and Economic Development. In addition to the plantings required under this Section, both Section 4-16-08, Off-Road Parking Lot Landscaping, and Section 4-16-06, Bufferyards, shall apply. The bufferyard landscaping requirements and the required landscaping adjacent to the front of a lot are required even if the 10% lot coverage is exceeded. The landscape area depth is measured from the property line (generally, the right-of-way line) inward. In eastern Adams County, no shrubs shall be required.
3. All applicants not able to meet the landscaping requirements may submit an Appeal from Administrative Decision. ***Adopted by the BoCC on December 13, 2010**
4. The applicant/owner of land where landscaping is placed with or without County approval is responsible for relocation, alteration, and/or removal if required by the County at the owner's expense. Any landscaping within the right-of-way will not be used in the assessment of the land as part of right-of-way acquisition.

4-16-07-01 STREET FRONTAGE LANDSCAPING

The area along any property line abutting a public road right-of-way shall be landscaped using one (1) or any combination of the following landscape options:

- a. *Option 1:* Install a twenty-five (25) foot wide area along the road right-of-way. Within the landscape area, one (1) tree and two (2) shrubs shall be planted per forty (40) linear feet of frontage. Drive aisles shall be counted as zero (0) feet in depth.
- b. *Option 2:* Install a twenty (20) foot landscape area along the road right-of-way. Within the landscape area, one (1) tree and two (2) shrubs shall be planted per forty (40) linear feet of frontage. Drive aisles shall be counted as zero (0) feet in depth.
- c. *Option 3:* Install a ten (10) foot landscape area along the road right-of-way. Within the landscape area, two (2) trees and five (5) shrubs shall be planted per forty (40) linear feet of frontage. Drive aisles shall be counted as zero (0) feet in depth.
- d. *Option 4:* Install a five (5) foot landscape area along the road right-of-way. Within the landscape area, one (1) tree and two (2) shrubs shall be placed per forty (40) linear feet of frontage. A thirty (30) inch high decorative wall or the building shall be located between

the parking area and the road frontage. Drive aisles shall be counted as zero (0) feet in depth.

- e. *Option 5:* Install a landscape berm with a two (2) foot minimum average height. The berm shall have a slope of no greater than one (1) foot of rise to every four (4) feet of run. Within the landscape area, one (1) tree and five (5) shrubs shall be planted per sixty (60) linear feet of frontage.

***Adopted by the BoCC on December 13, 2010**

4-16-07-02 OFF-ROAD PARKING LOT LANDSCAPING

The following landscaping requirements can be used to satisfy the 10% total lot landscaping requirement and shall be consistent with the following: ***Adopted by the BoCC on December 13, 2010.**

1. *Trees:* There shall be one (1) tree provided for every ten (10) parking stalls.
2. *Internal Landscape Area:* Depending on the number of spaces, the following square feet of landscaped area must be placed within the vehicle use areas. The required landscaped area shall be "stepped" up based on the number of stalls, which will be provided. For example, a parking lot with fifty-two (52) stalls shall provide twenty-five (25) square feet per stall.

<i>Number of Parking Stalls</i>	<i>Required Landscaped Area</i>
0-9	None required
10-25	15 sq. ft. per stall
26-50	18 sq. ft. per stall
51-99	25 sq. ft. per stall
100 or more	35 sq. ft. per stall

3. *Distance to Landscaping:* No parking stall shall be more than one-hundred-twenty (120) feet from a required internal landscaped area.
4. *Terminal Islands:* The developer is encouraged to utilize landscaped terminal islands at the end of parking rows and/or divider strips between parking rows to help disperse the required landscaping throughout the entire parking lot.
5. *Curbs:* Landscaped areas within parking lots or along the perimeter of the property must be protected from vehicular traffic through the use of

continuous concrete curbs, extruded asphalt or other approved permanent barriers.

6. *Clear Vision Area:* Clear vision areas within the off-road parking area must be established at road intersections by maintaining a maximum height for shrubs and ground cover of thirty (30) inches. Within a clear vision area, tree branches must be trimmed up eight (8) feet from the ground.
7. *Minimum Landscape Islands:* The minimum width or length of any landscaped area shall be five (5) feet, however the recommended minimum size is eight (8) feet. All of the required landscaped areas must contain a minimum of seventy-five (75) percent living landscaping material, with a maximum of twenty-five (25) percent nonliving landscaping material. In eastern Adams County, the percentages of living landscaping material may be reduced to fifty (50) percent. Sidewalks abutting public rights-of-way are not counted toward the nonliving landscape material percentage.
8. *Splitting Parking Lots:* Parking lots containing between 200-750 parking stalls are required to be divided into two (2) or more lots, separated by a landscaped strip which may be counted toward the required off-road parking landscaping area. Parking lots with more than 750 stalls are required to divide the lot into at least two parking lots with a landscaped strip separating them. The minimum width of these landscaping strips shall be ten (10) feet.
9. *Sidewalks Counted:* A landscaped divider strip within a parking lot which separates either parking rows or parking lots shall be allowed to count a sidewalk located within this divider strip toward a part of the required off-road parking lot landscaping. The intent of this sidewalk is to help facilitate safe pedestrian movement. This sidewalk must meet the following criteria if it is to be counted toward the required landscaping:
 - a. The sidewalk has a five (5) foot wide walking path and shall add two (2) feet for vehicle overhang, if the sidewalk abuts a parking stall.
 - b. The sidewalk runs the entire length of the divider strip.
 - c. The sidewalk is bordered on at least one (1) side by landscaping, of which the sidewalk cannot account for more than fifty percent (50%) of the area of the divider strip.
10. *Other Vehicle Areas:* Areas used for vehicle service, parking, and business transactions such as areas adjacent to gasoline pumps (even if under a canopy) and areas for drive up service, shall be considered parking areas and shall comply with the parking lot landscaping requirements. Drive areas shall be calculated at a rate of one (1) parking space per two hundred (200) square feet of vehicle service area.

11. *Vehicle Sales Lots:* Vehicle sales lots shall provide trees at the rate of one (1) tree per one hundred (100) lineal feet, and shrubs at the rate of one (1) shrub per ten (10) lineal feet of display area fronting a public right-of-way. Plants may be grouped together, provided at least two-hundred-fifty (250) square feet of contiguous growing area, not encroached upon by shrubs or impervious surfaces, surrounds each planted tree.

4-16-08 GENERAL PERFORMANCE STANDARDS FOR ALL USES

4-16-08-01 COVER IN LANDSCAPED AREAS

All required landscaped areas and bufferyards must contain a minimum of seventy-five percent (75%) organic landscaping material, with a maximum of twenty-five percent (25%) non-living landscaping materials. All required landscaped areas and bufferyards shall be irrigated, maintained and kept free of weeds, debris and litter. In eastern Adams County, the percentages of living landscaping material shall be reduced to fifty percent (50%) and an automatic irrigation system is not required. Eastern Adams County is defined as that portion of Adams County outside the definition of Urban Adams County as defined in Chapter 11. In eastern Adams County, single-family residential land uses are not required to install landscaping and no landscaping is required for commercial and industrial land uses, which are serviced exclusively by wells and which are restricted by the Colorado Division of Water Resources to inside use only. In addition, xeriscaping is encouraged in all areas of the County.

4-16-08-01-01 MINIMUM SIZE REQUIREMENTS FOR TREES AND SHRUBS

Landscaping materials shall comply with the following minimum size standards at the time of planting, with caliper measurements taken six (6) inches above grade.

<i>Plant Type</i>	<i>Maturity Height</i>	<i>Size at Planting</i>
Ornamental	Less than 20'	1" to 1-1/2" cal.
Large Deciduous	Over 20'	2" to 2-1/2" cal.
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gal. container
Upright Shrubs	3' to 10'	5 gal. container

4-16-08-01-01-01 GRADING STANDARD

The following grading standard shall apply to all new landscaping and buffering areas:

<i>Landscaping</i>	<i>Maximum Slope</i>	<i>Minimum Slope</i>
Lawn and grassed areas	4:1	100:1
Berms and Mounds		
Grassed	4:1	20:1
Non-Maintenance	2:1	N/A

4-16-08-02 MAINTENANCE STANDARDS

All landscaping and required buffering shall be continually maintained including irrigation if applicable, weeding, pruning and replacing in a substantially similar manner as originally approved. The following survival standards shall apply to all landscaping and required buffering:

1. *Living Ground Covers:* Living ground covers must be fifty percent (50%) established after the first growing season, and ninety percent (90%) established thereafter.
2. *Non-Living Ground Covers:* Non-living ground covers, such as rock or mulch must be one hundred percent (100%) intact after one (1) year and eighty percent (80%) intact thereafter.
3. *Trees and Shrubs:* Trees and shrubs must have a one hundred percent (100%) survival rate after one (1) year and a ninety percent (90%) survival rate thereafter.

4-16-09 LANDSCAPING PERFORMANCE STANDARDS FOR SPECIFIC USES

4-16-09-01 RESIDENTIAL USES

4-16-09-01-01 SINGLE FAMILY DWELLING LANDSCAPING

1. *Front and Side Setbacks:* The entire front and side setbacks shall be landscaped, except for driveways.
2. *Back Yard Setback:* A minimum thirty percent (30%) of the back yard shall be landscaped.
3. *Required Ground Cover:* A minimum of thirty percent (30%) of the required front and side landscape area must be covered by living ground material, such as low growing ground cover, shrubs, or grass, within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one-hundred-twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been

completed within one (1) planting season, the County may proceed against the bond to complete the landscaping. Single-family residential uses in eastern Adams County are not required to install landscaping or automatic irrigation systems.

4. *Required Trees and Shrubs:* A minimum of one (1) large tree and five (5) shrubs, or two (2) ornamental trees and five (5) shrubs, shall be required for each lot. Evergreens shall be considered ornamental.
5. *Minimum Size Requirements:* Minimum size requirements for trees and shrubs shall be:

<i>Plant Type</i>	<i>Maturity Height</i>	<i>Minimum Plant Size at Planting</i>
Ornamentals	Less than 20'	1" to 1-1/2"
Large Deciduous	Over 20'	2" to 2-1/2"
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gallon
Upright Shrubs	3' to 10'	5 gallon

4-16-09-01-02

SINGLE FAMILY ATTACHED LANDSCAPING

1. *Front and Side Setbacks:* The entire front and side setbacks shall be landscaped, except for driveways.
2. *Back Yard Setback:* A minimum of thirty percent (30%) of the back yard shall be landscaped.
3. *Required Ground Cover:* A minimum of thirty percent (30%) of the required front and side landscape area must be covered by living ground material, such as low growing ground cover, shrubs, or grass, within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one-hundred-twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.
4. *Required Trees and Shrubs:* A minimum of one (1) large tree and five (5) shrubs, or two (2) ornamental trees and five (5) shrubs, shall be required for each lot. Evergreens shall be considered ornamental.
5. *Minimum Size Requirements:* Minimum size requirements for trees and shrubs shall be:

<i>Plant Type</i>	<i>Maturity Height</i>	<i>Minimum Plant Size at Planting</i>
Ornamentals	Less than 20'	1" to 1-1/2"
Large Deciduous	Over 20'	2" to 2-1/2"
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gallon
Upright Shrubs	3' to 10'	5 gallon

4-16-09-01-03 DWELLING, TOWNHOUSE LANDSCAPING

1. *Minimum Landscaped Area:* Not less than 30% of the site area shall be landscaped.
2. *Required Ground Cover:* A minimum of one-third (1/3) of the required landscape area must be covered by living ground material within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one hundred twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.
3. *Required Trees and Shrubs:* A minimum of one (1) large tree and two (2) shrubs, or two (2) ornamental trees and two (2) shrubs, shall be required for each increment of fifteen hundred (1,500) square feet in western Adams County and three thousand (3,000) square feet in eastern Adams County.
4. *Parking Lot Landscaping:* All parking lots which consist of thirty (30) spaces or more must be designed to include landscaped islands between rows. This landscaping shall be credited toward the total landscaped area required.
5. *Required Tree Mix:* The selection of trees shall be a mix of large deciduous (30% - 70%) and ornamental (30% - 70%) trees. Evergreens shall be considered ornamental.
6. *Minimum Size Requirements:* Minimum size requirements for trees and shrubs shall be:

<i>Plant Type</i>	<i>Maturity Height</i>	<i>Minimum Plant Size at Planting</i>
Ornamentals	Less than 20'	1" to 1-1/2"
Large Deciduous	Over 20'	2" to 2-1/2"
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gallon
Upright Shrubs	3' to 10'	5 gallon

7. *Irrigation System Required:* A fully automatic irrigation system is required.

4-16-09-01-04 **DWELLING, MULTI-FAMILY LANDSCAPING**

1. *Minimum Landscaped Area:* Not less than thirty percent (30%) of the site area shall be landscaped.
2. *Required Ground Material:* A minimum of one-third (1/3) of the required landscape area must be covered by living ground material within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one hundred twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.
3. *Required Trees and Shrubs:* A minimum of one (1) large tree and two (2) shrubs, or two (2) ornamental trees and two (2) shrubs, shall be required for each increment of fifteen hundred (1,500) square feet in western Adams County and three thousand (3,000) square feet in eastern Adams County.
4. *Parking Lot Landscaping:* All parking lots which consist of thirty (30) spaces or more must be designed to include landscaped islands between rows. This landscaping shall be credited toward the total landscaped area required.
5. *Required Tree Mix:* The selection of trees shall be a mix of large deciduous (10% - 50%) and ornamental (10% - 50%). Evergreens shall be considered ornamental.
6. Minimum size requirements for trees and shrubs shall be:

<i>Plant Type</i>	<i>Maturity Height</i>	<i>Minimum Plant Size at Planting</i>
-------------------	------------------------	---------------------------------------

Ornamentals	Less than 20'	1" to 1-1/2"
Large Deciduous	Over 20'	2" to 2-1/2"
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gallon
Upright Shrubs	3' to 10'	5 gallon

7. *Irrigation System Required:* A fully automatic irrigation system is required.

4-16-09-01-05 *DWELLING, MANUFACURED HOME PARK*

A twenty (20) foot strip around the boundary must be landscaped to provide a visual screen. All open spaces and other unimproved areas must be suitably landscaped. All landscaping must be maintained and furnished with an automatic sprinkler system.

4-16-09-01-06 *DWELLING, MOBILE HOME PARK*

A landscaping plan shall be submitted for review and approval. The setbacks of the development and any other area not covered by mobile homes, driveways, ingress and egress, or other structures, shall be landscaped.

4-16-09-02 *COMMERCIAL USES*

4-16-09-02-01 *AUTOMOBILE SERVICE STATIONS*

1. *Screening:* Service stations shall be separated from abutting residential properties by a six (6) foot high masonry wall and a Type E Bufferyard.
2. *Landscaping:* In addition to all other required landscaping, boundary landscaping is required for a minimum depth of ten (10) feet along all property lines abutting roads, except for the area required for road openings. Permanent irrigation facilities shall be provided for all landscaped areas.

4-16-09-02-02 *BED & BREAKFAST ESTABLISHMENTS*

1. *Screened Parking*: Off-road parking for the guest rooms shall be screened with landscaping meeting the requirements of a Type C Bufferyard.

4-16-09-02-03 *CAMPGROUNDS, COMMERCIAL*

In addition to all other required landscaping, interior landscaping of the campground shall require at least one (1) tree and two (2) shrubs per campsite. Each tree shall be at least two (2) inch caliper in size when planted. Shrubs shall be a minimum of five (5) gallon size when planted.

4-16-09-02-04 *DRIVE-IN ESTABLISHMENTS, INCLUDING DRIVE-THRU RESTAURANTS*

1. *Landscaping*: Planting requirements for the drive-up window and access lanes shall be the same as those required for parking area landscaping in accordance with the Parking Performance Standards in Section **Error! Reference source not found.** of these standards and regulations.

4-16-09-02-05 *AUTOMOBILE DEALERSHIPS; AUTOMOBILE RENTAL; AUTOMOBILE OR BUS REPAIR, PAINTING, AND BODY WORK; AND TRUCK TRAILER AND HORSE TRAILER SALES AND RENTAL***4-16-09-02-06 *AUTOMOBILE DEALERSHIPS***

Boundary landscaping is required for a minimum depth of fifteen (15) feet along all property lines abutting roads, except for the area required for road openings. Permanent watering facilities shall be provided for all landscaped areas.

4-16-09-02-07 *AUTOMOBILE RENTAL*

In addition to all other landscaping, boundary landscaping is required for a minimum depth of fifteen (15) feet along all property lines abutting roads, except for the area required for road openings.

Permanent watering facilities shall be provided for all landscaped areas.

4-16-09-02-08 AUTOMOBILE OR BUS REPAIR

Boundary landscaping is required for a minimum depth of fifteen (15) feet along all property lines abutting roads, except for the area required for road openings. Permanent irrigation facilities shall be provided for all landscaped areas.

4-16-09-02-09 TRUCK TRAILER AND HORSE TRAILER SALES AND RENTAL

Boundary landscaping is required for a minimum depth of fifteen (15) feet along all property lines abutting roads, except for the area required for road openings. Permanent watering facilities shall be provided for all landscaped areas.

4-16-09-02-10 GUN AND ARCHERY RANGES

Two (2) Type D Bufferyards shall encircle the perimeter of the gun range to provide a natural noise barrier. A ten (10) foot berm shall be incorporated into the bufferyard around the site.

4-16-10 LANDSCAPING PLAN REQUIRED

A landscaping plan shall be required as a condition of building permit approval. The Director of Community and Economic Development shall determine if the plan meets the requirements of these standards and regulations. At a minimum, a landscaping plan shall contain the following items:

1. Scale - written and graphic;
2. North arrow;
3. Label the zoning of subject property and adjacent properties;
4. Label the current land use of subject property and all adjacent properties;
5. Existing plant material, if applicable;
6. Plants to be removed or relocated, if applicable;
7. Existing and proposed structures, overhangs, and pavings, if applicable;
8. Planting details specifying mulching materials;

9. Details of berms, walls, or any other structural buffering device if required by these standards and regulations;
10. Title block with name of project, name of person preparing plan and date;
11. A written statement describing type of irrigation system proposed - detail the proposed irrigation system or method of irrigation;
12. Plant schedule showing the following:
 - a. Number and location of plants of each species; and,
 - b. Plant name (common name, botanical name and variety name); and,
 - c. Size and condition of plants - size be expressed in terms of size of container, height of plant, or caliper of tree; condition to be expressed in terms of size of container, ball and burlap, and/or bare root plant division (list shall be divided according to trees, shrubs and ground covers, and turf types); and,
13. Cost estimate including materials and cost of installation, when installation of landscaping is deferred.

4-16-11 LANDSCAPING INSTALLATION AND CERTIFICATE OF OCCUPANCY

All required landscaping and buffering shall be installed prior to issuance of a Certificate of Occupancy. If weather conditions necessitate a delay in installation of landscaping, a Certificate of Occupancy may be issued only if collateral is filed with the County in an amount designated by the Director of Community and Economic Development, along with a schedule of completion, and a development agreement. The amount of the collateral will reflect one-hundred-twenty-five percent (125%) of the estimated cost of purchasing and installing the landscaping. In eastern Adams County, single-family residential land uses are not required to install landscaping and no landscaping is required for commercial and industrial land uses, which are serviced exclusively by wells and which are restricted by the Colorado Division of Water Resources to inside use only.

4-16-12 LANDSCAPING PHASING

A development agreement will be accepted in partial lieu of landscape if the applicant chooses to install landscape in phases. In the case of phased landscaping, a Certificate of Occupancy may be issued only if collateral is filed with the County in an amount designated by the Director of Community and Economic Development, along with a schedule of completion, and a development agreement. The amount of the collateral will reflect one-hundred-twenty-five percent (125%) of the estimated cost of

purchasing and installing the landscaping. All landscape phasing shall be approved at the discretion of the Director of Community and Economic Development.

4-16-13 DEVELOPMENT ABUTTING ADAMS COUNTY TRAIL SYSTEM

Any new development abutting any portion of the designated Adams County Trail System, a public park, or limited access highway, shall be buffered from the trail, or park, using a Special Bufferyard (Type C), unless increased or decreased by the Director of Community and Economic Development.

4-16-14 REQUIRED LOT LANDSCAPING

In addition to the required bufferyards and bufferyard landscaping, the following site landscaping shall also be required:

4-16-15 ADMINISTRATIVE RELIEF*

Administrative relief is provided to add flexibility in the application of the landscaping regulations in this Section 4-16 when a standard is inapplicable or inappropriate to a specific use or design proposal. However, the granting of administrative relief should not always mean a requirement is reduced without mitigation – be it landscaping combined with urban design elements (i.e. architectural elements within a parking lot that screen parking to provide shade pavement, sidewalk/tree lawn area, gathering space or plaza, or natural areas), concentrated/denser plant material within a reduced buffer yard width, or demonstrations of concepts that are equal to or superior in fulfilling the purpose of the landscaping requirements).

A written request for administrative relief shall be submitted to the Director of Community and Economic Development either before or in conjunction with the building permit review process. The written request shall:

1. Include a justification in terms of the findings necessary to grant administrative relief; and
2. The written request shall close with a section for the Director of Community and Economic Development's use, which will include a block for the decision of approval/denial, the Director of Community and Economic Development's signature, and decision date.

The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate. An example of this written request shall be available from the Director of Community and Economic Development.

The Director of Community and Economic Development must make all of the following findings in order to grant administrative relief:

1. The strict application of the regulations in question is unreasonable given the development proposal or the measures proposed by the applicant or the property has extraordinary or exceptional physical conditions or unique circumstances which do not generally exist in nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief;
2. The intent of the landscaping section and the specific regulations in question is preserved, and;
3. The granting of the administrative relief will not result in an adverse impact upon surrounding properties.

The Director of Community and Economic Development shall render a decision on the request within ten (10) working days of receipt of the request and all required information.

An appeal of the decision of the Director of Community and Economic Development may be made to the Board of Adjustment within ten (10) days after the decision. At this time, the appeal will be placed on the agenda for the next Board of Adjustment meeting. The Landscape Appeal shall be processed in the same manner as a Variance request.

The Board of Adjustment shall grant the appeal, modify the administrative decision, or deny the appeal based on consideration of the staff report, the evidence from the public hearing, and compliance with the criteria for approval.

Policies:

1. The County recognizes the specific landscape requirements in this Section cannot and do not anticipate all possible landscape situations. In addition, the County recognizes there may be landscape proposals that conform to the purpose, intent and objectives of the landscape standards, but were not anticipated in the specific regulations. Therefore, the County may grant administrative relief in the event of these situations and proposals.
2. The County recognizes a proposed development of a relatively small commercial or industrial lot, which was created prior to the current landscape requirements, or the expansion or remodeling of an existing commercial site may present unusual difficulties in complying with the current requirements. Therefore, the County may grant administrative relief in the event of these situations and proposals.
3. The County shall attempt to balance the reasonable use of such a lot with the provisions of required landscaping. This balance will be affected by the site's characteristics, as well as the proposed development plan.

4. The County recognizes in order to allow reasonable development; there should be an upper limit to the amount of the site, which is required to be landscaped. As a general guideline for relatively small commercial or industrial lots (such as one (1) acre or less), the requirements should not exceed twenty-five (25) percent of the site.

The reasonable development of a site may require the granting of administrative relief to some of the requirements. Although all of the categories of landscape requirements are considered important, the County generally assigns the following priorities for compliance with the landscape requirements:

1. Adjacent residential uses should be buffered;
2. An attractive appearance of the project should be provided along adjacent roads by landscaped setbacks and trees, and;
3. The parking areas and building elevations which form major public views of the project should be visually softened and enhanced by trees and other plantings.

Compliance with the requirements, such as the third priority above, should not be “forced” into a site design. For both visual effect and ease of maintenance, relatively few, but larger landscaped areas, which are integrated with the other elements of the site design, are generally encouraged. In addition, relatively numerous and smaller landscaped areas, which are not integrated with the other elements of the site design, are generally discouraged.

***Adopted by the BoCC on December 13, 2010**

4-16-16 RECOMMENDED PLANT MATERIALS

The following is a reference list of agencies and local jurisdictions that have plant material recommendation lists that are most compatible with the Adams County area:

- Denver Water Wise Landscape Handbook (Denver Water)
- Colorado Native Plant Society Low-Water Native Plants for Colorado Gardens: Front Range & Foothills (West Adams County)
- Colorado Native Plant Society Low-Water Native Plants for Colorado Gardens: Prairie and Plains (Central and East Adams County)
- Colorado State University Extension Office Publications
- A Plant Select guide to plants for smart, stunning, successful western gardens (partnership with CSU and Denver Botanic Gardens)

4-17 WEEDS AND DANGEROUS TREES**4-17-01 WEEDS AND OFFENDING VEGETATION**

1. *Duty to Control Weeds:* It is the duty of every owner or occupant to abate weeds and offending vegetation on all premises.
2. *Maximum Height of Weeds:* Weeds and offending vegetation greater than twelve (12) inches in height, on all premises, shall be cut to and maintained at a height of six (6) inches or less according to the following:
 - a. In Residential (except RE), Commercial, and Industrial Zone Districts, within the entire lot or parcel.
 - b. In the A-1 and RE Zone Districts, within the established front building setback and within the required side and rear setback for principal dwellings. If no structure exists on the property, then the minimum required principal dwelling setbacks. In the A-2 and A-3 Zone Districts, within the required or established principal dwelling setbacks. In all Agricultural and the RE Zone Districts a minimum of a twenty (20) foot perimeter around the existing principal dwelling and all accessory structures.
 - c. In CO, PL, AV, and DIA Zone Districts, no requirements.
 - d. Notwithstanding the forgoing, any weeds classified as noxious by the State of Colorado or Adams County must be completely abated in accordance with the requirements of the State of Colorado or Adams County, as applicable.

4-17-02 DANGEROUS TREES

1. *Duty to Control Dangerous Trees:* Any owner or occupant of a lot shall cause to be cut or removed any dangerous trees located on the lot which may be considered troublesome, a hindrance to the general public, or which in any way endangers the security and usefulness of any public road, highway, aviation facility, alley, utility, sidewalk, or bicycle trail.
2. *Tree Branch Clear Height*
 - a. *Roads, Alleys, and Highways:* All trees located on a lot shall be trimmed to a clear height of twelve (12) feet above the surface of public roads, alleys or highways when the branch extends into the established right-of-way or existing roadway.
 - b. *Public Sidewalks and Bicycle Trails:* All trees shall be trimmed to a clear height of eight (8) feet above public sidewalks or bicycle trails when the

branch extends into or over the sidewalk or trail. All tree limbs shall be trimmed so as not to interfere with sight distance triangles in accordance with these standards and regulations.

3. *Duty to Control Interfering Roots:* Dangerous trees upon a lot whose roots are causing interference with public sidewalks or utilities shall be controlled or removed.

4-18 MARIJUANA ESTABLISHMENTSⁱⁱ

- A. The purpose of the following general performance standards is to address elements of planning, design, operation and maintenance to be applied to all marijuana establishments in Adams County. Any use-specific performance standards contained in these standards and regulations shall also be applied. Where a use-specific performance standard conflicts with a general performance standard, the use-specific standard shall apply.
- B. Prior to the operation of any marijuana establishment, a license must be obtained from the state of Colorado, and either a building permit or a change-in-use permit must be obtained from Adams County, as applicable.
- C. Uses established pursuant to this section shall at all times be in complete compliance with the terms and conditions of its marijuana establishment license for licenses issued by the state of Colorado. In the event Adams County requires a local license, then every applicable marijuana establishment shall submit and receive approval of the license prior to operation. Marijuana establishments in operation prior to the establishment of a local licensing authority in Adams County shall submit and receive approval of a local license from the local licensing authority within 90 days of the anniversary of initial certificate of occupancy and/or final inspection.
- D. No marijuana establishment shall be allowed as a home occupation use.
- E. Distances are measured from property line to property line.
- F. Where a medical marijuana center and a medical marijuana optional premises cultivation operation or where a retail marijuana store and a retail marijuana cultivation facility are located on the same site in a commercial zone district, the cultivation operation / facility shall be no more than twice the size of the center / store.
- G. No marijuana establishment shall be located in a residentially zoned or used building, or in a movable or mobile structure.
- H. All marijuana establishment activities shall occur indoors.
- I. All marijuana establishments shall develop properties in harmony with the surrounding area, and shall enhance design elements of buildings and properties accordingly.
- J. Inspections of marijuana establishments may occur at any time with or without notice.
- K. Best industrial practices to mitigate odor, noise, lights, vapors, fumes, and dust, such as scrubbers and filters, shall be utilized and functioning at all times.

- L. These standards and regulations recognize the protections afforded by article xviii, section 14 of the Colorado constitution, and desires to affirm the ability of patients and primary caregivers to otherwise be afforded the protections of article xviii, section 14 of the Colorado constitution and §25-1.5-106, C.R.S. (2009).
- M. These standards and regulations shall in no way limit application and enforcement of any statutes of the state of Colorado.

4-18-01 MEDICAL MARIJUANA CENTER

- A. Permitted Zone District. Medical Marijuana Centers are only permitted in the C-3, C-4, C-5, I-1, I-2, and I-3 zone districts.
- B. Location. No Medical Marijuana Center shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school, state-licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, and public housing facility.
- C. Location: No Medical Marijuana Center shall be located within 100 feet of any existing house of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house or correctional facility.
- D. Location: No Medical Marijuana Center shall be located within 50 feet of any residentially zoned or used property.
- E. Location: No Medical Marijuana Center shall be located within 750 feet of any other Medical Marijuana Center or Retail Marijuana Store.

4-18-02 RETAIL MARIJUANA STORE

- A. Permitted Zone District. Retail Marijuana Stores are only permitted in the C-3, C-4, C-5, I-1, I-2, and I-3 zone districts.
- B. Location. No Retail Marijuana Store shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school, state-licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, and public housing facility.
- C. Location: No Retail Marijuana Store shall be located within 100 feet of any existing house of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house or correctional facility.
- D. Location: No Retail Marijuana Store shall be located within 50 feet of any residentially zoned or used property.

- E. Location: No Retail Marijuana Store shall be located within 750 feet of any other Retail Marijuana Store or Medical Marijuana Center.

4-18-03 MEDICAL MARIJUANA INFUSED PRODUCTS MANUFACTURER

- A. Permitted Zone District. Medical Marijuana Infused Products Manufacturers are permitted in the I-1, I-2, and I-3 zone districts.
- B. Location. No Medical Marijuana Infused Products Manufacturer shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school, state-licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, park, and public housing facility.
- C. Location. No Medical Marijuana Infused Products Manufacturer shall be located within 100 feet of any existing house of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house or correctional facility.
- D. Location: No Medical Marijuana Infused Products Manufacturer shall be located within 50 feet of any residentially zoned or used property.

4-18-04 RETAIL MARIJUANA PRODUCT MANUFACTURING FACILITY

- A. Permitted Zone District. Retail Marijuana Product Manufacturing Facilities are permitted in the I-1, I-2, and I-3 zone districts.
- B. Location. No Retail Marijuana Product Manufacturing Facility shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school, state-licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, park, and public housing facility.
- C. Location. No Retail Marijuana Product Manufacturing Facility shall be located within 100 feet of any existing house of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house or correctional facility.
- D. Location: No Retail Marijuana Product Manufacturing Facility shall be located within 50 feet of any residentially zoned or used property.

4-18-05 MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION OPERATION

- A. Permitted Zone District. Medical Marijuana Optional Premises Cultivation Operations are permitted in the C-3, C-4, and C-5 zone districts for dual operations, the I-1, I-2, and I-3 zone districts for stand-alone operations, and the

- A-3 zone district on parcels of at least 35 acres in size for indoor stand-alone operations west of Imboden Road from the northern border of Adams County south to the intersection of Imboden Road and E. 56th Avenue; then south of E. 56th Avenue between Imboden Road and Pass-Me-By Road; then west of Pass-Me-By Road from E. 56th Avenue to the southern border of Adams County.
- B. Location. No Medical Marijuana Optional Premises Cultivation Operation shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school, state-licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, park, and public housing facility.
 - C. Location. No Medical Marijuana Optional Premises Cultivation Operation shall be located within 100 feet of any existing house of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house or correctional facility.
 - D. Location: No Medical Marijuana Optional Premises Cultivation Operation shall be located within 50 feet of any residentially zoned or used property.

4-18-06 RETAIL MARIJUANA CULTIVATION FACILITY

- A. Permitted Zone District. Retail Marijuana Cultivation Facilities are permitted in the C-3, C-4, and C-5 zone districts for dual operations, the I-1, I-2, and I-3 zone districts for stand-alone operations, and the A-3 zone district on parcels of at least 35 acres in size for indoor stand-alone operations west of Imboden Road from the northern border of Adams County south to the intersection of Imboden Road and E. 56th Avenue; then south of E. 56th Avenue between Imboden Road and Pass-Me-By Road; then west of Pass-Me-By Road from E. 56th Avenue to the southern border of Adams County.
- B. Location. No Retail Marijuana Cultivation Facility shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school, state-licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, park, and public housing facility.
- C. Location. No Retail Marijuana Cultivation Facility shall be located within 100 feet of any existing house of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house or correctional facility.
- D. Location: No Retail Marijuana Cultivation Facility shall be located within 50 feet of any residentially zoned or used property.

4-18-07 RETAIL MARIJUANA TESTING FACILITY

- A. Permitted Zone District. Retail Marijuana Testing Facilities are permitted in the I-1, I-2, and I-3 zone districts.
- B. Location. No Retail Marijuana Testing Facility shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school, state-licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, park, and public housing facility.
- C. Location. No Retail Marijuana Testing Facility shall be located within 100 feet of any existing house of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house or correctional facility.
- D. Location. No Retail Marijuana Testing Facility shall be located within 50 feet of any residentially zoned or used property.

4-19 SEXUALLY ORIENTED BUSINESSES

4-19-01 SEXUALLY ORIENTED BUSINESSES BY ZONE DISTRICT

A person commits a misdemeanor if he operates or causes to be operated a Sexually Oriented Business outside of the C-4, C-5, I-1, I-2, or I-3 Zone Districts.

4-19-02 MISDEMEANOR OFFENSES

4-19-02-01 A PERSON COMMITS A MISDEMEANOR IF HE OPERATES OR CAUSES TO BE OPERATED A SEXUALLY ORIENTED BUSINESS WITHIN FIFTEEN HUNDRED (1,500) FEET OF:

1. Any church;
2. Any school meeting all requirements of the compulsory education laws of the state;
3. The boundary of any residential district;
4. A dwelling unit (single or multiple);
5. A public park adjacent to any residential district; or
6. Another sexually oriented business.

4-19-02-02 A PERSON COMMITS A MISDEMEANOR IF HE CAUSES OR PERMITS THE OPERATION, ESTABLISHMENT, OR MAINTENANCE OF MORE THAN ONE SEXUALLY ORIENTED BUSINESS WITHIN THE SAME BUILDING, STRUCTURE, OR PORTION THEREOF.

4-19-03 MEASUREMENTS AND DISTANCES

For purposes of this Section, distance between any two (2) sexually oriented businesses or between a sexually oriented business and any church, school, public park, dwelling unit (single or multiple) or residential district shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the property on which the sexually oriented business is conducted, to the nearest property line of the premises of another sexually oriented business, a church, school, or dwelling unit (single or multiple), or the nearest boundary of an affected public park, or residential district.

4-19-04 NONCONFORMING USE

1. Any sexually oriented business lawfully operating on February, 1994 that is in violation of this Section will be deemed a nonconforming use as provided for in Chapter 5 (Nonconforming Conditions) of these Regulations.
2. A sexually oriented business lawfully operating is not rendered in violation of this Section by the subsequent location of a church, school, dwelling unit (single or multiple), public park, or residential district, within fifteen hundred (1,500) feet of the sexually oriented business.

4-19-05 THE PROVISIONS OF THIS SECTION REGULATING NUDE MODEL STUDIOS DO NOT APPLY TO:

1. A college, junior college, or university supported entirely or partly by taxation.
2. A private college or university which maintains and operates, educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. A business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and where no more than one (1) nude model is on the premises at any one (1) time.

4-20 SITE DESIGN CONSIDERATIONS

4-20-01 LOT DESIGN STANDARDS

4-20-01-01 LOT DIMENSIONS

1. *Lot Dimension to Conform to Zoning:* Lot dimensions shall conform to the requirements of the zone district in which the property is located.
2. *Lot Depth Ratio:* No lot shall have an average depth greater than three (3) times the average width unless the lot width exceeds four-hundred-forty (440) feet.

4-20-01-02 LOT CONFIGURATION

1. *Double Fronting Lots:* Lots with double frontage shall be avoided except where necessary to provide separation of residential development from arterials, to provide ingress and egress in commercial and industrial lots, or to overcome specific disadvantages of topography and orientation. Double frontage lots shall be permitted in rural areas where the lot size is five (5) acres or greater. Access for double fronting lots shall be taken from interior roads not perimeter collectors or arterials.
2. *Flag Lots:* Flag lots shall be allowed in all zone districts, but shall only be used where all other lot alternatives are impractical. If a reasonable development alternative exists, flag lots shall not be utilized even though their use might allow more lots to be created than other alternatives. In addition, no flag lot shall be approved where the flag lot is being used as a means of avoiding the construction of public roads or the extension of utilities. The minimum width of the pole of any flag lot shall be thirty (30) feet where the lot fronts a local road, arterial, or collector or meet the required minimum lot width of the pertinent zone district. The maximum depth of the pole shall be six hundred (600) feet. In all cases where a flag lot fronts a highway, arterial, or collector, only one (1) access shall be approved for every two-hundred-fifty (250) feet of road frontage. Lots shall be required to share access where inadequate frontage exists for multiple accesses to be provided.
3. *Wedge-Shaped Lots:* In the case of irregular or wedge-shaped lots, no lot shall be less than thirty (30) feet in width at the front property line where a lot fronts on a local road, a highway, arterial, or collector or meet the required minimum lot width of the pertinent zone district. The width at the front property line can be reduced to thirty (30) feet where a shared

driveway is provided. In all cases, where a wedge-shaped lot fronts a highway, arterial, or collector, only one access shall be approved for every two-hundred-fifty (250) feet of road frontage. Lots shall be required to share access where inadequate frontage exists for multiple accesses to be provided.

4. *Split Lots*: No single lot shall be divided by a road, alley or other lot without creation of two (2) or more separate lots.
5. *Side Lot Lines*: Side lot lines shall be substantially at right angles or radial to road right-of-way lines or road centerlines.

4-20-02 ACCESS

4-20-02-01 ACCESS SUBJECT TO APPROVAL

All accesses are subject to approval of the Director of Public Works or the Colorado Department of Transportation for state highways. In cases where an access point would impede or interfere with the planned traffic flow of a road, or create a traffic hazard, an access permit may be denied.

4-20-02-02 ACCESS DESIGN AND CONSTRUCTION

All access shall meet the requirements of these standards and regulations.

4-20-03 DRAINAGE

4-20-03-01 DRAINAGE DEVELOPMENT DESIGN

All developments shall be designed and constructed in compliance with the drainage criteria listed in Chapter 9 of these regulations.

4-20-03-02 DRAINAGE DESIGN AND CONSTRUCTION PLANS SUBJECT TO APPROVAL

All drainage plans are subject to approval of the Director of Public Works or Director of Community and Economic Development and are required for any building or other permit. All drainage facilities shall meet the requirements of these standards and regulations.

4-20-04 UTILITIES

4-20-04-01 UTILITIES SUBJECT TO APPROVAL

All utility locations and installations are subject to approval by the applicable public agency and/or private utility company. Utilities shall meet the minimum requirements of the utility company and any public agency including but not limited to these standards and regulations.

4-20-04-02 UNDERGROUND UTILITIES

All site utilities shall be underground.

4-20-04-03 CONNECTION TO EXISTING SYSTEMS

Utilities shall tie into existing sanitary and storm sewer and water main stubouts, if possible, to avoid disturbance to existing pavement.

4-20-04-04 CUTTING, BACKFILLING, AND PAVING

Where cuts in existing roads are made for utility work, all cutting, backfilling, and paving shall be done in accordance with the applicable public agency's specifications and procedures. Where a cut is made to a County road, a permit shall be obtained from the Director of Public Works. All cuts to County roads shall be completed in accordance with these standards and regulations.

4-20-05 SITE GRADING

4-20-05-01 NON-ENGINEERED APPEARANCE

The aesthetic goal of grading is to imitate natural landforms. Long, monotonous, unchanging slopes with severe breaks in slope have an unnatural, man-made appearance and shall be avoided.

4-20-05-02 GRADE CHANGE DESIGN

Grade changes shall be designed imaginatively, accenting or de-emphasizing the change in grade as appropriate. Circulation elements, such as trails and sidewalks, can effectively respond to grade conditions by meandering in long gentle curves.

4-20-05-03 AREA OF SITE GRADING

The area to be graded shall be kept as small as is practical in order to avoid large undeveloped graded areas. After grading, all areas not to be built within the same construction season shall be revegetated and other erosion control measures taken as appropriate. All revegetation and erosion control measures shall meet the requirements of these standards and regulations and be approved by the Director of Community and Economic Development.

4-20-05-04 OVERLOT GRADING

Overlot grading will be done to preserve existing topographic features where possible and to provide positive drainage.

4-20-05-05 SLOPE STANDARDS

Unless otherwise specified by these standards and regulations, all site grading shall be designed to meet the following standards:

1. Planting Areas
 - a. Minimum Slope: 2%
 - b. Maximum Slope: 30%
2. Parking Lot Pavement
 - a. Minimum Slope: 2%
 - b. Maximum Slope: 4%
3. Pedestrian Plaza Areas
 - a. Minimum Slope: 1%
 - b. Maximum Slope: 2%
4. Private driveways, public roads, and sidewalks shall comply with the slope requirements outlined in Chapter 7 of these regulations.

4-20-06 PEDESTRIAN AND BICYCLE AMENITIES**4-20-06-01 PEDESTRIAN AND BICYCLE ACCESS TO SITE**

Pedestrian and bicycle access onto the site shall be maximized in all proposed projects. This may be accommodated through the provision of on-site walkways, trails, paths or sidewalks and bike lanes or trails, which originate at the property boundary.

4-20-06-02 INTERNAL PEDESTRIAN AND BICYCLE CIRCULATION

Internal pedestrian and bicycle circulation shall be facilitated through appropriately sealed walkways, paths, trails or sidewalks and bike lanes or trails. Special emphasis shall be placed on providing pedestrian and bicycle access to proposed recreational and/or open space areas.

4-20-06-03 BICYCLE PARKING

Bicycle parking shall be provided for all commercial development. Bicycle parking areas should be located near structure entries, but should not encroach into pedestrian walkways.

4-20-06-04 SIDEWALKS

1. *Minimum Width:* The minimum width of all sidewalks shall be 5½ feet measured from the flowline.
2. *Sidewalk Design and Construction:* Sidewalks shall be designed and constructed in accordance with these standards and regulations.
3. *Open Space Connections:* Sidewalks should occur along roadways and extend into major open space areas.
4. *Sidewalk Maintenance:* The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of curb, gutter, and sidewalk along the right-of-way abutting the property including snow removal for pedestrian access.

4-20-06-05 BICYCLE PATH OR TRAILS

1. *Minimum Width:* Bicycle path or trails shall serve both pedestrians and bicycles and shall be at least eight (8) feet wide.
2. *Bicycle Path Design and Construction:* Bicycle paths and trails shall be designed and constructed in accordance with these standards and regulations.
3. *Open Space Connections:* Bicycle paths and trails should occur along roadways and extend into major open space areas.
4. *Bicycle Paths and Trails Maintenance:* The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of bicycle trails along the right-of-way abutting the property including snow removal for access.

4-21 OFF-ROAD UTILITY, DUMPSTER, RECYCLING, AND TRASH HANDLING FACILITIES

All off-road utility, dumpster, recycling, and trash handling facilities serving commercial and industrial uses shall meet the following requirements:

1. *Location:* All utilities (including heating and air conditioning units), dumpsters, and trash handling facilities shall be located on the same lot as the use served unless shared facilities are approved by the Community and Economic Development Department. All utility, dumpster, and trash handling facilities including the occupant's recycling facilities shall be completely screened from public view, and from the view of any development on any adjoining property. A wall, solid wood fence, evergreen hedge, earth berm, or any combination thereof shall be provided to obscure these facilities. However, when the service side of the particular facility faces any property line, a wall or solid wood fence with gates or doors must be provided. If shrubs are used as the screening material, they shall be a minimum of five (5) feet in height, spaced no farther than four (4) feet apart. If a wall, solid wood fence, or berm is used as the screening material, its minimum height shall be six (6) inches above the proposed facility.
2. *Recycling Facilities:* Public recycling drop off sites shall be encouraged and are permitted as an accessory use in all nonresidential zone districts. The drop off site shall be kept free of litter, residue and debris by the party responsible for the maintenance and management of the drop off facility. One (1) freestanding or wall sign is allowed up to twenty-five (25) square feet in area upon issuance of a building permit. The drop off site containers must be durable, waterproof, covered and well maintained. The name and phone number of the party responsible for maintenance shall be posted on the container. Containers on the site shall have uniform colors. The Community and Economic Development Department may impose additional conditions if necessary to protect adjacent properties. Setbacks from residentially zoned or used property are not applicable.
3. *Access:* All required dumpster, recycling, and trash handling facilities shall be designed with appropriate means of access to a road or alley in a manner which will least interfere with traffic movement, and which will most facilitate the service of the facilities.
4. *Utilization:* Space allocated to any off-road dumpster and trash handling facilities shall not be used to satisfy the space requirements for off-road parking and/or loading facilities, nor shall any parking or loading spaces be used to satisfy the space requirements for any dumpster or trash handling facility.

4-22 ANIMAL KEEPING

4-22-01 HOUSEHOLD PETS AND OTHER ANIMALS

Household pets shall be subject to the following limitations:

1. *Allowed:* Household pets shall be allowed as an accessory use in all Agricultural and Residential Zone Districts according to Table 4-22-01-1.
2. *Penned:* Except in agricultural zone districts, all household pets shall be penned or otherwise confined to their owner's property except when on a leash and in the control of the owner. Unconfined animals are a violation of the "Adams County Animal Control Regulations", as adopted September 2, 1992, as amended.
3. *On Agricultural Lands:* The keeping of household pets shall not be regulated in agricultural zone districts of more than thirty-five (35) acres. However, the keeping of more than ten (10) dogs and/or cats, shall conform to the standards listed in Section 4-22-04 for Private Kennels and/or Catteries.
4. *Pigeons:* Pigeons are allowed in Agricultural, Residential Estate, Single-Family Residential, Duplex/Mobile Home, and Multi-Family Zone Districts, in conformance with Table 4-22-01-1 and the standards contained in Section 4-22-03.

4-22-02 GUARD DOGS

Guard Dogs, patrolling for the protection of property, shall be allowed in all Commercial and Industrial Zone Districts, subject to the following:

1. *Number of Guard Dogs Permitted:* See the Animal Density Table in Section 4-20 to calculate the number of permitted household pets.
2. *Confinement of Guard Dog(s):* The area being patrolled by a guard dog(s) shall be fenced with a minimum seventy-two (72) inch high chain link or solid screen fence.
3. *Notice of Guard Dog(s):* A sign warning of the presence of said dog(s) stating what hours the dog(s) is on patrol shall be posed in plain view of the public around the perimeter of the fenced area. The sign must also state the name of the owner and the handler of the dog(s), with a phone number where the handler can be reached.
4. *Garbage Disposal:* All animal and food waste shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department.
6. *Pest Control:* Environmental and/or chemical and scientific controls shall be provided for pest control.

7. *Care of Animals:* All dogs shall be cared for in a humane and sanitary manner as approved by Adams County Humane Society and Adams County Animal Control.

4-22-03 PIGEON KEEPING

In addition to the limitations imposed by Animal Density Table 4-22-01-1, pigeon keeping shall be required to meet the following standards:

1. *Permitted Number of Pigeons:* See Table 4-22-01-1.
2. *Loft Floor Space:* There shall be at least one (1) square foot of loft floor space for each mature pigeon.
3. *Loft Design:* The pigeon loft shall be of such sufficient size and design, and constructed of such material, it can be easily maintained in a clean and sanitary condition.
4. *Loft Compliance:* The loft shall be in compliance at all times with all applicable Tri-County Health regulations.
5. *Setback from Residential Structure:* The loft shall be set back a minimum of twenty-five (25) feet from any residential structure.
6. *Lot Line Setbacks:* The loft shall be set back from all lot lines in accordance with the accessory setbacks for the zone district in which it is located.
7. *Pigeon Feed:* All pigeon feed shall be stored in such containers as to protect against intrusion by rodents and other vermin.
8. *Pigeon Feeding:* All pigeons shall be fed within the confines of the loft.
9. *Pigeon Release for Flying:* Pigeons will not be released for flying for four (4) hours after feeding.
10. *Pigeon Confinement:* All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition. At no time shall pigeons be allowed to perch or linger on the buildings or property of individuals other than the owner of the pigeons.

4-22-04 PRIVATE KENNELS AND CATTERIES

In all Agricultural, Residential Estate, Single Family Residential, and Duplex/Mobile Home Zone Districts, private kennels and catteries may be maintained according to the following conditions:

1. A Special Use Permit must be obtained unless the use is not regulated (NR) in the Animal Density Table in Table 4-22-01-1.

2. *Permitted Number of Dogs and/or Cats:* See the Animal Density Table in Table 4-22-01-1 to calculate the number of permitted household pets.
3. *Building Permit Required:* A building permit shall be obtained for all kennels, pens, shelters or other similar structures.
4. *Prohibited Animals:* Boarding dogs and/or cats other than those animals owned by the resident and/or owner and immediate family shall be prohibited.
5. *Minimum Space Requirements*
 - a. *Dogs:* Each dog shall be provided a minimum space equal to the following equation:
 - (1) Width of Kennel = Length of dog from nose to base of tail + 2 feet.
 - (2) Length of Kennel = Width of Kennel + 2 feet.
 - (3) Height of Kennel = Head height of dog standing on all four legs + 1 foot.
 - b. *Cats:* Each adult cat shall be provided a minimum of six (6) cubic feet of area. Adult female cats with kittens below three (3) months of age shall be provided with a minimum of eight (8) cubic feet of area.
6. *Garbage Disposal:* All animal and food garbage shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department.
7. *Pest Control:* Environmental and/or chemical and scientific controls shall be provided for pest control.
8. *Drainage:* Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.
9. *Mixing of Dogs and Cats:* Dogs and cats shall not be housed in the same primary enclosure.
10. *Care of Animals:* All dogs and/or cats shall be cared for in a humane and sanitary manner as approved by Adams County Humane Society and Adams County Animal Control.
11. *Other Standards:* All animal keeping shall conform to Section 4-20 of these standards and regulations.

4-22-05 **COMMERCIAL KENNEL AND CATTERIES**

The operation of Commercial kennels and/or catteries is allowed in Agricultural, Commercial and Industrial Zone Districts. Commercial kennels and/or catteries shall not be conducted without first having obtained a conditional use permit and approval of a management plan from the Board of County Commissioners.

1. *Offspring Not Limited:* The total number of dogs and/or cats allowed under the Conditional Use Permit shall not apply to offspring under five (5) months of age, belonging to one of the adult animals.
2. *Management Plan Required:* A management plan detailing how the facility will be operated shall be submitted prior to issuance of a Conditional Use Permit.
3. *Minimum Standards:* In addition to the requirements of Section 4-22-04, commercial kennels shall meet the following minimum standards:
 - a. A washroom consisting of a basin or sink and a lavatory shall be provided to maintain the cleanliness among animal caretakers.
 - b. All breeding and boarding kennel operators shall be licensed by the appropriate governmental authority.
 - c. A person responsible for the commercial kennel or cattery, whether the owner of the facility or an employee, shall reside permanently on the subject property. If a responsible party is not available on site, the kennel shall be posted with the name and phone number of a responsible party.
 - d. Any dwelling unit newly constructed to house the owner or employee shall meet the applicable zone district requirements.
4. *Exemptions:* Those operations exempt from obtaining a conditional use permit shall be as follows:
 - a. A public or private zoological park; or
 - b. A public animal pound; or
 - c. A veterinary hospital operated by a licensed veterinarian; or
 - d. A research institution using animals for scientific research; or
 - e. An animal shelter operated by an organized humane society; or
 - f. A pet shop; or
 - g. A circus.

Although exempt from obtaining a conditional use permit, these operations shall meet all of the requirements for a private kennel as outlined in Section 4-22-04.

**4-22-06 NON-COMMERCIAL ANIMAL FEEDING OPERATION (AFO) AND
CONCENTRATED ANIMAL FEEDING OPERATION (CAFO), LIVESTOCK**

The keeping of poultry and/or livestock, except chickens, is only allowed in the Agricultural and Residential Estate Zone Districts. Livestock may be kept on property in the Residential Estate Zone District only if the owner of said livestock resides on the property and is a registered member of a 4-H or FFA or other agricultural education program. This does not apply to horses kept for recreational purposes.

The keeping of non-commercial livestock and poultry, except chickens, is allowed in accordance with Table 4-22-01-1, Tabulation of Animal Unit Densities. The maximum number of allowable livestock per lot does not apply to young animals below weaning age, or six (6) months of age, whichever is less.

On those properties where livestock and poultry, except chickens, are allowed, the following standards shall be observed:

1. *Manure:* All manure shall be removed periodically or incorporated into the soil on a regular basis so the manure does not draw flies, or other insects, or cause obnoxious odors.
2. *Drainage:* Adequate overflow drainage on drinking facilities shall be provided to prevent the saturation of soil on adjacent property. Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.
3. *Feed:* Spillage and left-overs from livestock feedings must be removed or so disposed of as to prevent fly, bird, or rodent propagation, or creation of odors.
4. *Pens:* Any new shed, shelter, pen or enclosure for livestock shall not be closer than one hundred (100) feet to any off-property residence or place of business and shall be set back twenty-five (25) feet from the side lot line and fifty (50) feet from the front lot line.
5. *Insects and Rodents:* All sheds or other shelter for livestock shall be kept reasonably free of rodents and insects and shall be kept in good repair.
6. *Fenced:* In subdivided areas, all livestock shall be kept within a fenced area.
7. *Colorado Rules:* Adherence to the Colorado Confined Animal Feeding Regulations, promulgated by the Colorado Department of Public Health and Environment, Water Quality Control Commission.

In agricultural zone districts of greater than thirty-five (35) acres, the number of livestock is not regulated, unless the operation meets the definition of a Livestock Confinement Operation. However, the keeping of such livestock must comply with the performance standards listed above except the keeping of livestock shall be exempt from the manure and feed requirements on parcels greater than thirty-five (35) acres in size.

**4-22-07 NON-COMMERCIAL ANIMAL FEEDING OPERATION (AFO) AND
CONCENTRATED ANIMAL FEEDING OPERATION (CAFO), CHICKENS****4-22-07-01 PURPOSE**

The purpose of these regulations is to permit limited small animal husbandry uses within residential environments to promote access to fresh food and the associated health benefits as well as encourage sustainability through reduced vehicle trips for food and energy consumption associated with food production. The regulations below are intended to permit the keeping of chickens for household purposes, and not for a profit, while preventing negative impacts associated with this use.

4-22-07-02 APPLICABILITY

The keeping of chickens is only allowed as an accessory use with any legal detached, single family residential use, excluding where the single family residence is a mobile home or as otherwise regulated by State law. Accessory dwelling units are also allowed to keep chickens so long as the cumulative number of chickens on the property does not exceed the allowance. The keeping of chickens is allowed in accordance with Table 4-22-01-1. The maximum number of allowable chickens per lot does not apply to chicks not yet at egg-bearing age, or six (6) months of age, whichever is less.

4-22-07-03 PERFORMANCE STANDARDS

1. *Allowed number of chickens:* No more than six (6) domestic chicken hens are permitted per each detached, single family residential use. Three (3) chickens shall equal one (1) household pet.
2. *Shelter Requirements:*
 - a. Type: Chickens must be provided with a covered, predator-resistant shelter structure that is properly ventilated and heated, with nesting boxes, designed to be easily accessed, cleaned and maintained.
 - b. Size: The shelter structure shall provide at least three (3) square feet per chicken. The shelter structure shall not exceed one-hundred twenty (120) square feet.
3. *Perimeter Fencing:*
 - a. In addition to the shelter requirements described above, chickens shall be confined to areas that are fully enclosed with adequate perimeter fencing to prevent the chickens from escaping when not in their shelters, to prevent predators' entry, and from coming into contact with wild ducks, geese or their excrement. Each chicken shall be provided at least 10 square feet of area within the perimeter fencing.

- b. Fences required by this subsection shall comply with the provisions of Section 4-07-01-02-02 (Residential Use Fencing, Walls, and Screening) and shall be resistant to predators.
- c. Adequate fencing material for purpose of this subsection shall include wood, wire and stone. Fencing with openings that would allow chickens to pass through, such as a split rail or wrought iron fence with wide openings, will not be deemed adequate for purposes of this subsection.
- 4. *Location of Shelter Structures and Perimeter Fences:* Chicken structures and perimeter fencing shall be located in the rear or backyard of the lot as determined by street frontage, and not the orientation of the residence. Chickens shall be kept within such facilities and are not permitted within any other portions of the lot.
- 5. *Setbacks:* Neither the shelter structure or perimeter fencing shall be located less than five (5) feet from any abutting property line.
- 6. *Access:*
 - a. During daylight hours, the chickens must have access to the shelter structure, located adjacent to the shelter, which is adequately fenced with perimeter fencing as required by this Section to protect them from predators.
 - b. From dusk till dawn, the chickens must be further protected from predators by being closed inside the shelter structure.

4-22-07-04 PROVISION OF FOOD, WATER, AND SANITATION

- 1. *Water:* Fresh water must be available at all times in adequate receptacles.
- 2. *Food:* Sufficient nutritive food must be provided daily and must be stored in a resealable, airtight, metal, rodent proof container to discourage attracting mice, rats, and other vermin.
- 3. *Cleanliness:* The shelter and surrounding area must be kept clean from accumulation of excrement and debris so as to not create a nuisance and be compliant with the County's stormwater regulations.
- 4. *Compliance with Current Stormwater Regulations:* The use of excrement as applied fertilizer shall only be allowed in conformance with the County's stormwater regulations.

4-22-07-05 NUISANCE PREVENTION

- 1. *Nuisance-Free Facilities As Prerequisite:* A permit to keep chickens within the County shall not be granted or renewed unless the owner or keeper

provides facilities which will reasonably assure the Director of Community and Economic Development that the premises will be maintained in a sanitary condition, free from insects and rodents, offensive odors, excessive noise or any other conditions which constitute a public nuisance.

2. *Dust, Odors, and Waste Prohibited:* All coops and runs shall be regularly cleaned and maintained to control dust, odor, and waste and to prevent the facilities from constituting a nuisance, safety hazard, or health problem to surrounding properties. Odors associated with the coop shall be contained within the owner's property boundary.
3. *Slaughtering Prohibited:* The chickens may not be slaughtered by the owner or keeper thereof, except pursuant to the lawful order of State or County health officials or for the purpose of euthanasia when surrendered to a licensed veterinarian.
4. *Disposal:* Dead animal carcasses shall be properly and safely disposed of within 24 hours as recommended by the applicable health department.
5. *Roosters prohibited:* Roosters are not permitted, except where allowed in Agricultural zone districts as described in these regulations.

4-22-07-06 PERMITTING (ANNUAL REGISTRATION OF USE)

4-22-07-06-01 REQUIREMENTS

1. Any person keeping chickens pursuant to this Section must obtain a permit from the County.
2. The Permit Application shall include:
 - a. A plan or drawing showing the proposed locations of all chicken facilities to be located upon the property for which the permit is requested.
 - b. Details demonstrating the applicant's compliance with the requirements of this Section.
3. No property with outstanding code violations will be issued a permit.
4. Prior to the issuance of a permit, the County may inspect the parcel for which the permit is requested. per
5. A permit issued pursuant to this Section shall allow the keeping of chickens on the specific property identified in the permit. The permit shall be personal to the permittee and is non-transferrable.
6. A permit issued pursuant to this section shall be in effect for twelve (12) months after which the permittee may reapply or will expire.

4-22-07-06-02 DENIAL OR REVOCATION OF PERMIT

1. The County may deny or revoke a permit to keep, maintain or possess chickens within the County if determined that any provision of this

Section is being violated or if the County finds that maintenance of chicken(s) interferes with the reasonable and comfortable use and enjoyment of property.

2. Removal of Shelter: [Upon] expiration, revocation or denial of a permit, all chicken facilities shall be removed from the property within 14 days of such expiration, revocation or denial.

4-22-08 KEEPING OF BEES

4-22-08-01 PURPOSE

The purpose of these regulations is to permit limited small animal husbandry uses within residential environments to promote access to fresh food and the associated health benefits as well as encourage sustainability through reduced vehicle trips for food and energy consumption associated with food production. The regulations below are intended to permit beekeeping for household purposes, and not for a profit, while preventing negative impacts associated with this use.

4-22-08-02 APPLICABILITY

The keeping of bees is only allowed as an accessory use with any detached, single family residential use, excluding mobile homes. Other accessory uses, such as accessory dwelling units, are also allowed to keep bees so long as the cumulative number of colonies on the property does not exceed the total allowance for the single family residential use.

4-22-08-03 DEVELOPMENT REGULATIONS

4-22-08-03-01 ALLOWED NUMBER OF BEE COLONIES

1. No more than two (2) bee colonies are permitted per detached, single family residential use in residential, commercial and industrial zone districts as determined by Table 4-22-01-1. Animal Densities and Uses.
2. Two (2) bee colonies shall equal one (1) household pet.

4-22-08-03-02 PERFORMANCE STANDARDS

1. *Type:* Bee colonies must be provided with a predator-resistant structure, or hive, that is properly ventilated and elevated from the ground and designed to be easily accessed, cleaned and maintained.
2. *Size:* The hive shall not exceed eight (8) square feet.

3. *Number:* One (1) colony per hive. A maximum of two (2) hives are allowed, as applicable.
4. *Location:* Bee keeping structures shall be located in the rear or backyard of the lot. They shall not be located between the rear of the dwelling and the front yard lot line.
5. *Orientation:* The entrance/exit of the structure shall be oriented away from the closest adjacent property line(s).
6. *Access:*
 - a. All bee colonies shall be kept in inspectable hives with removable combs.
7. *Setbacks:* The structure shall be setback at least fifteen (15) feet from any abutting property line.
8. *Flyway Barriers:*
 - a. A flyway barrier constructed at least six (6) feet in height around the structure consisting of a fence or vegetation. This barrier must be designed so that the bees are forced to fly at an elevation of at least six (6) feet above the ground level over the property line.
 - b. Fences shall comply with the provisions of Section 4-07-01-02-02 (Residential Use Fencing, Walls, and Screening) of this Code.

4-22-08-03-03 PROVISION OF FOOD, WATER, AND SANITATION

1. *Water:* Fresh water must be available at all times in adequate receptacles in order to prevent swarming near water sources where they may cause human, bird or domestic pet interactions.
2. *Cleanliness:* The shelter and surrounding area must be kept clean from colony-produced materials, such as honey, honeycomb and brood comb, and debris so as to not create a nuisance.

4-22-08-03-04 NUISANCE PREVENTION

1. *Nuisance-Free Facilities as Prerequisite:* A permit to keep bees within the County shall not be granted unless the owner or keeper provides facilities which will reasonably assure the Director that the premises will be maintained in a sanitary condition, free from colony-produced materials, such as honeycomb and brood comb, or any other conditions which constitute a public nuisance.

2. *Removal of Materials from the Colony:* Any materials removed from the colony shall be immediately moved away from the colony and enclosed in a bee and predator-proof location that is inaccessible to bees or their predators.
3. *Prohibited Attributes:*
 - a. Aggressive or africanized bees are not permitted. Africanized, hybrid bee species, *Apis mellifera scutellata*, or bees displaying abnormally aggressive behavior are not permitted.
 - b. Aggressive queens are not permitted. Aggressive queens shall be removed and the colony shall be re-queened with a non-aggressive species.
 - c. Bees not residing in a structure are not permitted. Bee colonies living outside of a designated colony structure as determined by these regulations are not permitted.

4-22-08-04 PERMITTING (ANNUAL REGISTRATION OF USE)

4-22-08-04-01 REQUIREMENTS

Any person keeping bees pursuant to this Section must first have been issued a permit by the County.

1. Permitting is subject to the following requirements:
 - a. The application shall include a plan or drawing showing the proposed locations of all bee facilities to be located upon the property for which the permit is requested.
 - b. Such plan or drawing shall include details demonstrating the applicant's compliance with the requirements of this Section.
 - c. No outstanding code violations exist on the subject property.
2. Prior to the issuance of a permit, the County may inspect the parcel for which the permit is requested.
3. A permit issued pursuant to this Section shall allow the keeping of bees on the specific property identified in the permit. The permit shall be personal to the permittee and is non-transferrable.
4. A permit issued pursuant to this section shall be in effect for twelve (12) months after which the permit will expire unless the permittee reapplies.

4-22-08-04-02 DENIAL OR REVOCATION OF PERMIT

1. The County may deny or revoke a permit to keep, maintain or possess bees within the County if it is determined that any provision of this Section is being violated or if the County finds that maintenance of bees interferes with the reasonable and comfortable use and enjoyment of property.

2. *Removal of Colony:* Upon expiration, revocation or denial of a permit, all bees and bee keeping-related facilities shall be removed from the property within 14 days of such expiration, revocation or denial.

4-22-09 TABULATION OF ANIMAL UNIT DENSITIES

The types and densities of animals allowed in each zone district are detailed in Table 4-22-01-1. Any combination of allowed animals may be kept, but at no time shall the maximum number of any specific type of animal be exceeded, nor shall the total maximum number of household pets or the total maximum number of livestock be exceeded. Where allowed, the number of livestock is in addition to the number of household pets permitted, and the number of household pets is in addition to the number of livestock permitted.

For animals not listed or not clearly fitting within one (1) or more the categories listed, the Director of Community and Economic Development shall determine in what zone district(s) the animal is allowed and in what lot size categories the keeping of such an animal is appropriate. Should the property owner disagree with the determination of the Director of Community and Economic Development, the matter shall be referred to the Planning Commission for a recommendation to resolve the issue.

The following are acronyms used in Table 4-22-01-1 and their meaning:

NR = Not Regulated

NA = Not Allowed

AC = Acre

CUP = Conditional Use Permit

*Table 4-22-01-1. Animal Densities and Uses** Amended by the BoCC on January 28, 2013*

A-1, A-2 and A-3 AGRICULTURE ZONE DISTRICTS	Up to .50 AC	.50 AC to <1.0 AC	1 AC to 2.0 AC	>2 AC to 5.0 AC	>5 AC to 10 AC	>10 AC to 35 AC	>35 AC
Maximum Number of Household Pets Allowed	10	10	20	20	20	20	NR ¹
Maximum Number of Livestock Units Allowed	NA	4/AC	4/AC	4/AC	4/AC	NR	NR ¹

<i>Type of Animal</i>	<i>Livestock Unit Equivalents</i>	<i>Number of Animals Equivalent to One Livestock Unit</i>	<i>Maximum Number of Animals Per Acre</i>			
			<i>Lot size 0.5 AC to <5.0 AC</i>	<i>Lot size 5 AC to <10 AC</i>	<i>Lot size 10 AC to <35 AC</i>	<i>Lot size 35 AC or greater</i>
Alpacas	1	1	4	4	NR	NR ¹
Beefalo	1	1	4	4	NR	NR ¹
Bees (Colonies)	0.2	5	20	20	NR	NR
Buffalo	1	1	4	4	NR	NR ¹
Cats	1	1	4 ²	5 ²	8 ²	NR ¹
Cattle	1	1	4	4	NR	NR ¹
Chickens (Hens/Roosters)	.02	50	200	200	NR	NR ¹
Chinchillas	.02	50	2	200	NR	NR ¹
Deer	1	1	4	4	NR	NR ¹
Dogs	1	1	4 ²	6 ²	8 ²	NR ¹
Ducks/Geese	.02	50	200	200	NR	NR ¹
Elk	1	1	4	4	NR	NR ¹
Emus	.066	15	60	60	NR	NR ¹
Ferrets	.02	50	200	200	NR	NR ¹
Game Fowl	--	--	NR	NR	NR	NR ¹
Goats	.125	8	32	32	NR	NR ¹
Guinea Pigs	.02	50	200	200	NR	NR ¹
Horses	1	1	4	4	NR	NR ¹
Llamas	1	1	4	4	NR	NR ¹
Mules	1	1	4	4	NR	NR ¹
Ostriches	.066	15	60	60	NR	NR ¹
Peafowl	--	--	See Note 3	NR	NR	NR ¹
Pigeons	--	--	See Note 3	NR	NR	NR ¹
Rabbits	0.08	12.5	See Note 3	50	NR	NR ¹
Sheep	0.25	4	16	16	NR	NR ¹
Swine	0.25	4	16	16	NR	NR ¹
Turkeys	.02	50	200	200	NR	NR ¹
Type of Use						
Private Kennel/Cattery ⁴	--	--	2 ²	2 ²	2 ²	NR
Commercial Kennel	--	--	See Note 5	See Note 5	See Note 5	See Note 5
LCO	--	--	NA	NA	NA	CUP

NOTES:

- ¹ The numbers of animals on property over 35 acres in size shall not be regulated, unless the definition of a Livestock and/or Poultry Confinement Operation is met.
- ² This animal is considered a "household pet" in this category and the number of animals specified shall be counted toward the maximum number of household pets allowed.
- ³ Allowed by Special Use Permit.
- ⁴ Maximum allowed by Special Use Permit. The number specified is the maximum additional dogs and/or cats permissible over the number allowed as a Use By Right.
- ⁵ Allowed by Conditional Use Permit.

Animal Densities and Uses, Cont.

RE, RESIDENTIAL ESTATE ZONE DISTRICT	<1.0 AC	1 AC to 2.0 AC	>2 AC to 5.0 AC	>5 AC to 10 AC	>10 AC to 35 AC	>35 AC
Maximum Number of Household Pets Allowed	10	20	20	20	30	30
Maximum Number of Livestock Units Allowed	NA	2/AC	2/AC	2/AC	2/AC	2/AC

Type of Animal	Livestock Unit Equivalents	Number of Animals Equivalent to One Livestock Unit	Lot size <1.0 AC	Lot size 1 AC to 2.0 AC	Lot size >2 AC to 5.0 AC	Lot size >5 AC to 10 AC	Lot size >10 AC to 35 AC	Lot size >35 AC
Alpacas	1	1	NA	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹
Beefalo	1	1	NA	2/AC	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹
Bees (Colonies) ⁷	0.2	5	NA	5 ³	5 ³	5	10	25
Buffalo	1	1	NA	2/AC	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹
Cats	1	1	3 ²	4 ²	4 ²	5 ²	5 ²	5 ²
Cattle	1	1	NA	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹
Chickens (Hens/Roosters)	.02	50	NA	2/AC ¹	2/AC ¹	4/AC ¹	10/AC ¹	10/AC ¹
Chickens (Hens) ⁶	.02	50	NA	2/AC ¹	2/AC ¹	4/AC ¹	10/AC ¹	10/AC ¹
Chinchillas	.02	50	2 ²	2 ²	2 ²	4 ²	4 ²	4 ²
Deer	1	1	NA	2/AC	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹
Dogs	1	1	2 ²	3 ²	3 ²	4 ²	4 ²	5 ²
Ducks/Geese	.02	50	NA	2/AC ¹	2/AC ¹	4/AC ¹	10/AC ¹	10/AC ¹
Elk	1	1	NA	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹
Emus	.066	15	NA	5/AC ¹	10/AC ¹	10/AC ¹	10/AC ¹	10/AC ¹
Ferrets	.02	50	2 ²	2 ²	2 ²	5 ²	5 ²	5 ²
Game Fowl	--	--	10 ³	15 ³	25 ³	30	35	40
Goats	.125	8	NA	4/AC ¹	4/AC ¹	4/AC ¹	4/AC ¹	4/AC ¹
Guinea Pigs	.02	50	10 ²	20 ²	20 ²	20 ²	30 ²	30 ²
Horses	1	1	NA	2/AC	2/AC	2/AC	2/AC	2/AC
Llamas	1	1	NA	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹
Mules	1	1	NA	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹
Ostriches	.066	15	NA	2/AC ¹	5/AC ¹	5/AC ¹	5/AC ¹	5/AC ¹
Peafowl	--	--	10 ³	15 ³	25 ³	30	35	40
Pigeons	--	--	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3
Rabbits	0.08	12.5	10 ²	20 ²	20 ²	20 ²	30 ²	30 ²
Sheep	0.25	4	NA	4/AC ¹	4/AC ¹	4/AC ¹	4/AC ¹	4/AC ¹
Swine	0.25	4	NA	4/AC ¹	4/AC ¹	4/AC ¹	4/AC ¹	4/AC ¹
Turkeys	.02	50	NA	2/AC ¹	2/AC ¹	4/AC ¹	10/AC ¹	10/AC ¹
Type of Use								
Private Kennel/Cattery ⁴	--	--	4	22	22	22	22	22
Commercial Kennel	--	--	NA	See Note 5	See Note 5	See Note 5	See Note 5	See Note 5
LCO	--	--	NA	NA	NA	NA	NA	NA

NOTES:

- ¹ *These livestock are permitted only if the owner or resident is a registered member of a 4-H or FFA or other agricultural educational program.*
- ² *This animal is considered a “household pet” in this category and the number of animals specified shall be counted toward the maximum number of household pets allowed.*
- ³ *Allowed by Special Use Permit.*
- ⁴ *Maximum allowed by Special Use Permit. The number specified is the maximum additional dogs and/or cats permissible over the number allowed as a Use By Right.*
- ⁵ *Allowed by Conditional Use Permit.*
- ⁶ *Detached, Single Family Uses may keep up to six (6) chickens for household purposes in accordance with Section 4-22-07.*
- ⁷ *Detached, Single Family Uses may keep up to two (two) bee colonies for household purposes in accordance with Section 4-22-08.*

Animal Densities and Uses, Cont.

R-1-A, R-1-C, SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS	<1.0 AC	1 AC to 2.0 AC	>2 AC to 5.0 AC	>5 AC to 10 AC	>10 AC to 35 AC	>35 AC
Maximum Number of Household Pets Allowed	10	20	20	20	30	30

<i>Type of Animal</i>	Lot size <1.0 AC	Lot size 1 AC to 2.0 AC	Lot size >2 AC to 5.0 AC	Lot size >5 AC to 10 AC	Lot size >10 AC to 35 AC	Lot size >35 AC
Alpacas	NA	NA	NA	NA	NA	NA
Beefalo	NA	NA	NA	NA	NA	NA
Bees (Colonies) ⁵	NA	5 ²	5 ²	5	10	25
Burros	NA	NA	NA	NA	NA	NA
Buffalo	NA	NA	NA	NA	NA	NA
Cats	3 ¹	4 ¹	4 ¹	4 ¹	5 ¹	5 ¹
Cattle	NA	NA	NA	NA	NA	NA
Chickens (Hens) ⁴	NA	NA	NA	NA	NA	NA
Chickens (Roosters)	NA	NA	NA	NA	NA	NA
Chinchillas	2 ¹	3 ¹	3 ¹	3 ¹	4 ¹	4 ¹
Deer	NA	NA	NA	NA	NA	NA
Dogs	2 ¹	3 ¹	3 ¹	3 ¹	4 ¹	4 ¹
Ducks/Geese	NA	NA	NA	NA	NA	NA
Elk	NA	NA	NA	NA	NA	NA
Emus	NA	NA	NA	NA	NA	NA
Ferrets	2 ¹	3 ¹	3 ¹	4 ¹	4 ¹	4 ¹
Game Fowl	NA	NA	NA	NA	NA	NA
Goats	NA	NA	NA	NA	NA	NA
Guinea Pigs	2 ¹	3 ¹	3 ¹	4 ¹	4 ¹	4 ¹
Horses	NA	NA	NA	NA	NA	NA
Llamas	NA	NA	NA	NA	NA	NA
Mules	NA	NA	NA	NA	NA	NA
Ostriches	NA	NA	NA	NA	NA	NA
Peafowl	NA	NA	NA	NA	NA	NA
Pigeons	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2
Rabbits	2 ¹	3 ¹	3 ¹	4 ¹	4 ¹	4 ¹
Sheep	NA	NA	NA	NA	NA	NA
Swine	NA	NA	NA	NA	NA	NA
Turkeys	NA	NA	NA	NA	NA	NA
<i>Type of Use</i>						
Private Kennel/Cattery ²	4	22	22	22	22	22
Commercial Kennel	NA	NA	NA	NA	NA	NA
LCO	NA	NA	NA	NA	NA	NA

NOTES:

¹ This animal is considered a "household pet" in this category and the number of animals specified shall be counted toward the maximum number of household pets allowed.

² Allowed by Special Use Permit.

³ Maximum allowed by Special Use Permit. The number specified is the maximum additional dogs and/or cats permissible over the number allowed as a Use by Right.

⁴ Detached, Single Family Uses may keep up to six (6) chickens for household purposes in accordance with Section 4-22-07.

⁵ Detached, Single Family Uses may keep up to two (two) bee colonies for household purposes in accordance with Section 4-22-08.

Animal Densities and Uses, Cont.

R2, DUPLEX ZONE DISTRICT AND MH, MOBILE HOME ZONE DISTRICTS	<1.0 AC	1 AC to 2.0 AC	>2 AC to 5.0 AC	>5 AC to 10 AC	>10 AC to 35 AC	>35 AC
Maximum Number of Household Pets Allowed	8	15	15	15	25	25

<i>Type of Animal</i>						
Alpacas	NA	NA	NA	NA	NA	NA
Beefalo	NA	NA	NA	NA	NA	NA
Bees (Colonies) ⁶	NA	NA	NA	NA	NA	NA
Burros	NA	NA	NA	NA	NA	NA
Buffalo	NA	NA	NA	NA	NA	NA
Cats	2 ¹	3 ¹	3 ¹	3 ¹	4 ¹	4 ¹
Cattle	NA	NA	NA	NA	NA	NA
Chickens (Hens) ⁵	NA	NA	NA	NA	NA	NA
Chickens (Roosters)	NA	NA	NA	NA	NA	NA
Chinchillas	2 ¹	3 ¹	3 ¹	3 ¹	4 ¹	4 ¹
Deer	NA	NA	NA	NA	NA	NA
Dogs	2 ¹	3 ¹	3 ¹	3 ¹	4 ¹	4 ¹
Ducks/Geese	NA	NA	NA	NA	NA	NA
Elk	NA	NA	NA	NA	NA	NA
Emus	NA	NA	NA	NA	NA	NA
Ferrets	2 ¹	3 ¹	3 ¹	3 ¹	4 ¹	4 ¹
Game Fowl	NA	NA	NA	NA	NA	NA
Goats	NA	NA	NA	NA	NA	NA
Guinea Pigs	2 ¹	3 ¹	3 ¹	3 ¹	4 ¹	4 ¹
Horses	NA	NA	NA	NA	NA	NA
Llamas	NA	NA	NA	NA	NA	NA
Mules	NA	NA	NA	NA	NA	NA
Ostriches	NA	NA	NA	NA	NA	NA
Peafowl	NA	NA	NA	NA	NA	NA
Pigeons	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2
Rabbits	2 ¹	3 ¹	3 ¹	3 ¹	4 ¹	4 ¹
Sheep	NA	NA	NA	NA	NA	NA
Swine	NA	NA	NA	NA	NA	NA
Turkeys	NA	NA	NA	NA	NA	NA
<i>Type of Use</i>						
Private Kennel/Cattery ²	4	22	22	22	22	22
Commercial Kennel	NA	NA	NA	NA	NA	NA
LCO	NA	NA	NA	NA	NA	NA

NOTES:

¹ This animal is considered a “household pet” in this category and the number of animals specified shall be counted toward the maximum number of household pets allowed.

² Allowed by Special Use Permit.

³ Maximum allowed by Special Use Permit. The number specified is the maximum additional dogs and/or cats permissible over the number allowed as a Use by Right.

⁴ Within the MH Zone District, the numbers listed above apply to individual mobile home lots or spaces.

⁵ Detached, Single Family Uses may keep up to six (6) chickens for household purposes in accordance with Section 4-22-07.

⁶ Detached, Single Family Uses may keep up to two (two) bee colonies for household purposes in accordance with Section 4-22-08.

*Animal Densities and Uses, Cont.***R-3, R-4, MULTI-FAMILY ZONE
DISTRICTS**

Maximum Number of Household Pets Allowed	5
---	---

<i>Type of Animal</i>	
Alpacas	NA
Beefalo	NA
Bees (Colonies) ⁵	NA
Buffalo	NA
Burros	NA
Cats	1 ²
Cattle	NA
Chickens (Hens) ⁴	NA
Chickens (Roosters)	NA
Chinchillas	2 ²
Deer	NA
Dogs	1 ²
Ducks/Geese	NA
Elk	NA
Emus	NA
Ferrets	2 ²
Game Birds	NA
Goats	NA
Guinea Pigs	2 ²
Horses	NA
Llamas	NA
Mules	NA
Ostriches	NA
Peafowl	NA
Pigeons	See Note 3
Rabbits	2 ²
Sheep	NA
Swine	NA
Turkeys	NA
<i>Type of Use</i>	
Private Kennel/Cattery ⁴	NA
Commercial Kennel	NA
LCO	NA

NOTES:

- ¹ All Restrictions noted in this table are on a “per unit” basis and apply to each individual unit in a multi-family development.
- ² This animal is considered a “household pet” in this category and the number of animals specified shall be counted toward the maximum number of household pets allowed.
- ³ Allowed by Special Use Permit.
- ⁴ *Detached, Single Family Uses may keep up to six (6) chickens for household purposes in accordance with Section 4-22-07.*
- ⁵ *Detached, Single Family Uses may keep up to two (two) bee colonies for household purposes in accordance with Section 4-22-08.*

Animal Densities and Uses, Cont.

C-0 THROUGH C-5, COMMERCIAL AND I-1, I-2, AND I-3 ZONE DISTRICTS	<1.0 AC	1 AC to 2.0 AC	>2 AC to 5.0 AC	>5 AC to 10 AC	>10 AC to 35 AC	>35 AC
<i>Type of Animal</i>						
Alpacas	NA	NA	NA	NA	NA	NA
Beefalo	NA	NA	NA	NA	NA	NA
Bees (Colonies) ⁵	NA	5	5	10	25	25
Burros	NA	NA	NA	NA	NA	NA
Buffalo	NA	NA	NA	NA	NA	NA
Cats	NA	NA	NA	NA	NA	NA
Cattle	NA	NA	NA	NA	NA	NA
Chickens (Hens) ⁴	NA	NA	NA	NA	NA	NA
Chickens (Roosters)	NA	NA	NA	NA	NA	NA
Chinchillas	NA	NA	NA	NA	NA	NA
Deer	NA	NA	NA	NA	NA	NA
Dogs	NA	NA	NA	NA	NA	NA
Dogs, Guard	2 ²	2 ²	2 ²	2 ²	2 ²	2 ²
Ducks/Geese	NA	NA	NA	NA	NA	NA
Elk	NA	NA	NA	NA	NA	NA
Emus	NA	NA	NA	NA	NA	NA
Ferrets	NA	NA	NA	NA	NA	NA
Game Fowl	NA	NA	NA	NA	NA	NA
Goats	NA	NA	NA	NA	NA	NA
Guinea Pigs	NA	NA	NA	NA	NA	NA
Horses	NA	NA	NA	NA	NA	NA
Llamas	NA	NA	NA	NA	NA	NA
Mules	NA	NA	NA	NA	NA	NA
Ostriches	NA	NA	NA	NA	NA	NA
Peafowl	NA	NA	NA	NA	NA	NA
Pigeons	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3
Rabbits	NA	NA	NA	NA	NA	NA
Sheep	NA	NA	NA	NA	NA	NA
Swine	NA	NA	NA	NA	NA	NA
Turkeys	NA	NA	NA	NA	NA	NA
<i>Type of Use</i>						
Private Kennel/Cattery ³	NA	NA	NA	NA	NA	NA
Commercial Kennel	NA	NA	NA	NA	NA	NA
LCO	NA	NA	NA	NA	NA	NA
NOTES: ¹ Non-conforming single family residences located in these zone districts will be required to conform to the requirements of for the R-1-A and R-1-C Zone Districts. ² An additional three (3) guard dogs, over the two (2) allowed as a Use-by-Right, may be allowed by Special Use Permit. ³ Allowed by Special Use Permit. ⁴ Detached, Single Family Uses may keep up to six (6) chickens for household purposes in accordance with Section 4-22-07. ⁵ Detached, Single Family Uses may keep up to two (two) bee colonies for household purposes in accordance with Section 4-22-08.						

4-23 MANAGEMENT PLANS

4-23-01 PURPOSE

Management plans are intended to provide for the long term maintenance and care of open space and other large tracts of land created through the subdivision or Planned Unit Development process.

4-23-02 APPLICABILITY

Any subdivision or Planned Unit Development including a conservation area, common open space, agricultural land or tracts that are not building sites, shall include a management plan as part of the Development Agreement and/or Subdivision Improvements Agreement for that project.

4-23-03 PROCESS

The first application for any sketch plan, preliminary plat or preliminary development plan including conservation area, common open space, agricultural land or tracts that are not building sites, shall include a proposed preliminary management plan. The preliminary plan may be composed of text, graphics and/or photographs and shall include, as a minimum, the following elements:

1. The name of the project;
2. The name, address and phone number of the person preparing the management plan;
3. The name, address and phone number of the person(s) responsible for maintaining the property included in the management plan;
4. The precise, proposed use(s) of the property to be included in the management plan;
5. The goals of the management plan;
6. The legal description of the property included in the management plan;
7. The availability of irrigation water, and if available, the amount of water, the name of the ditch company and the method of delivering the water to the site;
8. A brief narrative describing the methods to be used to control runoff, wind and water erosion, noxious weeds and pests;
9. A description of the current condition of the property, including photographs or other graphic representations of any areas having been identified as needing reclamation, restoration or other special attention;

10. A description by common name and scientific name of any species of plants or animals to be introduced to the site and an explanation of the reasons for such introduction;
11. A description by common name and scientific name of any species of plants or animals to be eliminated from the site, the reasons for such elimination and the time table for elimination;
12. A plan for financing current improvements;
13. A plan for long term maintenance and monitoring of the property; and
14. A contingency plan for maintenance of the property if irrigation water is removed from the site.

4-23-04 REVIEW CRITERIA

The Board of County Commissioners shall consider the following criteria when reviewing a proposed management plan:

1. The proposed management plan includes all the elements described in Section 4-23-03;
2. The management plan provides for best available practices to maintain the property for the uses(s) specified in the management plan;
3. Noxious weeds shall be properly controlled on the property;
4. Wetlands and wildlife habitat included in the property shall be properly protected;
5. An individual or organization is designated to provide an adequate funding mechanism to ensure maintenance and annual monitoring of the property for the life of the project;
6. An adequate mechanism is included in the management plan to keep the County informed of any changes in ownership or responsibility for the management of the property and to report the results of the annual monitoring to the Director of Community and Economic Development; and
7. The contingency plan is adequate to provide for the long term maintenance of the site if irrigation water is removed from the site or the use of the site changes significantly.

4-23-05 FINAL APPROVAL

Final approval of any applicable subdivision or Planned Unit Development by the Board of County Commissioners shall include consideration of the final management plan for the site. The management plan shall be included in the Development Agreement or Subdivision Improvements Agreement for the project.

4-23-06 AMENDMENTS

Minor adjustments to management plans may be authorized by the Director of Community and Economic Development upon a finding the original intent and purpose of the management plan is preserved. If the Director of Community and Economic Development determines the adjustments are not minor or they will change the intent and purpose of the original management plan, the plan shall be reviewed by the Board of County Commissioners at a public hearing with notice as required for a final plat.

4-24 NONCONFORMING CONDITIONS**4-24-01 CONTINUATION OF USE**

A nonconforming use may be continued and a nonconforming building may continue to be occupied, except as both of the foregoing are otherwise provided for in Section 4-24.

4-24-02 REPAIR, MAINTENANCE AND RECONSTRUCTION OF NONCONFORMING STRUCTURES OR USES**4-24-02-01 MINOR REPAIRS PERMITTED**

Minor repairs to and routine maintenance of property where nonconforming conditions exist are permitted and encouraged. Such work may require a building permit.

4-24-02-02 MAJOR REPAIRS REQUIRES ZONING APPROVAL

Major repairs (i.e., work or renovation estimated to cost more than fifty percent (50%) of the market value of the structure to be renovated) may be done only in accordance with a zoning review approval and building permit. Major repair work requires approval by the Director of Community and Economic Development. Major repair work must meet the requirements of Section 4-24-03.

4-24-02-03 DETERMINATION OF THE VALUE OF REPAIRS

In determining the value of repairs for purposes of application of Sections 4-24-02-01 and 4-24-02-02, the following definitions and procedures shall apply:

1. The costs of renovation or repair or replacement shall mean the fair market value of the materials and labor necessary to accomplish the renovation, repair or replacement.
2. The cost of renovation or repair or replacement shall mean the total cost of all intended work. No person may seek to avoid the intent of this Section by doing work incrementally.
3. The market value shall mean either the market value for property for tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the valuation determined by an independent qualified appraiser, mutually selected by the Director of

Community and Economic Development and the property owner. A qualified appraiser shall be a Member of the Appraisal Institute (M.A.I.) or an Accredited Rural Appraiser (A.R.A.). If a disagreement concerning the valuation occurs, an appraisal shall be requested by the Director of Community and Economic Development. The property owner shall pay the cost of an appraisal.

4-24-02-04 ZONING REVIEW APPROVAL PROCEDURE AND CRITERIA

The Director of Community and Economic Development shall approve issuance of a zoning review approval if the Director of Community and Economic Development finds, in completing the renovation, repair or replacement work:

1. No violation of Section 4-24-03 will occur; and
2. The property owner will comply to the extent reasonably possible with all provisions of these standards and regulations applicable to the existing use with the following limitations:
 - a. The property owner shall not lose the right to continue a nonconforming use.
 - b. Compliance with a requirement of these standards and regulations is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure placed on a permanent foundation.

4-24-03 EXTENSION OR ENLARGEMENT OF NONCONFORMING CONDITIONS

4-24-03-01 NO INCREASE IN NONCONFORMITY

Except as specifically provided in this Section 4-24-03, no person may engage in any activity causing an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

1. An increase in the total amount of space devoted to a nonconforming use; or
2. Greater dimensional nonconformity with respect to restrictions such as setback requirements, height limitations, density requirements; or
3. Increase in exposure to natural or man-made hazards restricting development. Requirements or restrictions of each applicable overlay zone

district must be met prior to allowing any expansion or enlargement of a nonconforming situation.

4-24-03-02 NONCONFORMING USE MAY BE EXPANDED INTO OTHER PORTIONS OF THE SAME BUILDING

A nonconforming use may be extended throughout any portion of a completed building which, when the use was made nonconforming, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may not be extended to additional buildings or to land outside the original building.

4-24-03-03 NONCONFORMING USE MAY NOT BE EXPANDED TO COVER MORE LAND

A nonconforming use of open land may not be extended to cover more land than was occupied by said use when it became nonconforming.

4-24-03-04 NONCONFORMING USE MAY BE INCREASED IN INTENSITY

The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and the increase in activity does not result in a violation of any other provision contained in Section 4-24. In addition, such increases in activity may not violate other requirements of these standards and regulations.

4-24-03-05 SINGLE-FAMILY HOMES MAY BE EXPANDED

Any structure used for single family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities, that is, nonconformities not in existence at the time of such enlargement or replacement, or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements. The intent is to allow, for example, a room addition for a home, which may have a nonconforming setback. Extension of the nonconforming wall would be allowed as long as the degree of setback encroachment was not increased or a new setback encroachment did not occur. Also, this would allow replacement of a home, which is a primary use (and nonconforming) in an industrial zone district.

The replacement or expansion of a single-family residence is subject to the limitations established by Section 4-24-05.

**4-24-03-06 ADMINISTRATIVE REMEDIES FOR EXTENSION OR ENLARGEMENT
OF NONCONFORMING CONDITIONS**

4-24-03-06-01 REQUEST PERMIT OR REZONING

Those persons owning properties, which have nonconforming uses, may apply for a Special Use Permit, Conditional Use Permit or Rezoning, as appropriate, in an effort to come into compliance with the requirements of these standards and regulations.

4-24-03-06-02 REQUEST VARIANCE

Those persons owning properties with structures or uses with dimensional nonconformities, but a conforming use of land or buildings, may apply to the Board of Adjustment for a variance if they wish to expand or enlarge the structure or use of land.

4-24-03-06-03 APPEAL DETERMINATION TO BOARD OF ADJUSTMENT

Those owners or developers of land who disagree with the interpretation of an administrative official regarding a determination that a nonconforming situation exists may appeal the administrative decision to the Board of Adjustment.

4-24-03-06-04 APPEAL TO DISTRICT COURT

Final decisions of the Board of County Commissioners or Board of Adjustment may be appealed to the District Court in accordance with the provisions of State Statutes.

4-24-03-07 NONCONFORMING MOBILE HOME PARK

**4-24-03-07-01 CONTINUATION OF USE OF EXISTING MOBILE HOMES IN
A NONCONFORMING MOBILE HOME PARK**

Continued use of those owner-occupied mobile homes existing within a nonconforming mobile home park shall be allowed regardless of whether or not past approval of a building permit or occupancy permit was granted by the County, and regardless of whether or not the mobile home meets the general requirements of the mobile home dwelling zone district, provided the following minimum standards are met:

1. The mobile home remains in its existing location within a nonconforming mobile home park.

2. The mobile home is not subject to a condition which constitutes an immediate public health and/or safety problem for the residents of the mobile home park as determined by the Director of Community and Economic Development. Examples of an immediate public health and safety problems include but are not limited to the following: improper installation of gas lines, unstable blocking or tie downs which could cause the unit to collapse, additions to mobile homes considered dangerous structures under provisions of the County Building Code, mobile homes located in a public right of way, mobile homes located over a slope that is considered unstable or excessively steep, inadequate water pressure for fire protection at a particular mobile home or inadequate access within the nonconforming mobile home park which would hinder the ability to reach a particular mobile home for firefighting purposes, contaminated well water, and blocked or failed individual sewage disposal systems.

4-24-03-07-02 *RECREATIONAL VEHICLES NOT TO BE USED AS DWELLING UNITS*

Residences, which do not meet the definition of mobile home, but are instead considered recreational vehicles or travel trailers, are not considered to be nonconforming under this provision and are not allowed to be used as dwelling units in nonconforming mobile home parks.

4-24-03-07-03 *PLACEMENT OR REPLACEMENT OF A MOBILE HOME IN A NONCONFORMING MOBILE HOME PARK*

Placement of a mobile home on a vacant space or replacement of an existing mobile home within a nonconforming mobile home park is allowed under the following conditions:

1. The mobile home park has placed on file with the County the following:
 - a. A complete site plan which establishes the location of mobile home spaces and utility hookups and the total number of mobile home spaces allowed historically.
 - b. A fire protection plan approved by the applicable fire district addressing the following items: adequate water pressure for fire protection, adequate minimum distance for fire hydrants, and adequate access for fire protection purposes.
 - c. Demonstration of adequacy of water and sewer service through approval of the Water and Sanitation District serving the park (or approval of well and individual

sewage disposal systems by the Division of Water Resources and Tri-County Health Department).

- d. No mobile homes within the mobile home park have been determined to be subject to a condition, which constitutes an immediate public health, and/or safety problem for the residents as described in Section 4-24-03-07-01.
 - e. Provision of screening or buffering of adjacent less intense uses if determined necessary by the Director of Community and Economic Development.
2. The new mobile home meets the following placement requirements:
- a. Mobile Home Setbacks
 - (1) *Side Setback*: The minimum required distance between homes, not including any attached structures, is ten (10) feet. The distance between units is measured from the longest dimension side of one unit to the longest dimension side of the other unit.
 - (2) *Rear Setback*: The minimum required distance between homes, not including any attached structures, is six (6) feet. The distance between units is measured from the most narrow dimension side of one unit to the most narrow dimension side of another unit.
 - (3) *Rear to Side Setback*: If the homes are placed such that a most narrow dimension side of one unit is placed in proximity to a longest dimension side of another unit, the setback between these units on those sides, not including any attached structures, is six (6) feet.
 - (4) *Front Setback*: The minimum required distance between a home including any attached structures and the road is three (3) feet.
 - b. Attached or Detached Accessory Structures
 - (1) *Minimum Required Distance Between a Mobile Home and a Detached Accessory Structure*: Three (3) feet from a noncombustible structure and six (6) feet from a combustible structure.
 - (2) *Minimum Required Distance Between a Mobile Home and an Attached Accessory Structure Not Used for Living Quarters on an Adjacent Mobile Home*: Three (3) feet from a noncombustible attached structure and six (6) feet from a combustible attached structure.

(3) *Minimum Required Distance Between a Mobile Home and an Attached Accessory Structure Used For Living Quarters on an Adjacent Mobile Home:* Ten (10) feet.

- c. *Off Road Parking:* Two (2) off road parking spaces of nine (9) feet by nineteen (19) feet dimensions are provided for each mobile home, unless the road fronting the mobile home is thirty-five (35) feet or more in width, in which case one (1) on road parking space and one (1) off road parking space of nine (9) feet by nineteen (19) feet dimensions per mobile home is required.
 - d. *Setbacks from Property Lines:* The minimum required setbacks for those mobile homes placed on spaces adjacent to a property boundary line is five (5) feet. A greater setback may be required in those circumstances where a utility easement exists along the property boundary line. If a utility easement exists along the property boundary line, the setback shall be as established by the utility companies. In no case, can the setback be reduced to less than five (5) feet.
 - e. *Minimum Floor Area:* two-hundred-fifty-six (256) square feet.
- 3. Installation and construction of attached and detached accessory structures are subject to the provisions of the County Building Code.
 - 4. Set up and tie down provisions of the County Building Code and standards for placement of manufactured homes of the mobile home dwelling zone district shall be met.

4-24-04 CHANGE IN USE

4-24-04-01 CHANGE IN USE TO CONFORM TO SECTION 4-24-03

A change in use of property where a nonconforming situation exists may not be made except in accordance with Section 4-24-03.

4-24-04-02 CHANGE IN USE TO CONFORMING USE PERMITTED

If the intended change in use is a principal use permissible in the zone district where the property is located, and if all of the other requirements of these standards and regulations can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with the provisions of these standards and regulations is achieved, the property may not revert to its nonconforming status.

4-24-04-03 CHANGE IN USE TO CONFORM TO SECTION 4-24-03

If the intended change in use is to a principal use permissible in the zone district where the property is located, but all of the requirements of these standards and regulations cannot reasonably be complied with, then the change is permissible if the entity authorized to issue a permit for that particular use issues the required permit which would authorize the change. Conditions may be placed on any permit issued in order to mitigate any impact, which would result from not meeting these standards and regulations. This permit may be issued if the permit issuing authority finds, in addition to any other findings which may be required by these standards and regulations, that:

1. The intended change will not result in a violation of Section 4-24-03; and
2. All of the applicable requirements of these standards and regulations can reasonably be complied with will be complied with. Compliance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure placed on a permanent foundation. In no case may an applicant be given permission to construct a building or add to an existing building if additional nonconformities would be created.

4-24-04-04 CHANGE IN USE TO CONFORM TO SECTION 4-24-03

If the intended change in use is to another principal use, which is nonconforming in the zone district in which the property is located, then the change is permissible if the permit issuing authority formally approves the change. Conditions may be placed on any permit issued in order to mitigate any impact, which would result from not meeting these standards and regulations. The permit issuing authority may issue the permit if it finds, in addition to other findings which may be required by these standards and regulations, that:

1. The use requested is one which is permissible in some zone districts with either a zoning review approval and building permit, special use, or conditional use permit;
2. The intended change will not result in a violation of Section 4-24-03;
3. All of the applicable requirements of these standards and regulations, which can reasonably be complied with will be complied with. Compliance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure placed on a permanent foundation. In no case may an applicant be given permission to construct a building or add to an existing building if additional nonconformities would be created; and

4. The proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the use in operation.

4-24-05 ABANDONMENT OF USE AND DISCONTINUANCE OF NONCONFORMING SITUATION

If active and continuous operations are not carried on in a nonconforming use during a continuous period of six (6) months, the building, other structure or tract of land where such nonconforming use previously existed shall thereafter be occupied and used only by a conforming use. Intent to resume active operations shall not affect the foregoing. The burden of proof an operation has been continuous rests with the owner or operator of the use. The evidence an operation has been continuous must be clear, indicate that at the specific time in question the use was in operation, and must be conclusive.

4-24-06 NONCONFORMING LOT

4-24-06-01 NONCONFORMING LOTS USING WELL AND SEPTIC

No lot existing at the time of passage of these standards and regulations or any amendment thereto, shall be required to be reduced or enlarged to conform to the requirements on lot sizes, except those requirements pertaining to the use of individual wells and septic systems.

4-24-06-02 NONCONFORMING LOTS CREATED PRIOR TO JULY 1, 1972

On tracts of land in the A-3 and A-2 zone districts created prior to July 1, 1972, which do not meet the minimum lot size requirement, construction of a single family dwelling shall be allowed subject to the minimum requirements of the A-1 zone district.

4-24-07 NON-CONFORMING USES, STRUCTURES, AND NATURAL OBJECTS LOCATED WITHIN THE AVIATION INFLUENCE AREA

This Section shall not be construed to require the removal, or alteration of any lawful constructed building, structure, or use in existence at the time this regulation is adopted. Nor shall this section be construed to require any change in the construction, alteration, or intended use of any structure in cases where a building permit for the construction or alteration of a structure was issued prior to the adoption of this Section.

4-24-07-01 NON-CONFORMING USES LOCATED IN NOISE OVERLAY

4-24-07-01-01 *EXISTING SINGLE FAMILY HOMES MAY CONTINUE*

Previously approved and lawfully constructed single family homes may continue, but are subject to the provisions regarding enlargement or reconstruction of the single family homes as cited below.

4-24-07-01-02 *EXISTING UNDEVELOPED LAND ENCOURAGED TO CHANGE USES*

Previously zoned and platted residential areas which are vacant are encouraged to change land uses in order to ensure future compatibility with this overlay zone district.

4-24-07-01-03 *NEW SINGLE FAMILY HOMES MAY BE CONSTRUCTED*

New single family dwellings may be constructed on parcels or lots created prior to the effective date of these standards and regulations, or as allowed by State Statute, or when located on previously zoned and platted residential areas, provided appropriate interior noise level reduction measures are employed during construction.

Plans, which illustrate the noise reduction measures that will be employed, must be certified by a registered professional engineer. Issuance of a certificate of occupancy shall remain dependent upon the faithful execution of the certified noise reduction construction plan as submitted upon building permit application.

4-24-07-01-04 *ENLARGEMENT AND REPLACEMENT OF SINGLE FAMILY HOMES*

Proposals to enlarge, or reconstruct non-conforming single-family residences must employ interior noise level reduction measures for the structure or portion of the structure subject to the building permit.

Plans, which illustrate the noise reduction measures that will be employed, must be certified by a registered professional engineer. Issuance of a certificate of occupancy shall remain dependent upon the faithful execution of the certified noise reduction construction plan as submitted upon building permit application.

4-24-07-01-05 *ENLARGEMENT AND REPLACEMENT OF NON-RESIDENTIAL STRUCTURES*

Proposals to reconstruct non-conforming office, commercial, or other non-residential structures must employ interior noise level reduction measures for the structure, or portion of the structure occupied by members of the public.

Plans, which illustrate the noise reduction measures that will be employed, must be certified by a registered professional engineer. Issuance of a certificate of occupancy shall remain dependent upon the faithful execution of the certified noise reduction construction plan as submitted upon building permit application.

4-24-07-02 *NON CONFORMING USES LOCATED OUTSIDE THE NOISE OVERLAY ZONE DISTRICT AND IN THE AVIATION INFLUENCE AREA***4-24-07-02-01 *AIRCRAFT ACTIVITY COVENANT WITH DISCLOSURE REQUIRED***

Aircraft Activity Covenant with Disclosure, which acknowledges and permits the creation of noise by aviation operations shall be signed and recorded prior to issuance of a building permit for a residence within the noise overlay zone district.

4-24-07-02-02 *LIGHTS AND MARKER INSTALLATION*

The owner of any existing nonconforming structure is required to permit the installation, operation, and maintenance of markers and lights as deemed necessary by the aviation authority or operator, to indicate to the operators of aircraft in the vicinity of the aviation facilities the presence of aviation hazards.

ⁱ Adopted by the BOCC on December 16, 2014

11-02-175 ELECTION SIGN

A sign advocating or advertising the election of any candidate for public office or any question upon which a public vote is being taken.

11-02-176 ELECTRONIC MANUFACTURING

An industrial establishment or area for the purpose of manufacturing electronics. This includes the manufacturing and assembly of small electronic appliances.

11-02-177 ELECTROPLATING

The process of plating or coating objects with a metal through electrolysis or an industrial establishment or where such processing occurs.

11-02-178 ENAMELING, LACQUERING, OR GALVANIZING OF METAL

The process of bonding a glassy substance, usually opaque, to the surface of metal through the process of fusion or an industrial establishment or area where such processing occurs.

11-02-179 ENCROACHMENT LINES

Limits of obstruction to flood flows. These lines are generally parallel to the stream. The lines are established by assuming the area landward (outside) of the encroachment lines may be ultimately developed in such a way it will not be available to convey flood flows. The stream channel and adjoining floodplains between these lines will be maintained as open space and will be adequate to flood heights, such increase under any condition not exceeding one-half (1/2) foot.

11-02-180 ENVIRONMENTALLY SENSITIVE AREAS

Environmentally sensitive areas include, but are not limited to, wetlands, biological resources, habitats, national parks, archaeological/historic sites, natural heritage areas, tribal lands, drinking water sources, intakes, marinas/boat ramps, and wildlife areas.

11-02-192 EXEMPTION FROM PLATTING

A release from the requirements of platting by resolution of the Board of County Commissioners in accordance with the terms set forth in these standards and regulations.

11-02-193 EXISTING TRAFFIC-GENERATING DEVELOPMENT

The most intense use of land within the twelve-(12) months prior to the time of commencement of Traffic-Generation Development.

11-02-194 EXOTIC ANIMAL FARM

An agricultural operation where animals native to a foreign country or of foreign origin or character, not native to the United States, or introduced from abroad are kept, raised, bred, or slaughtered for the purposes of commercial sale.

11-02-195 EXPLOSION

The rapid oxidation of a combustible creating heat and fire, and displacing large amounts of air.

11-02-196 EXPLOSIVE MANUFACTURING AND STORAGE

An industrial establishment or area for the purpose of manufacturing and storage of explosives.

11-02-197 EXPLOSIVES

Materials or products, which decompose by detonation when in sufficient concentration.

11-02-198 EXTRACTION AND DISPOSAL USES

This use category includes: extraction uses such as mining, quarrying, drilling, and pumping, and disposal uses such as junk, scrap, or salvage yards, landfills, sludge disposal or storage, construction material stockpiling, resource recovery facilities, and trash compaction or transfer stations, and any other form of waste management facilities and all

extraction uses, not including oil and gas well drilling and production as defined within this chapter. These uses create major disruptions to the area's environment even when carefully regulated. Dust, dirt, noise, and unsightly conditions can be anticipated. None of these uses is an acceptable neighbor in a residential environment.

11-02-199 EXTRAORDINARY COSTS

Unique and/or one-time costs defined as such according to Generally Accepted Accounting Principles (GAAP).

11-02-200 FAA AERONAUTICAL STUDY ON OBSTRUCTIONS

A study conducted by the Federal Aviation Administration to examine the effects of buildings and structures on such factors as aircraft operational capabilities; electronic and procedural requirements; and airport hazard standards.

11-02-201 FACT FINDING REVIEW

An investigation by the Director of Community and Economic Development as to the facts regarding compliance of an operator with a permit approved by the Director of Community and Economic Development.

11-02-202 FAMILY

An individual or three (3) or more persons related by blood, marriage, or legal adoption, living together in a dwelling unit as a single housekeeping unit. Persons not related by blood, marriage, or legal adoption shall be deemed to constitute a family where they are living and cooking together as a single housekeeping unit, but shall not include unrelated students attending colleges or universities.

11-02-203 FARMING

This use category includes farming and other supporting agricultural uses. Farming includes traditional farming, sod farming, tree farming, and animal farming in unconfined operations.

beet refining; tar and waterproofing (materials manufacturing, treatment, and bulk storage).

11-02-277 HEAVY RETAIL AND HEAVY SERVICES

This use category includes: all activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products that would be considered as light or heavy industrial shall be prohibited in this use. For example, while auto or engine repair is permitted, the storage and disassembly of vehicles and the re-assembly of various parts are considered heavy industry. Junkyards are also considered heavy industry. Heavy retail and heavy service uses include retail and/or service activities that have large amounts of exterior service or storage areas or partially enclosed structures such as: automobile dealers; automotive repair except top, body, upholstery repair, paint, and tire retreading shops; automotive services except wrecking or towing storage yards; mobile home and manufactured housing dealers with mobile home sales office; auto/truck rental/leasing; cold storage; cabinet manufacturing with sales; radio and TV broadcasting station; flea market; firewood sales, storage, and splitting; and pawn shops.

11-02-278 HELIPORT

An area, either at ground level or elevated on a structure, licensed and approved for the landing and takeoff of helicopters, and any appurtenant structures or facilities which may include parking, waiting room, refueling, maintenance, repair, or storage facilities.

11-02-279 HEMP FARM

Land used for the growing, processing, storage, and packaging of industrial hemp.

11-02-280 HIGH OCCUPANCY BUILDING UNIT

Means any School, Nursing Facility as defined in C.R.S. § 25.5-4-103(14), hospital, life care institutions as defined in C.R.S. § 12-13-101, or correction facility as defined in C.R.S. § 17-1-102(1.7), provided the facility or institution regularly serves 50 or more persons; or an operating child care center as defined in C.R.S. § 26-6-102(1.5).

11-02-398 OFFICES

This use category includes: banking and other credit agencies (offices only); security, commodity brokers and services; insurance carriers; real estate; holding and other investments; business services; and medical offices.

11-02-399 OFF-SITE DIRECTIONAL SIGN

A sign, which directs attention to a business, commodity, service, activity or product, sold, conducted, or offered off the premises where such sign is located. An Off-Site Directional Sign shall be used to advertise a business, commodity, service, campaign, drive, or special event, which is located within one thousand (1,000) feet of the property on which the sign is placed.

11-02-400 OFF-STREET PARKING SPACE

An area of three hundred (300) square feet, which shall include the parking space and the necessary area for ingress and egress.

11-02-401 OIL AND GAS FACILITY

Oil and Gas Facility means an oil and gas facility as defined by the rules and regulations of the Colorado Oil and Gas Conservation Commission.

11-02-402 OIL AND GAS WELL DRILLING AND PRODUCTION

The drilling for and production of gas and oil, along with the installation of pumps, tanks, pits, treaters, and separators and other equipment.

11-02-403 OPEN AREA

Any real property in single or joint ownership with no structures.

11-02-404 OPEN SPACE

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or

11-02-441 POULTRY FARM

An agricultural operation where chickens, turkeys, ducks, geese, or other domestic fowl are kept, raised, bred, or slaughtered for eggs or meat for the purposes of commercial sale.

11-02-442 POWER PLANT

Any electrical energy generating facility and appurtenant facilities which utilize a substation prior to distribution to a consumer, or any addition thereto, increasing the existing design capacity, except portable generators used in emergency situations.

11-02-443 PRE-APPLICATION CONFERENCE (SPECIAL DISTRICT SERVICE PLAN REVIEW)

A scheduled meeting between the applicant and one (1) or more members of the District Review Team. The representative of the District Review Team and one (1) staff person from the Development Review Section of the Community and Economic Development Department must attend this meeting. At the pre-application conference, the proposed District, the state statutes, and these regulations shall be discussed in detail.

11-02-444 PRESCHOOL

See “Day Care Center”.

11-02-445 PRIMARY RESIDENCE

Primary residence means a residence which is the usual place of return for housing as documented by at least two of the following: motor vehicle registration, driver's license, Colorado state identification card, voter registration, tax documents, or a utility bill. A person can only have one primary residence.

11-02-446 PRINCIPAL STRUCTURE OR USE

The main or primary purpose for which a structure or land is used, and to which all other uses on the property are accessory.

EXHIBIT 3- Referral Comments

Exhibit 3.1: Comments and Recommendation Summary

Technical, legal and administrative clarifications - definitions, regulatory scope and performance standards		
	Comment	Staff recommendation
1	Tasks within emergency response requirements are outside Operator scope that are coordinated with the serving first responders.	Modified language to clarify Operator's role and requirements.
2	Make neighborhood meetings always required.	Modified language to clarify neighborhood meetings always required.
3	Unclear definitions of terms in numerous sections prompting reporting, documentation and permit requirements; incorrect terms used that do not apply to exploration & production activities or conditions within the Denver-Julesburg Basin; refine oil and gas facility definition (Chapter 2) to clarify scope of OGF Permit.	Added/Revised language of several terms to align with COGCC and/or APCD definitions, i.e., revised safety incident to reportable safety event; replaced waste with produced water where requirement clearly applies to produced water; modified safety valve terms; clarified "incident" by incorporating COGCC and OSHA definitions of reportable incident; included COGCC definition of oil and gas facilities.
4	Define 'substantial modification' as it pertains to existing facilities and applicability of OGF Permit.	Add definition to Chapter 2, OGF Permit: "new wells, well connects, increase to onsite storage, addition of production equipment, disturbance to well pad site area."
5	Further define 'environmentally sensitive areas' as used in setback requirements and what constitutes "significant degradation" of air quality.	Added to Chapter 11, Definitions, of Development Standards and Regulations. Replaced significant degradation to air quality with "must meet all air quality requirements."
6	Well descriptions are not accurate / do not reflect industry terminology.	Replaced terminology within Impact Area Map requirement to align with industry terminology for operational condition of wells: replaced "existing oil and gas wells" with "producing oil and gas wells"; deleted the word "closed" to describe non-producing wells and kept "abandoned, plugged and shut-in".
7	Not all existing well locations are catalogued in accessible database or mapped, both gas and water wells	Added qualifiers: "known existing oil and gas well" and "permitted water wells."
8	Community meeting for every potential location may create unintended harm to development, cause private negotiations with landowners to become public and create friction among residents.	Added language in permit application review steps to clarify neighborhood meeting follows conceptual review of sites and site selection.
9	Exact drilling and completions schedules not known at permit application stage. Schedules are often dictated and impacted by markets and other factors that cannot be controlled. Delete requirement to identify proposed drilling and completion schedules.	Replace "proposed" with "tentative" schedule.
10	Road Maintenance Agreements not typically covered within Traffic impact Fees. Suggest moving "Maintenance Agreement" to separate requirement and clarify not part of TIF. Requiring Road Maintenance Fee is duplicative and excessive.	Moved Road Maintenance Agreement requirement to separate subitem to clarify no fee associated with requirement to maintain right-of-way access to OGF location.
11	Request for clarification on how OGF regulations will affect existing permitted facilities; define what qualifies as "substantially modified."	To clarify intent of requirement, modified language to specify that any work which requires an amendment to the state Form 2A qualifies as a major amendment and is subject to OGF Permit and proposed regulations.
12	Define "water bodies" as used throughout regulation. Does this apply to manmade ditches and canals, intermittent and ephemeral streams? Consider including wetlands.	Added definition to Chapter 11, Definitions, Development Standards and Regulations.
13	For consistency with state regulations, recommend permit term limit be associated with COGCC approval process, such that OGF permit term begins when COGCC grants approval.	Modified language to clarify intent that 3-year permit term begins when operator receives COGCC approval for the permitted OGF location.
14	What is a development construction permit as discussed in permit process?	Change language to OGF Permit Notice to Proceed as development construction permit is not applicable.
15	Air quality requirements in their entirety are an overstep of local authority and should at least follow procedural requirements as outlined in CO-APCA section 25-7-128: hearings, judicial review, and injunctions consistent with APCA; meet with AQCC to reconcile county regulations with state regs.	Noted and legal counsel is addressing through additional procedural language within Chapter 4, enforcement and appeals, of proposed regulations.
16	Require larger notification signs at the OGF for both land use notice and operational notice that can be seen from the public right-of-way (ROW); require contact information signs are legible from the ROW.	Enhanced posting requirement in performance standards to require 24-hour contact and project information sign be posted at the intersection of the access road and public ROW with text of a size that is legible from the public ROW.
17	Requirement precluding permanent storage tanks for produced fluids is confusing and conflicts with other performance standard requirements.	Removed the term 'produced' from requirement to utilize closed-loop system to recycle drilling fluids.
18	Do not permanently vest an OGF; include permit expiration.	Carried over current requirement in existing regulations to proposed regulation as part of conditions of approval.

Requirements modified, enhanced, or removed		
Comment		Staff recommendation
19	Surface locations are dependent on access to minerals. Finding 3 locations extremely difficult; recommend 2 sites for alternative analysis. Include location's ability to access the minerals efficiently and economically as factor in determining which location best meets goal of protecting public health, safety, welfare and the environment.	Enhanced language in alternative site analysis to clarify proposed OGF locations must be at least 1,000-ft apart but can be located on the same parcel. Additionally, included provision for administrative waiver from setback if property owner and resident both provide signed consent.
20	Do not allow development within Floodplain.	Added requirement for Resource Review when developing within Natural Resource Conservation Overlay to the Flo
21	Include local water districts within the notification, reporting, coordination and operational plan requirements within Chapter 2 & Chapter 4.	Revised proposed text to include 'local water districts' in all relevant sections.
22	Include the term future school locations within setback and impact area mapping requirements to remain consistent with COGCC rules	Added future school location to setback and map requirements.
23	Prohibiting on-site residential trailers from OGF places undue hardship on workers and Operators and could lead to increased traffic and unintended safety consequences.	Deleted requirement prohibiting on-site residential trailers.
24	Allow Operators to utilize one overarching Safety Management Plan that covers all oil and gas facilities with site-specific procedures and documents.	Added language to Safety Standards
25	Remove requirement to store IR Camera videos taken during LDAR inspection for 5 years since video stills will not provide useful information.	Deleted video storage requirement since LDAR results are documented on state reporting forms that can be reviewed by staff.
26	Providing 10-years of Safety Management System records & reports for all incidents construed as excessive and may be impossible to provide; who will review the large amount of data and what is the expected benefit.	Modified requirement to require five (5) years of reportable safety event records.
27	Require submittal of water supply quality plan.	Incorporated from MOU into final-draft regulation.
28	Numerous variables factor into selecting locations as viable sites for oil and gas development.	Removed statement allowing County to propose site locations.
29	Requiring Operators to certify new OGF won't increase total air emissions from all permitted facilities within the County essentially places cap on VOC emissions and regulates downhole operations, which could have unintended consequences such as Operator delaying plugging of wells or remediating abandoned wells, and exceeds scope of authority of SB-181.	After further evaluation, staff agrees this section may be problematic and it was removed.
30	Remove all sections that state County must approve OGF Permit if it meets all regulations.	Added language to clarify that County retains discretionary authority to condition a permit, even if it meets all criteria, which provides flexibility to remain current with emerging technologies & land-use compatibility concerns.
31	Prohibiting all flaring from combustion device except in emergencies should be based on location and proximity to other land uses; impractical to implement when pipelines are not co-located or available to OGF.	Changed restriction on combustion device flaring except during emergencies or upset conditions from an across the board requirement to an applied requirement based on specific site, project and land use analysis of particular OGF.
32	All of the components listed in the Safety Standards are a function of federal regulations governing highly hazardous chemicals above specific thresholds and therefore, should not be applied to OGF, which do not meet this criteria.	Listed safety standard requirements are taken from Associated Petroleum Institute's standards that are directly applicable to exploration and production facilities; however, recordkeeping duration and document submittals reduced to reflect actual industry practice
33	Prohibiting specific chemicals from fracturing fluid is in effect regulating downhole activities; Flowback (produced) water from well stimulation could contain prohibited chemicals even though not added to frac fluid on surface.	While staff disagrees that regulating fracturing fluids is a regulation on downhole activities, they acknowledge that certain listed chemicals could come from in-situ materials, such as bedrock, formations, existing reserves during stimulation and flowback operations. Requirement modified to clearly restrict use of listed chemicals as additives to fracturing fluid.
34	Ongoing, multiple year monitoring of surveyed plugged and abandoned wells along track of borehole is burdensome and requires long-term agreements and coordination with property owners to conduct work; reduce waiting time for property owner response from 30-days to 15-days.	Requirement changed to capture highest risk time frame for assessments and soil gas surveys, subsequent soil surveys based on initial findings. P&A well assessment and soil surveys within 90 days of well completion for each mobilization with subsequent monitoring of wells one year based on results of first survey. Timeframe maintained at 30-days.
35	Add future school locations to the list of setback distance requirements.	Incorporated future school locations as defined by COGCC to the setback requirement and impact are map requirements.

Requirements modified, enhanced, or removed		
Comment		Staff recommendation
36	Requirement to size secondary containment capable of holding 150% of largest tank volume and restricting two or less tanks per containment berm is excessive and will in effect increase the footprint of the facility and likelihood of land-use compatibility issues.	Changed capacity requirement to 110% of the largest tank volume capacity, which aligns with EPA spill control regulations and removed two tank restriction requirement.
37	Include specific worker safety and health training requirements and written procedures for documenting employee and contractor initial and refresher training.	Added requirement for nationally recognized certifications or training of all workers.
38	Require written procedures for worker training and recordkeeping	Added requirement for training procedures and to provide County with documentation of training upon request.
40	30-day storage limit for produced water and waste is unreasonable since time it takes to characterize, profile and prepare waste for shipment often exceeds 30-days.	Removed / modified time limit on waste storage.
41	Federal preemption concern by requiring Tier 4 and Tier 2 engines as air quality measures.	Moved to noise mitigation section.
42	Clarify what significant degradation of air quality means as far as demonstrating OGF meets this threshold	Revise text to require OGF meet all air quality requirements.
43	Add "Postpose well maintenance and liquids unloading activities" to list of potential restricted activities on ozone alert days.	Added operation to list of potential restricted activities on ozone alert days
44	Manufacturer data is typically based on 'destruction efficiency'. Control efficiency means a different thing. It's best to be consistent with Air Quality Control Commission regulations and require operators to have the device meet 98% destruction efficiency. Consider not using the term control efficiency in this language as it will confuse operators understanding between local and state regulations.	Changes made to pertinent section.
45	Change compression facilities to compression engines	Changed nomenclature to compression equipment
46	Would like to see an exemption provision within waiver process for sites that only require setback waiver but have property owner/resident written consent for placement within buffer.	Established administrative waiver from setback requirement when applicant provides written, signed consent from primary resident and propoerty owner. Definition of primary resident included in Chapter 11.
No Changes Proposed		
Comment		Staff recommendation
47	Multiple requests to increase setback distance to 2,500-ft or more.	No changes proposed
48	Numerous requests to increase setback distance greater than 1,000-ft.	No changes proposed
49	Mandatory setbacks and zone district restrictions are prescriptive and arbitrary.	No changes proposed
50	Require remediation of all plugged and abandoned wells within 6 months with liability coverage to pay for remediation if Operator doesn't complete within 6 months.	No changes proposed
51	Increase LDAR inspection frequency from biannual to monthly.	No changes proposed
52	Why doesn't County regulations just reference compliance with APCD regulations for air emissions and air quality control as requirements rather than implement new requirements?	No changes proposed
53	Incorporate Party Status provision into public hearing process.	No changes proposed
54	Numerous comments requesting requirements that are already established within the proposed regulations.	No changes proposed
55	Setbacks are arbitrary and there is no distinction between rural and urban areas within alternative site analysis provisions.	No change proposed
56	Include provision that Operators must reimburse first responders for any supplies and costs incurred during an emergency response	No change proposed; established directly with local responders per service agreement
57	Request at least one off-ramp that allows for contractual agreements between the county and applicants. This would allow for more site-specific conditions as opposed to a one size fits all approach; alternatively allow site location waiver request to process then follow with administrative process.	No change proposed
58	Unreasonable for County to propose alternative locations for OGF.	No change proposed
59	Numerous comments pertaining to requirements already included in proposed regulations	No change proposed
60	To avoid unnecessary confusion, recommend using one distance of 1/2 mile for all Impact Area Map requirements.	No change proposed
61	Require continuous emissions monitoring for CH4 and VOC at all locations.	No change proposed

No Changes Proposed		
	Comment	Staff recommendation
62	Require use of IR camera and AIMM for all LDAR monitoring and immediate reporting of all leaks.	No change proposed
63	Prohibit specific activities known for VOC emissions on ozone alert days.	No changes proposed; proposed regulations include these measures
64	Increase frequency of LDAR requirement from biannual to monthly.	No changes proposed; proposed regulations exceed current APCD regulation
65	Several comments requesting specific requirements for transmission lines.	Not within scope of OGF Permit
66	Place requirements on existing flowlines, gathering lines and transmission lines.	Not within scope of OGF Permit
67	Incorporate pipeline construction standards and testing methods, national and federal standards, into oil and gas permit.	Not within scope of OGF Permit
68	Notice all property, water and mineral rights, and business owners as well as tenants within 1-mile of proposed facility.	No change proposed
69	Require green completions.	No changes proposed; addressed within proposed regulations
70	Require noise control to below 85-dBA at all times.	No changes proposed; proposed regulations more stringent
71	Requirement to use no-bleed pneumatic devices is technologically infeasible. Request county let ACPD move through their	No change; provision is not an across the board requirement.
72	Require all data be evaluated by independent third party.	No changes proposed; addressed within proposed regulations
73	Include provision for fair treatment of all employees that allows for organized employee groups.	Not within scope of land use permit
74	Require 75% of workforce to be ADCO residents.	Not within scope of land use permit
75	Extend public comment period beyond 30 days.	No change proposed
76	Require billboard visible from one-half (1/2) mile be posted on proposed and permitted oil and gas facility location.	No change proposed
77	Require operator send notices to residents within 1-mile radius before any major repair or renovation work begins.	No changes proposed: COGCC rules require such notices; major renovation will initiate OGF Permit process
78	Remove requirement to maintain organized list and safety data sheets for all chemicals prior to drilling activities and before construction permits issued.	No changes proposed
79	Remove prescriptive requirement for plugged and abandoned well marking.	No changes proposed
80	Define environmental assessment.	Defined within existing development standards and regulations.
81	Increase setback distance to at least 2,500-ft if not one mile	No changes proposed
82	Extend the moratorium.	No changes proposed
Taken Under Advisement for Future Consideration		
	Comment	Staff recommendation
83	Staff should run the neighborhood meetings; third party transcribe meetings & provide to County and noticed residents; interpretation services paid for by Operator when requested.	Taken under advisement
84	Provide notices in Spanish; use clear language in notices so easier to understand project scope and location;	Evaluating modifications to notices on a policy basis
85	Encourage development of sustainable energy rather than oil and gas development	Addressed in Comprehensive Plan
86	There is some concern that the county is requiring operators to prepare extensive documentation and planning schemes, and then pay to have those reviewed by the county at the operators expense while retaining no input into the third party who will be reviewing the plans	Approved list of third-party professional consultants would be vetted through RFQ process and Operators will have access to County approved list.
87	Request clarity on the process for any changes in required document submittals for OGF permits and what procedural standards are in place to ensure decisions are based on rational and technical input.	Guidance Document and Application Submittal Checklist
88	Extend public comment period beyond 30 days	Taken under advisement
89	Regulations are so stringent that they may very well have the effect of substantially limiting or even banning oil and gas development within the County.	Taken under advisement
90	County's proposed regulations violate language contained in SB-181, impose unreasonable standards and threaten the vitality of the oil and gas industry	Taken under advisement
91	Numerous comments from business organizations expressing concern over too stringent regulations that are not based on facts and could stifle if not eliminate oil and gas development within the County	Taken under advisement

Exhibit 3.1: Comments and Recommendation Summary

Technical, legal and administrative clarifications - definitions, regulatory scope and performance standards		
	Comment	Staff recommendation
1	Tasks within emergency response requirements are outside Operator scope that are coordinated with the serving first responders.	Modified language to clarify Operator's role and requirements.
2	Make neighborhood meetings always required.	Modified language to clarify neighborhood meetings always required.
3	Unclear definitions of terms in numerous sections prompting reporting, documentation and permit requirements; incorrect terms used that do not apply to exploration & production activities or conditions within the Denver-Julesburg Basin; refine oil and gas facility definition (Chapter 2) to clarify scope of OGF Permit.	Added/Revised language of several terms to align with COGCC and/or APCD definitions, i.e., revised safety incident to reportable safety event; replaced waste with produced water where requirement clearly applies to produced water; modified safety valve terms; clarified "incident" by incorporating COGCC and OSHA definitions of reportable incident; included COGCC definition of oil and gas facilities.
4	Define 'substantial modification' as it pertains to existing facilities and applicability of OGF Permit.	Add definition to Chapter 2, OGF Permit: "new wells, well connects, increase to onsite storage, addition of production equipment, disturbance to well pad site area."
5	Further define 'environmentally sensitive areas' as used in setback requirements and what constitutes "significant degradation" of air quality.	Added to Chapter 11, Definitions, of Development Standards and Regulations. Replaced significant degradation to air quality with "must meet all air quality requirements."
6	Well descriptions are not accurate / do not reflect industry terminology.	Replaced terminology within Impact Area Map requirement to align with industry terminology for operational condition of wells: replaced "existing oil and gas wells" with "producing oil and gas wells"; deleted the word "closed" to describe non-producing wells and kept "abandoned, plugged and shut-in".
7	Not all existing well locations are catalogued in accessible database or mapped, both gas and water wells	Added qualifiers: "known existing oil and gas well" and "permitted water wells."
8	Community meeting for every potential location may create unintended harm to development, cause private negotiations with landowners to become public and create friction among residents.	Added language in permit application review steps to clarify neighborhood meeting follows conceptual review of sites and site selection.
9	Exact drilling and completions schedules not known at permit application stage. Schedules are often dictated and impacted by markets and other factors that cannot be controlled. Delete requirement to identify proposed drilling and completion schedules.	Replace "proposed" with "tentative" schedule.
10	Road Maintenance Agreements not typically covered within Traffic impact Fees. Suggest moving "Maintenance Agreement" to separate requirement and clarify not part of TIF. Requiring Road Maintenance Fee is duplicative and excessive.	Moved Road Maintenance Agreement requirement to separate subitem to clarify no fee associated with requirement to maintain right-of-way access to OGF location.
11	Request for clarification on how OGF regulations will affect existing permitted facilities; define what qualifies as "substantially modified."	To clarify intent of requirement, modified language to specify that any work which requires an amendment to the state Form 2A qualifies as a major amendment and is subject to OGF Permit and proposed regulations.
12	Define "water bodies" as used throughout regulation. Does this apply to manmade ditches and canals, intermittent and ephemeral streams? Consider including wetlands.	Added definition to Chapter 11, Definitions, Development Standards and Regulations.
13	For consistency with state regulations, recommend permit term limit be associated with COGCC approval process, such that OGF permit term begins when COGCC grants approval.	Modified language to clarify intent that 3-year permit term begins when operator receives COGCC approval for the permitted OGF location.
14	What is a development construction permit as discussed in permit process?	Change language to OGF Permit Notice to Proceed as development construction permit is not applicable.
15	Air quality requirements in their entirety are an overstep of local authority and should at least follow procedural requirements as outlined in CO-APCA section 25-7-128: hearings, judicial review, and injunctions consistent with APCA; meet with AQCC to reconcile county regulations with state regs.	Noted and legal counsel is addressing through additional procedural language within Chapter 4, enforcement and appeals, of proposed regulations.
16	Require larger notification signs at the OGF for both land use notice and operational notice that can be seen from the public right-of-way (ROW); require contact information signs are legible from the ROW.	Enhanced posting requirement in performance standards to require 24-hour contact and project information sign be posted at the intersection of the access road and public ROW with text of a size that is legible from the public ROW.
17	Requirement precluding permanent storage tanks for produced fluids is confusing and conflicts with other performance standard requirements.	Removed the term 'produced' from requirement to utilize closed-loop system to recycle drilling fluids.
18	Do not permanently vest an OGF; include permit expiration.	Carried over current requirement in existing regulations to proposed regulation as part of conditions of approval.

Requirements modified, enhanced, or removed		
Comment		Staff recommendation
19	Surface locations are dependent on access to minerals. Finding 3 locations extremely difficult; recommend 2 sites for alternative analysis. Include location's ability to access the minerals efficiently and economically as factor in determining which location best meets goal of protecting public health, safety, welfare and the environment.	Enhanced language in alternative site analysis to clarify proposed OGF locations must be at least 1,000-ft apart but can be located on the same parcel. Additionally, included provision for administrative waiver from setback if property owner and resident both provide signed consent.
20	Do not allow development within Floodplain.	Added requirement for Resource Review when developing within Natural Resource Conservation Overlay to the Flo
21	Include local water districts within the notification, reporting, coordination and operational plan requirements within Chapter 2 & Chapter 4.	Revised proposed text to include 'local water districts' in all relevant sections.
22	Include the term future school locations within setback and impact area mapping requirements to remain consistent with COGCC rules	Added future school location to setback and map requirements.
23	Prohibiting on-site residential trailers from OGF places undue hardship on workers and Operators and could lead to increased traffic and unintended safety consequences.	Deleted requirement prohibiting on-site residential trailers.
24	Allow Operators to utilize one overarching Safety Management Plan that covers all oil and gas facilities with site-specific procedures and documents.	Added language to Safety Standards
25	Remove requirement to store IR Camera videos taken during LDAR inspection for 5 years since video stills will not provide useful information.	Deleted video storage requirement since LDAR results are documented on state reporting forms that can be reviewed by staff.
26	Providing 10-years of Safety Management System records & reports for all incidents construed as excessive and may be impossible to provide; who will review the large amount of data and what is the expected benefit.	Modified requirement to require five (5) years of reportable safety event records.
27	Require submittal of water supply quality plan.	Incorporated from MOU into final-draft regulation.
28	Numerous variables factor into selecting locations as viable sites for oil and gas development.	Removed statement allowing County to propose site locations.
29	Requiring Operators to certify new OGF won't increase total air emissions from all permitted facilities within the County essentially places cap on VOC emissions and regulates downhole operations, which could have unintended consequences such as Operator delaying plugging of wells or remediating abandoned wells, and exceeds scope of authority of SB-181.	After further evaluation, staff agrees this section may be problematic and it was removed.
30	Remove all sections that state County must approve OGF Permit if it meets all regulations.	Added language to clarify that County retains discretionary authority to condition a permit, even if it meets all criteria, which provides flexibility to remain current with emerging technologies & land-use compatibility concerns.
31	Prohibiting all flaring from combustion device except in emergencies should be based on location and proximity to other land uses; impractical to implement when pipelines are not co-located or available to OGF.	Changed restriction on combustion device flaring except during emergencies or upset conditions from an across the board requirement to an applied requirement based on specific site, project and land use analysis of particular OGF.
32	All of the components listed in the Safety Standards are a function of federal regulations governing highly hazardous chemicals above specific thresholds and therefore, should not be applied to OGF, which do not meet this criteria.	Listed safety standard requirements are taken from Associated Petroleum Institute's standards that are directly applicable to exploration and production facilities; however, recordkeeping duration and document submittals reduced to reflect actual industry practice
33	Prohibiting specific chemicals from fracturing fluid is in effect regulating downhole activities; Flowback (produced) water from well stimulation could contain prohibited chemicals even though not added to frac fluid on surface.	While staff disagrees that regulating fracturing fluids is a regulation on downhole activities, they acknowledge that certain listed chemicals could come from in-situ materials, such as bedrock, formations, existing reserves during stimulation and flowback operations. Requirement modified to clearly restrict use of listed chemicals as additives to fracturing fluid.
34	Ongoing, multiple year monitoring of surveyed plugged and abandoned wells along track of borehole is burdensome and requires long-term agreements and coordination with property owners to conduct work; reduce waiting time for property owner response from 30-days to 15-days.	Requirement changed to capture highest risk time frame for assessments and soil gas surveys, subsequent soil surveys based on initial findings. P&A well assessment and soil surveys within 90 days of well completion for each mobilization with subsequent monitoring of wells one year based on results of first survey. Timeframe maintained at 30-days.
35	Add future school locations to the list of setback distance requirements.	Incorporated future school locations as defined by COGCC to the setback requirement and impact are map requirements.

Requirements modified, enhanced, or removed		
Comment		Staff recommendation
36	Requirement to size secondary containment capable of holding 150% of largest tank volume and restricting two or less tanks per containment berm is excessive and will in effect increase the footprint of the facility and likelihood of land-use compatibility issues.	Changed capacity requirement to 110% of the largest tank volume capacity, which aligns with EPA spill control regulations and removed two tank restriction requirement.
37	Include specific worker safety and health training requirements and written procedures for documenting employee and contractor initial and refresher training.	Added requirement for nationally recognized certifications or training of all workers.
38	Require written procedures for worker training and recordkeeping	Added requirement for training procedures and to provide County with documentation of training upon request.
40	30-day storage limit for produced water and waste is unreasonable since time it takes to characterize, profile and prepare waste for shipment often exceeds 30-days.	Removed / modified time limit on waste storage.
41	Federal preemption concern by requiring Tier 4 and Tier 2 engines as air quality measures.	Moved to noise mitigation section.
42	Clarify what significant degradation of air quality means as far as demonstrating OGF meets this threshold	Revise text to require OGF meet all air quality requirements.
43	Add "Postpose well maintenance and liquids unloading activities" to list of potential restricted activities on ozone alert days.	Added operation to list of potential restricted activities on ozone alert days
44	Manufacturer data is typically based on 'destruction efficiency'. Control efficiency means a different thing. It's best to be consistent with Air Quality Control Commission regulations and require operators to have the device meet 98% destruction efficiency. Consider not using the term control efficiency in this language as it will confuse operators understanding between local and state regulations.	Changes made to pertinent section.
45	Change compression facilities to compression engines	Changed nomenclature to compression equipment
46	Would like to see an exemption provision within waiver process for sites that only require setback waiver but have property owner/resident written consent for placement within buffer.	Established administrative waiver from setback requirement when applicant provides written, signed consent from primary resident and propoerty owner. Definition of primary resident included in Chapter 11.
No Changes Proposed		
Comment		Staff recommendation
47	Multiple requests to increase setback distance to 2,500-ft or more.	No changes proposed
48	Numerous requests to increase setback distance greater than 1,000-ft.	No changes proposed
49	Mandatory setbacks and zone district restrictions are prescriptive and arbitrary.	No changes proposed
50	Require remediation of all plugged and abandoned wells within 6 months with liability coverage to pay for remediation if Operator doesn't complete within 6 months.	No changes proposed
51	Increase LDAR inspection frequency from biannual to monthly.	No changes proposed
52	Why doesn't County regulations just reference compliance with APCD regulations for air emissions and air quality control as requirements rather than implement new requirements?	No changes proposed
53	Incorporate Party Status provision into public hearing process.	No changes proposed
54	Numerous comments requesting requirements that are already established within the proposed regulations.	No changes proposed
55	Setbacks are arbitrary and there is no distinction between rural and urban areas within alternative site analysis provisions.	No change proposed
56	Include provision that Operators must reimburse first responders for any supplies and costs incurred during an emergency response	No change proposed; established directly with local responders per service agreement
57	Request at least one off-ramp that allows for contractual agreements between the county and applicants. This would allow for more site-specific conditions as opposed to a one size fits all approach; alternatively allow site location waiver request to process then follow with administrative process.	No change proposed
58	Unreasonable for County to propose alternative locations for OGF.	No change proposed
59	Numerous comments pertaining to requirements already included in proposed regulations	No change proposed
60	To avoid unnecessary confusion, recommend using one distance of 1/2 mile for all Impact Area Map requirements.	No change proposed
61	Require continuous emissions monitoring for CH4 and VOC at all locations.	No change proposed

No Changes Proposed		
Comment		Staff recommendation
62	Require use of IR camera and AIMM for all LDAR monitoring and immediate reporting of all leaks.	No change proposed
63	Prohibit specific activities known for VOC emissions on ozone alert days.	No changes proposed; proposed regulations include these measures
64	Increase frequency of LDAR requirement from biannual to monthly.	No changes proposed; proposed regulations exceed current APCD regulation
65	Several comments requesting specific requirements for transmission lines.	Not within scope of OGF Permit
66	Place requirements on existing flowlines, gathering lines and transmission lines.	Not within scope of OGF Permit
67	Incorporate pipeline construction standards and testing methods, national and federal standards, into oil and gas permit.	Not within scope of OGF Permit
68	Notice all property, water and mineral rights, and business owners as well as tenants within 1-mile of proposed facility.	No change proposed
69	Require green completions.	No changes proposed; addressed within proposed regulations
70	Require noise control to below 85-dBA at all times.	No changes proposed; proposed regulations more stringent
71	Requirement to use no-bleed pneumatic devices is technologically infeasible. Request county let ACPD move through their	No change; provision is not an across the board requirement.
72	Require all data be evaluated by independent third party.	No changes proposed; addressed within proposed regulations
73	Include provision for fair treatment of all employees that allows for organized employee groups.	Not within scope of land use permit
74	Require 75% of workforce to be ADCO residents.	Not within scope of land use permit
75	Extend public comment period beyond 30 days.	No change proposed
76	Require billboard visible from one-half (1/2) mile be posted on proposed and permitted oil and gas facility location.	No change proposed
77	Require operator send notices to residents within 1-mile radius before any major repair or renovation work begins.	No changes proposed: COGCC rules require such notices; major renovation will initiate OGF Permit process
78	Remove requirement to maintain organized list and safety data sheets for all chemicals prior to drilling activities and before construction permits issued.	No changes proposed
79	Remove prescriptive requirement for plugged and abandoned well marking.	No changes proposed
80	Define environmental assessment.	Defined within existing development standards and regulations.
81	Increase setback distance to at least 2,500-ft if not one mile	No changes proposed
82	Extend the moratorium.	No changes proposed
Taken Under Advisement for Future Consideration		
Comment		Staff recommendation
83	Staff should run the neighborhood meetings; third party transcribe meetings & provide to County and noticed residents; interpretation services paid for by Operator when requested.	Taken under advisement
84	Provide notices in Spanish; use clear language in notices so easier to understand project scope and location;	Evaluating modifications to notices on a policy basis
85	Encourage development of sustainable energy rather than oil and gas development	Addressed in Comprehensive Plan
86	There is some concern that the county is requiring operators to prepare extensive documentation and planning schemes, and then pay to have those reviewed by the county at the operators expense while retaining no input into the third party who will be reviewing the plans	Approved list of third-party professional consultants would be vetted through RFQ process and Operators will have access to County approved list.
87	Request clarity on the process for any changes in required document submittals for OGF permits and what procedural standards are in place to ensure decisions are based on rational and technical input.	Guidance Document and Application Submittal Checklist
88	Extend public comment period beyond 30 days	Taken under advisement
89	Regulations are so stringent that they may very well have the effect of substantially limiting or even banning oil and gas development within the County.	Taken under advisement
90	County's proposed regulations violate language contained in SB-181, impose unreasonable standards and threaten the vitality of the oil and gas industry	Taken under advisement
91	Numerous comments from business organizations expressing concern over too stringent regulations that are not based on facts and could stifle if not eliminate oil and gas development within the County	Taken under advisement

Exhibit 3.1: Comments and Recommendation Summary

Technical, legal and administrative clarifications - definitions, regulatory scope and performance standards		
	Comment	Staff recommendation
1	Tasks within emergency response requirements are outside Operator scope that are coordinated with the serving first responders.	Modified language to clarify Operator's role and requirements.
2	Make neighborhood meetings always required.	Modified language to clarify neighborhood meetings always required.
3	Unclear definitions of terms in numerous sections prompting reporting, documentation and permit requirements; incorrect terms used that do not apply to exploration & production activities or conditions within the Denver-Julesburg Basin; refine oil and gas facility definition (Chapter 2) to clarify scope of OGF Permit.	Added/Revised language of several terms to align with COGCC and/or APCD definitions, i.e., revised safety incident to reportable safety event; replaced waste with produced water where requirement clearly applies to produced water; modified safety valve terms; clarified "incident" by incorporating COGCC and OSHA definitions of reportable incident; included COGCC definition of oil and gas facilities.
4	Define 'substantial modification' as it pertains to existing facilities and applicability of OGF Permit.	Add definition to Chapter 2, OGF Permit: "new wells, well connects, increase to onsite storage, addition of production equipment, disturbance to well pad site area."
5	Further define 'environmentally sensitive areas' as used in setback requirements and what constitutes "significant degradation" of air quality.	Added to Chapter 11, Definitions, of Development Standards and Regulations. Replaced significant degradation to air quality with "must meet all air quality requirements."
6	Well descriptions are not accurate / do not reflect industry terminology.	Replaced terminology within Impact Area Map requirement to align with industry terminology for operational condition of wells: replaced "existing oil and gas wells" with "producing oil and gas wells"; deleted the word "closed" to describe non-producing wells and kept "abandoned, plugged and shut-in".
7	Not all existing well locations are catalogued in accessible database or mapped, both gas and water wells	Added qualifiers: "known existing oil and gas well" and "permitted water wells."
8	Community meeting for every potential location may create unintended harm to development, cause private negotiations with landowners to become public and create friction among residents.	Added language in permit application review steps to clarify neighborhood meeting follows conceptual review of sites and site selection.
9	Exact drilling and completions schedules not known at permit application stage. Schedules are often dictated and impacted by markets and other factors that cannot be controlled. Delete requirement to identify proposed drilling and completion schedules.	Replace "proposed" with "tentative" schedule.
10	Road Maintenance Agreements not typically covered within Traffic impact Fees. Suggest moving "Maintenance Agreement" to separate requirement and clarify not part of TIF. Requiring Road Maintenance Fee is duplicative and excessive.	Moved Road Maintenance Agreement requirement to separate subitem to clarify no fee associated with requirement to maintain right-of-way access to OGF location.
11	Request for clarification on how OGF regulations will affect existing permitted facilities; define what qualifies as "substantially modified."	To clarify intent of requirement, modified language to specify that any work which requires an amendment to the state Form 2A qualifies as a major amendment and is subject to OGF Permit and proposed regulations.
12	Define "water bodies" as used throughout regulation. Does this apply to manmade ditches and canals, intermittent and ephemeral streams? Consider including wetlands.	Added definition to Chapter 11, Definitions, Development Standards and Regulations.
13	For consistency with state regulations, recommend permit term limit be associated with COGCC approval process, such that OGF permit term begins when COGCC grants approval.	Modified language to clarify intent that 3-year permit term begins when operator receives COGCC approval for the permitted OGF location.
14	What is a development construction permit as discussed in permit process?	Change language to OGF Permit Notice to Proceed as development construction permit is not applicable.
15	Air quality requirements in their entirety are an overstep of local authority and should at least follow procedural requirements as outlined in CO-APCA section 25-7-128: hearings, judicial review, and injunctions consistent with APCA; meet with AQCC to reconcile county regulations with state regs.	Noted and legal counsel is addressing through additional procedural language within Chapter 4, enforcement and appeals, of proposed regulations.
16	Require larger notification signs at the OGF for both land use notice and operational notice that can be seen from the public right-of-way (ROW); require contact information signs are legible from the ROW.	Enhanced posting requirement in performance standards to require 24-hour contact and project information sign be posted at the intersection of the access road and public ROW with text of a size that is legible from the public ROW.
17	Requirement precluding permanent storage tanks for produced fluids is confusing and conflicts with other performance standard requirements.	Removed the term 'produced' from requirement to utilize closed-loop system to recycle drilling fluids.
18	Do not permanently vest an OGF; include permit expiration.	Carried over current requirement in existing regulations to proposed regulation as part of conditions of approval.

Requirements modified, enhanced, or removed		
Comment		Staff recommendation
19	Surface locations are dependent on access to minerals. Finding 3 locations extremely difficult; recommend 2 sites for alternative analysis. Include location's ability to access the minerals efficiently and economically as factor in determining which location best meets goal of protecting public health, safety, welfare and the environment.	Enhanced language in alternative site analysis to clarify proposed OGF locations must be at least 1,000-ft apart but can be located on the same parcel. Additionally, included provision for administrative waiver from setback if property owner and resident both provide signed consent.
20	Do not allow development within Floodplain.	Added requirement for Resource Review when developing within Natural Resource Conservation Overlay to the Flo
21	Include local water districts within the notification, reporting, coordination and operational plan requirements within Chapter 2 & Chapter 4.	Revised proposed text to include 'local water districts' in all relevant sections.
22	Include the term future school locations within setback and impact area mapping requirements to remain consistent with COGCC rules	Added future school location to setback and map requirements.
23	Prohibiting on-site residential trailers from OGF places undue hardship on workers and Operators and could lead to increased traffic and unintended safety consequences.	Deleted requirement prohibiting on-site residential trailers.
24	Allow Operators to utilize one overarching Safety Management Plan that covers all oil and gas facilities with site-specific procedures and documents.	Added language to Safety Standards
25	Remove requirement to store IR Camera videos taken during LDAR inspection for 5 years since video stills will not provide useful information.	Deleted video storage requirement since LDAR results are documented on state reporting forms that can be reviewed by staff.
26	Providing 10-years of Safety Management System records & reports for all incidents construed as excessive and may be impossible to provide; who will review the large amount of data and what is the expected benefit.	Modified requirement to require five (5) years of reportable safety event records.
27	Require submittal of water supply quality plan.	Incorporated from MOU into final-draft regulation.
28	Numerous variables factor into selecting locations as viable sites for oil and gas development.	Removed statement allowing County to propose site locations.
29	Requiring Operators to certify new OGF won't increase total air emissions from all permitted facilities within the County essentially places cap on VOC emissions and regulates downhole operations, which could have unintended consequences such as Operator delaying plugging of wells or remediating abandoned wells, and exceeds scope of authority of SB-181.	After further evaluation, staff agrees this section may be problematic and it was removed.
30	Remove all sections that state County must approve OGF Permit if it meets all regulations.	Added language to clarify that County retains discretionary authority to condition a permit, even if it meets all criteria, which provides flexibility to remain current with emerging technologies & land-use compatibility concerns.
31	Prohibiting all flaring from combustion device except in emergencies should be based on location and proximity to other land uses; impractical to implement when pipelines are not co-located or available to OGF.	Changed restriction on combustion device flaring except during emergencies or upset conditions from an across the board requirement to an applied requirement based on specific site, project and land use analysis of particular OGF.
32	All of the components listed in the Safety Standards are a function of federal regulations governing highly hazardous chemicals above specific thresholds and therefore, should not be applied to OGF, which do not meet this criteria.	Listed safety standard requirements are taken from Associated Petroleum Institute's standards that are directly applicable to exploration and production facilities; however, recordkeeping duration and document submittals reduced to reflect actual industry practice
33	Prohibiting specific chemicals from fracturing fluid is in effect regulating downhole activities; Flowback (produced) water from well stimulation could contain prohibited chemicals even though not added to frac fluid on surface.	While staff disagrees that regulating fracturing fluids is a regulation on downhole activities, they acknowledge that certain listed chemicals could come from in-situ materials, such as bedrock, formations, existing reserves during stimulation and flowback operations. Requirement modified to clearly restrict use of listed chemicals as additives to fracturing fluid.
34	Ongoing, multiple year monitoring of surveyed plugged and abandoned wells along track of borehole is burdensome and requires long-term agreements and coordination with property owners to conduct work; reduce waiting time for property owner response from 30-days to 15-days.	Requirement changed to capture highest risk time frame for assessments and soil gas surveys, subsequent soil surveys based on initial findings. P&A well assessment and soil surveys within 90 days of well completion for each mobilization with subsequent monitoring of wells one year based on results of first survey. Timeframe maintained at 30-days.
35	Add future school locations to the list of setback distance requirements.	Incorporated future school locations as defined by COGCC to the setback requirement and impact are map requirements.

Requirements modified, enhanced, or removed		
Comment		Staff recommendation
36	Requirement to size secondary containment capable of holding 150% of largest tank volume and restricting two or less tanks per containment berm is excessive and will in effect increase the footprint of the facility and likelihood of land-use compatibility issues.	Changed capacity requirement to 110% of the largest tank volume capacity, which aligns with EPA spill control regulations and removed two tank restriction requirement.
37	Include specific worker safety and health training requirements and written procedures for documenting employee and contractor initial and refresher training.	Added requirement for nationally recognized certifications or training of all workers.
38	Require written procedures for worker training and recordkeeping	Added requirement for training procedures and to provide County with documentation of training upon request.
40	30-day storage limit for produced water and waste is unreasonable since time it takes to characterize, profile and prepare waste for shipment often exceeds 30-days.	Removed / modified time limit on waste storage.
41	Federal preemption concern by requiring Tier 4 and Tier 2 engines as air quality measures.	Moved to noise mitigation section.
42	Clarify what significant degradation of air quality means as far as demonstrating OGF meets this threshold	Revise text to require OGF meet all air quality requirements.
43	Add "Postpose well maintenance and liquids unloading activities" to list of potential restricted activities on ozone alert days.	Added operation to list of potential restricted activities on ozone alert days
44	Manufacturer data is typically based on 'destruction efficiency'. Control efficiency means a different thing. It's best to be consistent with Air Quality Control Commission regulations and require operators to have the device meet 98% destruction efficiency. Consider not using the term control efficiency in this language as it will confuse operators understanding between local and state regulations.	Changes made to pertinent section.
45	Change compression facilities to compression engines	Changed nomenclature to compression equipment
46	Would like to see an exemption provision within waiver process for sites that only require setback waiver but have property owner/resident written consent for placement within buffer.	Established administrative waiver from setback requirement when applicant provides written, signed consent from primary resident and propoerty owner. Definition of primary resident included in Chapter 11.
No Changes Proposed		
Comment		Staff recommendation
47	Multiple requests to increase setback distance to 2,500-ft or more.	No changes proposed
48	Numerous requests to increase setback distance greater than 1,000-ft.	No changes proposed
49	Mandatory setbacks and zone district restrictions are prescriptive and arbitrary.	No changes proposed
50	Require remediation of all plugged and abandoned wells within 6 months with liability coverage to pay for remediation if Operator doesn't complete within 6 months.	No changes proposed
51	Increase LDAR inspection frequency from biannual to monthly.	No changes proposed
52	Why doesn't County regulations just reference compliance with APCD regulations for air emissions and air quality control as requirements rather than implement new requirements?	No changes proposed
53	Incorporate Party Status provision into public hearing process.	No changes proposed
54	Numerous comments requesting requirements that are already established within the proposed regulations.	No changes proposed
55	Setbacks are arbitrary and there is no distinction between rural and urban areas within alternative site analysis provisions.	No change proposed
56	Include provision that Operators must reimburse first responders for any supplies and costs incurred during an emergency response	No change proposed; established directly with local responders per service agreement
57	Request at least one off-ramp that allows for contractual agreements between the county and applicants. This would allow for more site-specific conditions as opposed to a one size fits all approach; alternatively allow site location waiver request to process then follow with administrative process.	No change proposed
58	Unreasonable for County to propose alternative locations for OGF.	No change proposed
59	Numerous comments pertaining to requirements already included in proposed regulations	No change proposed
60	To avoid unnecessary confusion, recommend using one distance of 1/2 mile for all Impact Area Map requirements.	No change proposed
61	Require continuous emissions monitoring for CH4 and VOC at all locations.	No change proposed

No Changes Proposed		
	Comment	Staff recommendation
62	Require use of IR camera and AIMM for all LDAR monitoring and immediate reporting of all leaks.	No change proposed
63	Prohibit specific activities known for VOC emissions on ozone alert days.	No changes proposed; proposed regulations include these measures
64	Increase frequency of LDAR requirement from biannual to monthly.	No changes proposed; proposed regulations exceed current APCD regulation
65	Several comments requesting specific requirements for transmission lines.	Not within scope of OGF Permit
66	Place requirements on existing flowlines, gathering lines and transmission lines.	Not within scope of OGF Permit
67	Incorporate pipeline construction standards and testing methods, national and federal standards, into oil and gas permit.	Not within scope of OGF Permit
68	Notice all property, water and mineral rights, and business owners as well as tenants within 1-mile of proposed facility.	No change proposed
69	Require green completions.	No changes proposed; addressed within proposed regulations
70	Require noise control to below 85-dBA at all times.	No changes proposed; proposed regulations more stringent
71	Requirement to use no-bleed pneumatic devices is technologically infeasible. Request county let ACPD move through their	No change; provision is not an across the board requirement.
72	Require all data be evaluated by independent third party.	No changes proposed; addressed within proposed regulations
73	Include provision for fair treatment of all employees that allows for organized employee groups.	Not within scope of land use permit
74	Require 75% of workforce to be ADCO residents.	Not within scope of land use permit
75	Extend public comment period beyond 30 days.	No change proposed
76	Require billboard visible from one-half (1/2) mile be posted on proposed and permitted oil and gas facility location.	No change proposed
77	Require operator send notices to residents within 1-mile radius before any major repair or renovation work begins.	No changes proposed: COGCC rules require such notices; major renovation will initiate OGF Permit process
78	Remove requirement to maintain organized list and safety data sheets for all chemicals prior to drilling activities and before construction permits issued.	No changes proposed
79	Remove prescriptive requirement for plugged and abandoned well marking.	No changes proposed
80	Define environmental assessment.	Defined within existing development standards and regulations.
81	Increase setback distance to at least 2,500-ft if not one mile	No changes proposed
82	Extend the moratorium.	No changes proposed
Taken Under Advisement for Future Consideration		
	Comment	Staff recommendation
83	Staff should run the neighborhood meetings; third party transcribe meetings & provide to County and noticed residents; interpretation services paid for by Operator when requested.	Taken under advisement
84	Provide notices in Spanish; use clear language in notices so easier to understand project scope and location;	Evaluating modifications to notices on a policy basis
85	Encourage development of sustainable energy rather than oil and gas development	Addressed in Comprehensive Plan
86	There is some concern that the county is requiring operators to prepare extensive documentation and planning schemes, and then pay to have those reviewed by the county at the operators expense while retaining no input into the third party who will be reviewing the plans	Approved list of third-party professional consultants would be vetted through RFQ process and Operators will have access to County approved list.
87	Request clarity on the process for any changes in required document submittals for OGF permits and what procedural standards are in place to ensure decisions are based on rational and technical input.	Guidance Document and Application Submittal Checklist
88	Extend public comment period beyond 30 days	Taken under advisement
89	Regulations are so stringent that they may very well have the effect of substantially limiting or even banning oil and gas development within the County.	Taken under advisement
90	County's proposed regulations violate language contained in SB-181, impose unreasonable standards and threaten the vitality of the oil and gas industry	Taken under advisement
91	Numerous comments from business organizations expressing concern over too stringent regulations that are not based on facts and could stifle if not eliminate oil and gas development within the County	Taken under advisement

Technical, legal and administrative clarifications - definitions, regulatory scope and performance standards	
Comment	Staff recommendation
Tasks within emergency response requirements are outside Operator scope that are coordinated with the serving first responders.	Modified language to clarify Operator's role and requirements.
Make neighborhood meetings always required.	Modified language to clarify neighborhood meetings always required.
Unclear definitions of terms in numerous sections prompting reporting, documentation and permit requirements; incorrect terms used that do not apply to exploration & production activities or conditions within the Denver-Julesburg Basin; refine oil and gas facility definition (Chapter 2) to clarify scope of OGF Permit.	Added/Revised language of several terms to align with COGCC and/or APCD definitions, i.e., revised safety incident to reportable safety event; replaced waste with produced water where requirement clearly applies to produced water; modified safety valve terms; clarified "incident" by incorporating COGCC and OSHA definitions of reportable incident; included COGCC definition of oil and gas facilities.
Define 'substantial modification' as it pertains to existing facilities and applicability of OGF Permit.	Add definition to Chapter 2, OGF Permit: "new wells, well connects, increase to onsite storage, addition of production equipment, disturbance to well pad site area."
Further define 'environmentally sensitive areas' as used in setback requirements and what constitutes "significant degradation" of air quality.	Added to Chapter 11, Definitions, of Development Standards and Regulations. Replaced significant degradation to air quality with "must meet all air quality requirements."
Well descriptions are not accurate / do not reflect industry terminology.	Replaced terminology within Impact Area Map requirement to align with industry terminology for operational condition of wells: replaced "existing oil and gas wells" with "producing oil and gas wells"; deleted the word "closed" to describe non-producing wells and kept "abandoned, plugged and shut-in".
Not all existing well locations are catalogued in accessible database or mapped, both gas and water wells	Added qualifiers: "known existing oil and gas well" and "permitted water wells."
Community meeting for every potential location may create unintended harm to development, cause private negotiations with landowners to become public and create friction among residents.	Added language in permit application review steps to clarify neighborhood meeting follows conceptual review of sites and site selection.
Exact drilling and completions schedules not known at permit application stage. Schedules are often dictated and impacted by markets and other factors that cannot be controlled. Delete requirement to identify proposed drilling and completion schedules.	Replace "proposed" with "tentative" schedule.
Road Maintenance Agreements not typically covered within Traffic impact Fees. Suggest moving "Maintenance Agreement" to separate requirement and clarify not part of TIF. Requiring Road Maintenance Fee is duplicative and excessive.	Moved Road Maintenance Agreement requirement to separate subitem to clarify no fee associated with requirement to maintain right-of-way access to OGF location.
Request for clarification on how OGF regulations will affect existing permitted facilities; define what qualifies as "substantially modified."	Clarified that any work which requires major amendment as defined within the codes will require application for OGF Permit and proposed regulations will apply.
Define "water bodies" as used throughout regulation. Does this apply to manmade ditches and canals, intermittent and ephemeral streams? Consider including wetlands.	Added definition to Chapter 11, Definitions, Development Standards and Regulations.
Air quality requirements in their entirety are an overstep of local authority and should at least follow procedural requirements as outlined in CO-APCA section 25-7-128: hearings, judicial review, and injunctions consistent with APCA; meet with AQCC to reconcile county regulations with state regs.	Noted and legal counsel is addressing through additional procedural language within Chapter 4, enforcement and appeals, of proposed regulations.
Require larger notification signs at the OGF for both land use notice and operational notice that can be seen from the public right-of-way (ROW); require contact information signs are legible from the ROW.	Enhanced posting requirement in performance standards to require 24-hour contact and project information sign be posted at the intersection of the access road and public ROW with text of a size that is legible from the public ROW.
Do not permanently vest an OGF; include permit expiration.	Carried over current requirement in existing regulations to proposed regulation as part of conditions of approval.
Surface locations are dependent on access to minerals. Many times, finding 3 surfaces can be extremely difficult, therefore, recommend 2 sites for alternative analysis. Include location's ability to access the minerals efficiently and economically as a factor in determining which location best satisfies the goal of protecting public health, safety, welfare and the environment.	Enhanced language in alternative site analysis to clarify all three alternative sites do not need to be on separate parcels by specifying that proposed OGF locations must be at least 1,000-ft apart but can be located on the same parcel.
Do not allow development within Floodplain.	Added requirement for Resource Review when developing within Natural Resource Conservation Overlay (floodplain) to the Floodplain Use Permit section of the OGF Permit regulation amendment.

Requirements modified, enhanced, or removed	
Comment	Staff recommendation
Include local water districts within the notification, reporting, coordination and operational plan requirements within Chapter 2 and Chapter 4.	Revised proposed text to include 'local water districts' in all relevant sections.
Include the term future school locations within setback and impact area mapping requirements to remain consistent with COGCC rules	Added future school location to setback and map requirements.
Prohibiting on-site residential trailers from OGF places undue hardship on workers and Operators and could lead to increased traffic and unintended safety consequences	Deleted requirement prohibiting on-site residential trailers.
Allow Operators to utilize one overarching Safety Management Plan that covers all oil and gas facilities with site-specific procedures and documents.	Added language to Safety Standards
Remove requirement to store IR Camera videos taken during LDAR inspection for 5 years since video stills will not provide useful information.	Agree; deleted storage requirement since LDAR results are documented on state reporting forms that can be reviewed by staff.
Providing 10-years of Safety Management System records & reports for all incidents construed as excessive and may be impossible to provide; who will review the large amount of data and what is the expected benefit.	Modified requirement to require five (5) years of reportable safety event records.
Require submittal of water supply quality plan.	Incorporated from MOU into final-draft regulation.
Numerous variables factor into selecting locations as viable sites for oil and gas development.	Removed statement allowing County to propose site locations.
Requiring Operators to certify new OGF will not increase total air emissions from all permitted facilities within the County essentially places cap on VOC emissions and regulates downhole operations, which could have unintended consequences such as Operator delaying plugging of wells or remediating abandoned wells, and exceeds scope of authority of SB-181.	After further evaluation, staff agrees this section may be problematic and it was removed.
Remove all sections that state County must approve OGF Permit if it meets all regulations.	Added language to clarify that County retains discretionary authority to condition a permit, even if it meets all criteria, which provides flexibility to remain current with emerging technologies & land-use compatibility concerns.
Prohibiting all flaring from combustion device except in emergencies should be based on location and proximity to other land uses; impractical to implement when pipelines are not co-located or available to OGF.	Changed restriction on combustion device flaring except during emergencies or upset conditions from an across the board requirement to an applied requirement based on specific site, project and land use analysis of particular OGF.
All of the components listed in the Safety Standards are a function of federal regulations governing highly hazardous chemicals above specific thresholds and therefore, should not be applied to OGF, which do not meet this criteria.	Listed safety standard requirements are taken from Associated Petroleum Institute's standards that are directly applicable to exploration and production facilities; however, recordkeeping duration and document submittals reduced to reflect actual industry practice
Prohibiting specific chemicals from fracturing fluid is in effect regulating downhole activities; Flowback (produced) water from well stimulation could contain prohibited chemicals even though not added to frac fluid on surface.	While staff disagrees that regulating fracturing fluids is a regulation on downhole activities, they acknowledge that certain listed chemicals could come from in-situ materials, such as bedrock, formations, existing reserves during stimulation and flowback operations. Requirement modified to clearly restrict use of listed chemicals as additives to fracturing fluid.
Ongoing, multiple year monitoring of surveyed plugged and abandoned wells along track of borehole is burdensome and requires long-term agreements and coordination with property owners to conduct work; reduce waiting time for property owner response from 30-days to 15-days.	Requirement changed to capture highest risk time frame for assessments and soil gas surveys, then base subsequent soil surveys on initial findings. Regulation now requires p/a well assessment and soil surveys within 90 days of well completion for each mobilization with subsequent monitoring of wells one year based on results of first survey. Timeframe maintained at 30-days.
Add future school locations to the list of setback distance requirements.	Incorporated future school locations as defined by COGCC to the setback requirement and impact are map requirements.
Requirement to size secondary containment capable of holding 150% of largest tank volume and restricting two or less tanks per containment berm is excessive and will in effect increase the footprint of the facility and likelihood of land-use compatibility issues.	Changed capacity requirement to 110% of the largest tank volume capacity, which aligns with EPA spill control regulations and removed two tank restriction requirement.

Requirements modified, enhanced, or removed	
Comment	Staff recommendation
30-day storage limit for produced water and waste is unreasonable since time it takes to characterize, profile and prepare waste for shipment often exceeds 30-days.	Removed / modified time limit on waste storage.

Federal preemption concern by requiring Tier 4 and Tier 2 engines as air quality measures.	Moved to noise mitigation section.
Clarify what significant degradation of air quality means as far as demonstrating OGF meets this threshold	Revise text to require OGF meet all air quality requirements.
Add "Postpose well maintenance and liquids unloading activities" to list of potential restricted activities on ozone alert days.	Added operation to list of potential restricted activities on ozone alert days
Manufacturer data is typically based on ‘destruction efficiency”. Control efficiency means a different thing. It’s best to be consistent with Air Quality Control Commission regulations and require operators to have the device meet 98% destruction efficiency. Consider not using the term control efficiency in this language as it will confuse operators understanding between local and state regulations.	Changes made to pertinent section.
Change compression facilities to compression engines	Changed nomenclature to compression equipment
Would like to see an exemption provision within waiver process for sites that only require setback waiver but have property owner/resident written consent for placement within buffer.	Established administrative waiver from setback requirement when applicant provides written, signed consent from primary resident, and propoerty owner. Definition of primary resident included in Chapter 11.

No Changes Proposed	
Comment	Staff recommendation
Multiple requests to increase setback distance to 2,500-ft or more.	No changes proposed
Mandatory setbacks and zone district restrictions are prescriptive and arbitrary.	No changes proposed
Require remediation of all plugged and abandoned wells within 6 months with liability coverage to pay for remediation if Operator doesn't complete within 6 months.	No changes proposed
Increase LDAR inspection frequency from biannual to monthly.	No changes proposed
Why doesn't County regulations just reference compliance with APCD regulations for air emissions and air quality control as requirements rather than implement new requirements?	No changes proposed
Incorporate Party Status provision into public hearing process.	No changes proposed
Numerous comments requesting requirements that are already established within the proposed regulations.	No changes proposed
Setbacks are arbitrary and there is no distinction between rural and urban areas within alternative site analysis provisions.	No change proposed
Include provision that Operators must reimburse first responders for any supplies and costs incurred during an emergency response	No change proposed; established directly with local responders per service agreement
Request at least one off-ramp that allows for contractual agreements between the county and applicants. This would allow for more site-specific conditions as opposed to a one size fits all approach; alternatively allow site location waiver request to process then follow with administrative process.	No change proposed
Unreasonable for County to propose alternative locations for OGF.	No change proposed
Numerous comments pertaining to requirements already included in proposed regulations	No change proposed
To avoid unnecessary confusion, recommend using one distance of 1/2 mile for all Impact Area Map requirements.	No change proposed
Require continuous emissions monitoring for CH4 and VOC at all locations.	No change proposed
Require use of IR camera and AIMM for all LDAR monitoring and immediate reporting of all leaks.	No change proposed
Prohibit specific activities known for VOC emissions on ozone alert days.	No changes proposed; proposed regulations include these measures
Increase frequency of LDAR requirement from biannual to monthly.	No changes proposed; proposed regulations exceed current APCD regulation

Several comments requesting specific requirements for transmission lines.	Not within scope of OGF Permit
Place requirements on existing flowlines, gathering lines and transmission lines.	Not within scope of OGF Permit
No Changes Proposed	
Comment	Staff recommendation
Incorporate pipeline construction standards and testing methods, national and federal standards, into oil and gas permit.	Not within scope of OGF Permit
Notice all property, water and mineral rights, and business owners as well as tenants within 1-mile of proposed facility.	No change proposed
Require green completions.	No changes proposed; addressed within proposed regulations
Require noise control to below 85-dBA at all times.	No changes proposed; proposed regulations more stringent
Require all data be evaluated by independent third party.	No changes proposed; addressed within proposed regulations
Include provision for fair treatment of all employees that allows for organized employee groups.	Not within scope of land use permit
Require 75% of workforce to be ADCO residents.	Not within scope of land use permit
Extend public comment period beyond 30 days.	No change proposed
Require billboard visible from one-half (1/2) mile be posted on proposed and permitted oil and gas facility location.	No change proposed
Require operator send notices to residents within 1-mile radius before any major repair or renovation work begins.	No changes proposed: COGCC rules require such notices; major renovation will initiate OGF Permit process
Remove requirement to maintain organized list and safety data sheets for all chemicals prior to drilling activities and before construction permits issued.	No changes proposed
Remove prescriptive requirement for plugged and abandoned well marking.	No changes proposed
Define environmental assessment.	Defined within existing development standards and regulations.
Increase setback distance to at least 2,500-ft if not one mile	No changes proposed
Extend the moratorium.	No changes proposed
Taken Under Advisement for Future Consideration	
Comment	Staff recommendation
Staff should run the neighborhood meetings; third party transcribe meetings & provide to County and noticed residents; interpretation services paid for by Operator when requested.	Taken under advisement
Provide notices in Spanish; use clear language in notices so easier to understand project scope and location;	Evaluating modifications to notices on a policy basis
Encourage development of sustainable energy rather than oil and gas development	Addressed in Comprehensive Plan
There is some concern that the county is requiring operators to prepare extensive documentation and planning schemes, and then pay to have those reviewed by the county at the operators expense while retaining no input into the third party who will be reviewing the plans	Approved list of third-party professional consultants would be vetted through RFQ process and Operators will have access to County approved list.
Request clarity on the process for any changes in required document submittals for OGF permits and what procedural standards are in place to ensure decisions are based on rational and technical input.	Guidance Document and Application Submittal Checklist
Extend public comment period beyond 30 days	Taken under advisement
Regulations are so stringent that they may very well have the effect of substantially limiting or even banning oil and gas development within the County.	Taken under advisement
County's proposed regulations violate language contained in SB-181, impose unreasonable standards and threaten the vitality of the oil and gas industry	Taken under advisement



Board of County Commissioners of Adams County
 4430 S. Adams County Pkwy.
 5th Floor, Suite C5000A
 Brighton, CO 80601

July 22, 2019

Re: Proposed Oil & Gas Facility Regulations

Commissioners Henry, Hodge, O'Dorisio, Pinter, and Tedesco,

On behalf of the League of Oil and Gas Impacted Coloradans (LOGIC), Adams County Communities for Drilling Accountability NOW (ACCDAN), and Front Range Residents for Environment, Safety and Health (FRRESH), Earthjustice submits the following preliminary comments on Adams County's proposed Oil and Gas Facility Regulations.

The undersigned Community Groups are excited for the opportunity to provide preliminary feedback on Adams County's proposed regulations. The regulations include many innovative and common-sense components that will provide much-needed protections for public health, safety, welfare, and the environment. For example, the alternative site analysis provision requiring the County to select a site location that provides the greatest protection for public health and the environment will minimize future adverse impacts. Additionally, the Community Groups generally support proposed Chapter 4, which incorporates best practices from other jurisdictions, and includes several innovative standards to protect air quality in particular.

However, the Community Groups believe that there is still room for improvement in many aspects of the regulations. In particular, the procedural components of the proposed Regulations do not allow for sufficient public participation, and unduly limit the ability Adams County staff and the Board of County Commissioners to ensure that each permit application sufficiently protects public health and the environment. SB19-181 provided an entirely new framework for analyzing and potentially approving oil and gas operation permits from the state regulatory authorities. Additionally, under the new law, local governments are explicitly spared from state preemption into their land use authority and may construct regulations even more protective of public health, safety, and welfare than the state. Henceforth, the state and local jurisdictions have wide discretion to approve, condition, or deny permit applications. SB19-181 eliminated economic considerations from the state's oil and gas regulatory decisions and the Community Groups encourage Adams County to take a similar approach.

Accordingly, this comment letter identifies the key points in within the Adams County regulations that the Community Groups support, and explains their importance to the Community Groups. It also identifies areas that could be improved, and explains why. Attached to this letter are "redline" versions of the proposed regulations providing suggestions for edits to improve the regulatory protections for public health, safety, welfare, and the environment. This comment letter is intended to be a preliminary effort at identifying areas for improvement in the proposed regulations. The Community Groups intended to submit further comments as Adams County develops its regulations. The Community Groups welcome opportunities for further dialogue, and to answer questions about the proposals described herein.

I. Chapter 2—Procedures

Procedures matter for protecting public health. To make a fully-informed decision about how each individual OGF permit proposal will impact public health and the environment, Adams County must provide sufficient opportunity for the public to provide input to decisionmakers. Similarly, those decisionmakers must be empowered to take all relevant considerations about a project's impact on public health and environment into account when deciding whether to approve or deny each permit on a case-by-case basis. Although the proposed OGF Regulations are a step in the right direction, changes are needed to provide adequate procedural safeguards. These include:

- Eliminating the two-tiered approach to considering permits, and requiring a public hearing before the Board of County Commissioners on all permit applications;
- Providing additional opportunities for public comment and engagement;
- Clarifying that the County has discretion to approve, condition, or deny permits—the County has no obligation to approve a permit in all instances;
- Maintaining the proposed alternative site selection process with only a few minor changes; and
- Making a few small changes to other sections of Chapter 2 to better protect public health and the environment.

A. The Board Should Not Adopt the Two-Tiered Approach.

The proposed OGF regulations establish a two-tiered approach in which applications that meet all regulatory requirements may be approved or denied by the Director of Community and Economic Development, without any public input or decision by the Board of County Commissioners. Only permits requiring a waiver from the ordinary requirements require approval by the Board of County Commissioners.

This two-tiered approach that largely eliminates the discretion of the County to consider a permit application on a case-by-case basis is nearly unprecedented in Colorado. Although some other jurisdictions have adopted a two-tiered approach, these jurisdictions generally distinguish between small, minor facilities that are subject to a less stringent process, and major facilities, which must undergo a more significant review process. *See, e.g.,* La Plata County Code §§ 90-7 & 90-101; Gunnison County Code §§ 1-106(C) and (D).¹ Adams County's proposed two-tiered approach does not even provide this distinction. A massive, 30-well project could be approved solely by the Director of Community and Economic Development as long as it complied with all applicable regulations, while a small modification to a single existing well could require a hearing before the Board of County Commissioners if it involved a waiver request.

¹¹ Erie divides permit applications into "Type A" and "Type B." Type A requires the application to adhere to more protective standards than required by the State in return for a more streamlined process, including no public hearing. *See* Erie Code § 10.12.3.B.

This approach is illogical and not protective of public health and environment. It is particularly concerning because there are exceptionally limited opportunities for public input on projects that would be approved solely by the Director of Community and Economic Development. The proposed OGF regulations have no opportunity at all for a public hearing, for the public to submit written comments, or any other public input on projects approved solely by the Director of Community and Economic Development. The only public participation opportunity is an optional neighborhood meeting, which the Community and Economic Development Department can choose to waive at its discretion. It is thus possible that very large, impactful facilities could be approved without impacted community members having any opportunity to bring their concerns to the relevant decisionmaker.

Moreover, limiting decisionmaking to County staff, without the opportunity for review by the Board of County Commissioners, limits accountability. Commissioners are elected officials, and must take into account the views of their constituents more directly than County staff, who are career officials without direct accountability to the public. It is easy for career staff who deal routinely with permit applications to inadvertently become captured by the industry, who they must communicate with on a daily basis, and forget to take into account the interests of the general public. This is particularly true if there is no opportunity at all for public comment on projects that are subject to the approval of only the Director of Community and Economic Development. Certainly, regardless of whether there is a formal public process for submitting comments, impacted residents will express their concerns to the Board of County Commissioners if they are concerned about a project's impacts. Cutting the Board out of the decisionmaking process will not insulate the Board from public criticism of a County decision.

Finally, the framework of the proposed OGF regulations as written implies that the Director must approve a project if it meets all applicable regulatory requirements. This does not take into account the fact that there may be situations where, on a case-by-case basis, additional protections are needed for public health and the environment due to site-specific conditions, even if a proposed project complies with all regulatory requirements. Additionally, the decisionmaker may conclude that the cumulative impact of the newest proposed development would be inconsistent with the protection of public health, safety, welfare, and the environment, when viewed in combination with other past, present, and reasonably foreseeable future developments. At the very least, the proposed regulations must be amended to be clear that the Director has discretion to approve, deny, or condition all permit applications she reviews. However, rather than make permitting a ministerial question of whether an applicant has checked every regulatory box, greater protections for public health and the environment can be ensured by making permitting a quasi-adjudicatory proceeding before the Board of County Commissioners. It is the Board's duty to review evidence and make decisions about all activities that impact the health, safety, and welfare of County residents on a case by case basis, and the Board is well equipped to make these decisions in the oil and gas context as well.

The Community Groups have accordingly suggested revisions to proposed Chapter 2 to require the Board to approve all permits. The Community Groups recognize that the Board does not have the time or expertise to review every technical detail of every OGF permit application. Accordingly, the Community Groups have proposed a structure in which the Community and Economic Development Department continues to play an active role in reviewing the OGF

permit application at all stages, and then makes a recommendation based on that review to the Board. The structure of staff making a recommendation to the Board is common in Adams County government processes, and should not be a major adjustment for either Adams County staff or the Board itself.

B. Public Participation

In addition to who makes the decision about an oil and gas permit, it is crucial that the decisionmaker receive adequate input. Yet even in the case of a waiver requiring a hearing in front of the Board of County Commissioners, the proposed OGF regulations only provide that the Board “may” hear public comment during a public hearing. A single, optional opportunity for public comment only in the most extreme cases is simply not enough opportunity for the public to provide input on decisions about land uses that will impact their health, wellbeing, and way of life for years to come. Several changes are necessary to ensure that there are sufficient opportunities for public participation.

First, Adams County regulations must provide an opportunity for written public comment, and for staff to respond to the comments. The Community Groups have provided suggestions for allowing the public to submit written comments to the Community and Economic Development Department throughout the pendency of an OGF permit application. Staff would summarize these comments and provide responses to them as part of the recommendation they make to the Board about whether to approve, condition, or deny an OGF permit application.

Second, the proposed OGF Regulations’ neighborhood meeting requirements are currently optional and highly non-specific. A neighborhood meeting, organized and run by not Adams County staff, rather than the Operator, must be required for every single OGF application. The Operator should be present to answer questions, but the County Staff should serve as a neutral facilitator for the meeting. Neighbors must have the opportunity to learn about how a project could potentially impact their health. Neighbors know better than anyone else what the traffic patterns are on local roads, the history of an area that may not show up in relevant records, and which areas are sensitive because children play there, wildlife is frequently found there, etc. In other words, getting input from neighbors is necessary to provide adequate protections for public health and the environment. The Community Groups accordingly propose that a neighborhood meeting be held for every OGF permit application. Additionally, Chapter 2 of the Adams County code already provides robust requirements for neighborhood meetings. *See* Adams County Code § 2-01-02-03. OGF facilities should be subject to these same standards. However, because of the potentially significant impacts that OGF facilities may have on public health and the environment, a longer notice period (30 days) should be provided. Additionally, according to 2017 American Community Survey data, 23.3% of Adams County residents speak Spanish at home.² Accordingly, translation services should be provided upon request at all neighborhood meetings.

² U.S. Census Bureau, American FactFinder, *Language Spoken at Home: 2017; Adams County, Colorado* (last visited July 22, 2019), <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>.

Adams County should also strengthen the notice provision of its proposed regulation. Currently, only property owners and residents within 0.5 mile will receive notice. By contrast, Gunnison County requires all property owners (including water rights holders), residents, and tenants within one mile to receive notice. *See* Gunnison County Code § 1-106(D)(7)(b), (c), (d). A wider radius will ensure that all residents, tenants, business owners, and property owners who may be impacted by a project will be aware of it and have an opportunity to provide input to decisionmakers about how the project will impact their health, the surrounding environment, their business, and day-to-day lives.

Finally, at public hearings before the Board of County Commissioners, the public must have an opportunity to provide input on a proposed OGF permit (or waiver request). The current proposed OGF regulations make public comment at a public hearing optional. There is little purpose in holding a public hearing if the public cannot even provide comment. Moreover, it is unclear whether and how impacted community members will receive notice of public hearings. Accordingly, the Community Groups have suggested regulatory amendments to: (1) allow written and verbal public comments at all public hearings; (2) provide translation services at all public hearings; (3) allowing impacted members of the public to obtain party status at public hearings; and (4) improving notice of public hearings. Party status in particular is crucial to ensure that the public is on equal footing with the project applicant to submit evidence, present expert witnesses, and cross-examine witnesses. This form of information is valuable—and necessary—for the Board to make a fully informed decision about how to best protect public health and the environment.

Indeed, it is routine for local jurisdictions, and state agencies, to allow impacted parties to obtain party status. Gunnison County allows any person to testify and submit evidence at the Board of County Commission’s public hearing on oil and gas permits. Gunnison County Code § 1-109(A)(1). Most state agencies have procedural rules specifying that any impacted member of the public may seek party status and have standing in hearings that impact them. *See, e.g.,* 5 Colo. Code Regs. § 1002-21:21.9(B) (requiring that “[a] person who may be affected or aggrieved by the agency action shall be admitted as a party” to Water Quality Control Commission variance hearings); *see also id.* § 1001-1:V(A)(1), (E)(4), VI(B)(5)(a) (Air Quality Control Commission regulations for rulemaking hearings allowing members of the public to petition for rulemaking, and to participate in hearings and adjudicator proceedings as parties); *id.* § 1002-21:21.4(D)(2) (Water Quality Control Commission); 6 Colo. Code Regs. § 1007-3:7.06(3)(b)(i)–(ii) (Solid and Hazardous Waste Commission); *id.* § 1014-8:III(3.01.2)(1)–(2) (State Board of Health regulations allowing public to submit data, views or arguments in writing or orally in rulemaking proceedings).

C. Specific Acknowledgment of the County’s Ability to Approve Condition, or Deny a Permit

In several sections of the proposed OGF regulations, Adams County makes clear that the decisionmaker has discretion to approve, condition, or deny an OGF permit application on a case-by-case basis. However, in other sections, it is less clear that the County decisionmaker has discretion to deny a permit that does not adequately protect public health and the environment.

In particular, proposed § 2-02-14-04 implies that the decisionmaker *must* grant a permit if it complies with all regulatory criteria. This section must be amended to clarify that the decision about whether to grant, condition, or deny the permit can also be based upon an analysis from the decisionmaker about whether an approval of the permit is consistent with public health, safety, and welfare, and the protection of the environment and wildlife. Similarly, proposed § 2-02-14-06, addressing “criteria for approval” implies that the decisionmaker *must* approve a permit. Its language requires revision to be clear that the decisionmaker has authority to condition or deny a permit application as well. The Community Groups have accordingly suggested edits to these and other sections in the attached redline to ensure that at every relevant juncture, Adams County’s regulations provide discretion for the decisionmaker to approve, deny, or condition a permit on a case-by-case basis.

D. The Community Groups Support Adams County’s Approach to Alternative Site Analysis.

The proposed regulations provide an innovative approach to alternative site location analysis. The proposed regulations require the County to choose the least-impactful alternative after analyzing all relevant factors at multiple sites. This approach is fully consistent with the regulatory purpose of protecting public health, safety, welfare, and the environment. The County is in the best position to use its expertise as a land use regulatory to identify which sites are most appropriate to minimize impacts on public health and the environment, and the proposed regulations take full advantage of this expertise. Additionally, the proposed regulations make clear that the County “may suggest alternative location(s) or may recommend denial of the OGF permit if it does not believe that any of the proposed sites meet the siting goal.” Explicitly recognizing the County’s discretion to deny a permit that is inconsistent with the regulatory purpose is crucial to eliminate any legal questions that could be raised by a permit applicant.

The Community Groups have suggested a few, relatively minor changes to the regulatory language of the alternative site analysis provisions to ensure that the entire section is consistent with this regulatory framework. The Community Groups appreciate Adams County taking an innovative approach to Alternative Site Analysis and fully support the County’s efforts to use the full extent of its land use authority in considering oil and gas facility siting questions.

E. Other Provisions

In addition to these big picture themes, the Community Groups have also suggested a few relatively minor changes to other parts of proposed Chapter 2 based on their review of regulations from other jurisdictions. The Community Groups believe that there are many best practices from other jurisdictions that could be incorporated into Adams County’s regulations. Rather than list every recommended change in this document, the Community Groups would direct you to review the attached redline. However, a few of the most important changes include:

- **Water supply (2-02-14-05(4)(f)):** Many other jurisdictions require a more detailed water supply plan. *See, e.g.,* La Plata County Code § 90-123(V); Aurora Zoning Code § 146-1207(C)(8)(e)(i); Broomfield Municipal Code § 17-54-060(V).

- **Cumulative Impacts:** Currently, there is no provision for considering cumulative impacts in the proposed Chapter 2 regulations. However, SB19-181 requires the state to conduct a cumulative impacts analysis. *See* Colo. Rev. Stat. § 30-60-106(11)(c)(II). The Community Groups would propose adding cumulative impacts to the list of criteria for approval. There may be many instances in which a project has individually insignificant but cumulatively significant impacts when taking into account the impacts of other surrounding oil and gas facilities.
- **Operations Plan Impact Area Map (2-02-14-05(3)(c)(3)):** In addition to the location of nearby existing oil and gas wells and water wells, it is crucial that the County know about the location of any existing natural fractures in the area's geologic formations. Natural fractures, faults, and fissures, like existing wells and water wells, can allow fracturing fluids and hydrocarbons to inadvertently escape and reach the surface or contaminate drinking water. *See* 80 Fed. Reg. 16,128, 16,141, 16,193 (Mar. 26, 2015).

II. Chapter 4

Overall, the Community Groups strongly support proposed Chapter 4. Proposed Chapter 4 reflects the existing best practices employed in other jurisdictions throughout the state to minimize the adverse public health and environmental impacts of oil and gas development. Proposed Chapter 4 also includes numerous highly innovative provisions, particularly with regards to air quality, that will make Adams County a leader in regulatory solutions to protect public health. The Community Groups recognize the diligent effort that County staff have put into compiling Proposed Chapter 4, and appreciate this effort, which will go a long way to protecting public health and the environment from new oil and gas operations in Adams County. Accordingly, the Community Groups encourage you to finalize Chapter 4 without weakening any of its provisions, all of which are crucial to protecting public health and the environment in different ways.

Although the Community Groups generally support Proposed Chapter 4, they have also identified several relatively targeted and limited areas for its improvement. These include several relatively minor changes to parts of the Proposed Chapter 4 language, which the Community Groups have identified in the attached redline, and also summarized (in part) below). Additionally, the Community Groups encourage Adams County to recognize that workers are a crucial component of protecting public safety from oil and gas development. Accordingly, the Community Groups would encourage the County to add a variety of worker and labor protection standards to the “safety” portion of Chapter 4.

A. Worker Protection and Certification Improves Public Safety

Oil and gas sector workers, including contractors and subcontractors, are most at risk of having their health and well-being harmed by accidents at oil and gas facilities. Indeed, numerous oil and gas industry workers are injured and even killed in workplace accidents every year, in Colorado and throughout the country. Accordingly, a protecting public safety from the oil and gas industry starts with ensuring that the oil and gas labor force receives the best possible training, is an active participant in all aspects of work place safety, and is motivated to protect the communities where oil and gas development is occurring.

First, worker training and certification is a crucial tool in ensuring that all employees are fully aware of and capable of executing the safest possible practices in their work place. Accordingly, it is crucial that all employees, contractors, and subcontractors are fully trained and certified in all aspects of their job responsibility, and particularly those aspects of their jobs that involve safety procedures.

Second, one crucial roadblock to workplace safety in the oil and gas field is that most operations are carried out largely by contractors and subcontractors. Accordingly, it is crucial that contractors and subcontractors are not only fully aware of all workplace safety standards, but are also full partners in developing those standards in the first place. Moreover, it is crucial that contractors and subcontractors are subject to the same worker training and certification standard as employees. Tools to achieve this include best-value contracting, explicitly applying certification standards to contractors, and ensuring that all contractors and subcontractors treat unionized employees fairly.

Last but not least, it is crucial that an Operators' employees, contractors, and subcontractors are motivated to achieve a gold standard for public safety. A great way to do this is by requiring that a high percent—75%--of the labor force for each project lives in Adams County. Employees are most motivated to protect the communities where they and their families live from potentially harmful practices. By ensuring that most of the labor force on all projects in Adams County is local, the County can create incentives for employees to take every possible precaution to protect their communities and families from potentially adverse impacts by not cutting any corners related to the safety of a project.

B. Specific Recommended Improvements.

In addition to broader changes to incorporate worker safety and labor standards into Chapter 4's safety standards, the Community Groups also have several more targeted suggestions for improvements in other sections of Chapter 4. The Community Groups believe that there are many best practices from other jurisdictions that could be incorporated into Adams County's regulations. Rather than list every recommended change in this document, the Community Groups would direct you to review the attached redline. However, a few of the most important changes include:

- **Purpose (4-10-02-03-03-01):** The Proposed "purpose" statement for Chapter 4 currently discusses only the rights of mineral estate owners to develop their minerals. It omits the fact that, as "waste" is now defined under state law, mineral owners cannot argue that it is wasteful or a "taking" for the County to temporarily postpone development in order to protect public health, safety, welfare, or the environment. Clarifying language should be added.
- **Incident reporting (4-10-02-03-03-03(5)(c)):** Proposed Chapter 4 currently only requires safety incidents to be reported to Adams County within a week. Most jurisdictions have a 24 or 48 hour type of range for reporting to the locals. The Community Groups recommend changing this to a 24-hour reporting period.

- **Toxic chemical prohibition (4-10-02-03-03-03(5)(a), (d)):** Proposed Chapter 4 does not include a requirement to disclose all chemicals used to Adams County. Gunnison County and Erie's proposed new regulations both require disclosure. Adams County should adopt a similar requirement. It should also require operators to make chemical information available to the public through the FracFocus website.
- **Drilling Fluid Disposal (4-10-02-03-03-03(9)):** Proposed Chapter 4 currently exempts Operators from recycling fracking waste fluids if it is not “technically feasible.” To best protect public health and safety, Adams County should reverse the burden of proof and require an operator to show that recycling is not safe for public health and the environment. Additionally, Adams County should specify that storing waste in open pits, rather than storage tanks is prohibited.
- **Well Plugging and Abandonment (4-10-02-03-03-03(12)):** Adams County should require operators to notify not only the County, but also nearby property owners and tenants, about well plugging and abandonment.
- **Noise (4-10-02-03-03-03(13)):** Proposed Chapter 4 does not impose any requirements to be quieter than the state standard. But many impacted residents have found that the state standard is way too noisy. Erie's regulations require operations to be 5 decibels less than the state standard. Adams County should adopt a similar standard.
- **Air Quality—Ozone Alert Days (4-10-02-03-03-03(14)(a)):** Currently, the proposed measures for Operators to undertake on Ozone Alert days are all listed as optional. To meaningfully protect public health on the days when ozone levels pose extreme risks of asthma attacks, hospitalization, and even premature death to vulnerable populations like children and the elderly, Adams County must make these provisions mandatory. Additionally, nearly every provision listed would reduce emissions of NO_x, but not VOCs. Because both NO_x and VOCs contribute to ozone formation, the list of prohibited activities on Ozone Alert days should also include foregoing activities that result in VOC emissions, such as well completions, pipeline blowdowns, and liquids unloading.
- **Air Quality—LDAR (4-10-02-03-03-03(14)(b)):** the proposed LDAR requirements in Chapter 4 allow operators to use “modern” leak detection technologies, but do not define “modern.” More specificity is needed, so Adams County should instead tie its definition to the state regulatory definition, which builds in options for improvement as technology changes. Additionally, the County should require at least quarterly LDAR. Semi-annual LDAR is likely to soon be the bare minimum required by the state, and more frequent LDAR is appropriate in Adams County, where facilities tend to be closer to occupied residents, and thus present greater risks to human health and the environment. Additionally, quarterly LDAR is already required in many jurisdictions (and for some facilities in Colorado), and is clearly feasible. Since 2014, quarterly LDAR has been required for large well production facilities in Colorado. *See* 5 Colo. Code Regs. § 1001-9:XVII(F)(4)(b) & tbl. 4. Effective January 1, 2018, California requires quarterly LDAR for all oil and gas sector components, including those at well production facilities. Cal. Code Regs. tit. 17, § 95669(g). Effective January 1, 2017, Wyoming requires quarterly LDAR for all existing well production facilities located in the Upper Green River Basin ozone nonattainment area with VOC emissions ≥ 4 tpy. Wyo. Admin Code. Env'tl. Qual. Ch. 8 § 6(g)(i)(A).

- **Air Quality—Site Specific Measures (4-10-02-03-03-03(14)(g)):** Proposed Chapter 4 currently provides a list of measures that will have very meaningful impacts on reducing air pollution that poses threats to the health of Adams County residents. However, Proposed Chapter 4 currently specifies only that the County “may” require the operator to undertake these actions. The County should reverse the burden of proof, and instead require these measures in all situations, unless an operator can prove that a measure is not necessary to protect public health and the environment based on site-specific conditions.
- **Air Quality—Greenhouse Gases (4-10-02-03-03-03(14)(g)):** Proposed Chapter 4 currently does not address emissions of greenhouse gases. Climate change will adversely impact Adams County and its residents. Accordingly, County decisionmakers need to at least have the tools at their disposal to understand what greenhouse gas emissions from proposed facilities will be. To achieve this goal, Boulder County requires operators to disclose the lifecycle greenhouse gas emissions of their facilities. *See* Boulder County Code § 12-400(B)(4)(d). Adams County should adopt a similar requirement.
- **Pipeline mapping (4-10-02-03-03-03(28)(e)):** Proposed Chapter 4 does not require any kind of mapping disclosure to Adams County. At most, it only requires Operators to provide the county with any mapping information that the Operator has already sent to the COGCC. By contrast, Erie (as well as Aurora’s operator agreement with Conoco Phillips) require disclosure of flowline locations to the local government.
- **Financial Assurance (4-10-02-03-03-03(30)):** Proposed Chapter 4 omits various best practices to ensure that Operators are fully capable of paying to address accidents and remediate their facilities. For example, Proposed Chapter 4 does not specify an amount of environmental liability insurance that Operators must carry, while Longmont requires operators to carry \$1,000,000. *See* Longmont Code § 15.04.020(B)(32)(v)(xii)(2). Moreover, not only Operators, but also their contractors and subcontractors, should carry liability insurance. Another best practice to ensure that companies are financially capable of remediating their facilities and cleaning up accidents is bringing in a third party to complete a financial viability analysis. *See, e.g.,* SB18-063 http://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a_063_01.pdf.
- **Penalties and fines—Daily Rate (4-10-02-03-04(4)):** It is unclear from the current proposed language of Chapter 4 when fines would be imposed. This language should be clarified to specify the fines that may be imposed are for per day, per violation.
- **Penalties and fines—Citizen Data (4-10-02-03-04):** Citizens often report violations to inspectors, and citizen-gathered data can be a crucial tool for identifying where violations are occurring and even providing detailed information to Adams County regulators when citizens have access to technology like infrared cameras. Adams County should clarify the role that verified citizen-gathered data can play in County enforcement actions.

III. Conclusion

Thank you for considering these preliminary comments, and the attached redlines of proposed Chapters 2 and 4. The Community Groups welcome further dialogue with you and with County staff, and would be happy to answer any questions you have about the regulatory recommendations contained herein. Please do not hesitate to contact any of the undersigned parties with any questions you may have about these comments or the attached redlines.

Sincerely,

/s/ Joel Minor
Joel Minor
Senior Associate Attorney
Earthjustice
633 17th St.; Suite 1600
Denver, CO 80202
303-996-9628
jminor@earthjustice.org

/s/ Michael Foote
Michael Foote
Principal Attorney
Foote Law Firm
303-519-2183
mjbfoote@gmail.com
On Behalf of Earthjustice

Sara Loflin
Executive Director
League of Oil and Gas Impacted Coloradans
303-819-6531
sloflin@coloradologic.org

Suzanne Cabral & Lyndsey Collins
Front Range Residents for Environment, Safety and Health (FRRESH)
group.frresh@gmail.com

Christine Nyholm
Adams County Communities for Drilling Accountability NOW
christine.nyholm@gmail.com

CC:

Katie Keefe, Environmental Program Manager, kkeefe@adcogov.org
Elizabeth Paranhos, Counsel for Adams County, elizabethparanhos@delonelaw.com

4-10-02-03-03 *OIL AND GAS FACILITY*

4-10-02-03-03-01 *Purpose*

This Section is enacted to protect and promote the health, safety, values, convenience, order, prosperity and general welfare of the current and future residents of the County. It is the County's intent by enacting this Section to ~~facilitate~~regulate the development of oil and gas resources within the unincorporated area of the County while avoiding or mitigating potential land use conflicts between such development and existing, as well as planned, land uses. It is recognized that under state law the surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Owners of subsurface mineral interests have certain legal rights and privileges, including the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests from a consenting surface owner, subject to compliance with the provisions of this Section and any other applicable statutory and regulatory requirements. However, regulations that may delay an owner of subsurface mineral interests from developing their interests at any given time do not constitute waste if "the nonproduction of oil or gas from a formation" is "necessary to protect public health, safety, and welfare, the environment, or wildlife resources." Colo. Rev. Stat. § 34-60-103(13)(b). Similarly, owners of the surface estate have certain legal rights and privileges, including the right to have the mineral estate developed in a reasonable manner and to have adverse impacts upon their property and health, associated with the development of the mineral estate, avoided or mitigated through compliance with this Section.

4-10-02-03-03-02 *Definitions*

Oil and Gas Facilities:

1. The site and associated equipment used for the production, treatment, and/or storage of oil and gas and waste products; or
2. An individual well pad built with one or more wells and operated to produce liquid petroleum and/or natural gas, including associated equipment required for such production; or
3. Temporary storage and construction staging of oil and gas; or
4. Any other oil and gas operation which may cause significant degradation. For any other definition not listed in this section, the definitions listed in Chapter 11 of the Adams County Development Standards and Regulations and the Colorado Oil and Gas Conservation Commission's regulations shall govern. If there is a conflict between the definitions in Chapter 11 and the COGCC's definitions, the COGCC's definitions shall prevail. If the term is not found in the COGCC's definitions or in Chapter 11, the term shall have its common meaning ~~consistent~~along with the spirit and intent of the

Development Standards and Regulations and may be subject to interpretation by the Director of Community and Economic Development or his or her designee.

4-10-02-03-03-03 *General Provisions*

1. Access: Oil and gas well installation shall be located to provide convenient access, shall accommodate the traffic and equipment related to the oil and gas operations and emergency vehicles, and shall comply with COGCC rules and Adams County Development Standards and Regulations. Oil and gas operations must avoid or minimize impacts to the physical infrastructure of the county transportation system.

2. Building Permit Required: For all new or substantially modified wells, a building permit is required for the installation of permanent electrical, pumps, tank batteries, and all other above-ground structures as well as any other applicable permits including, but not limited to, culvert permits, oversized load permits, and floodplain use permit.

3. Fees and Permits: All applicable County fees adopted by the County, including postage fees and inspection fees, must be paid at time of application and prior to issuance of a building permit, including for all applicable permits required by the Adams County Development Standards and Regulations.

4. Oil and Gas Road Impact and Maintenance Fees:

a. Operators must pay oil and gas road impact and maintenance fees, as approved by the Board of County Commissioners, for all proposed oil and gas wells and pads. This fee shall be paid at the time of issuance of an Oil and Gas Facilities Permit. Any person or entity required to pay the oil and gas road impact fee may elect to submit an independent study and fee calculation to demonstrate that the nature, timing, or location of the proposed oil and gas development is likely to generate impacts costing less to mitigate than the amount of the fee that would be generated by the use of the fee schedule. Any independent fee study for oil and gas development shall generally follow the methodology established in the Adams County Oil & Gas Traffic Impact Study. Adams County Community and Economic Development Department staff have the discretion to approve or reject the findings of an independent fee calculation study.

i. The preparation of the independent fee calculation study shall be the sole responsibility of the electing party.

ii. Any person or entity who requests to perform an independent fee calculation study shall pay an application fee for administrative review. An administrative decision related to the independent study may be appealed to the Board of County Commissioners. The appeal shall be filed within 14 days of staff decision and shall follow the appeal process established for OGF Permit Waivers-. The standard of review in such an appeal shall be for abuse of discretion by Adams County staff.

5. Safety Standards:

a. Operator shall implement a safety management plan and maintain a safety management system applicable to all covered processes at the facility. The safety management system shall provide for employees and systems to oversee implementation and periodic revision of the plan. The plan shall include the following elements and describe the manner in which each of the following elements will be applied to the covered processes:

i. Process safety information. Compilation of written process safety information needed to conduct process hazard analysis. Process safety information shall include information pertaining to hazards of substances and chemicals used by the process, information pertaining to the technology of the process, information pertaining to the equipment used in the process, and information pertaining to the hazards of the substances or chemicals in the process. Documentation that equipment used in the process complies with recognized and generally accepted good engineering practices;

ii. Operating procedures. Written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information, and at least annual review of operating procedures to ensure they reflect current operating practices;

iii. Employee participation. Plan for ensuring employee participation in conduct and development of process hazards analysis and access to process hazards analysis;

(a). Plan for ensuring that all contractors and subcontractors participate in conducting and developing process hazards analysis and have access to process hazards analysis;

Formatted: Indent: Left: 2"

(b). Adams County Workers First. Plan for ensuring that at least 75% of the labor force, including employees, contractors, and subcontractors working on the project are Adams County residents.

iv. Training. Written procedures detailing initial and refresher employee training requirements and documentation of employee training;

(a). Worker Certification. Written procedures demonstrating that all workers have the highest possible certifications in safety procedures and technical training for their applicable field.

Formatted: Indent: Left: 2"

(b). Union Representation. For trades in which employees and/or are unionized, a written plan demonstrating that all contracts offered have been presented with equal favorability to unionized and non-unionized firms.

v. Mechanical integrity. Written procedures designed to maintain the on-going integrity of process equipment, ensure employees involved in maintenance are properly trained and certified to ensure the ongoing integrity of process equipment, ensure that process equipment is tested and inspected in accordance with manufacturer specifications, correct deficiencies in equipment in a safe and timely manner, and ensure that new equipment is installed or constructed properly;

vi. Management of change. Written procedures to manage changes to covered processes, technologies, equipment and procedures;

vii. Pre-startup reviews. Written procedures regarding pre-startup safety reviews;

viii. Compliance audits. Written procedures requiring an audit every three years to verify compliance with the procedures and practices developed under the safety management plan, and procedures requiring correction of any deficiencies identified in audit; operator will make results of audit available to inspector upon request;

ix. Incident investigation. Written procedures requiring investigations of all near-misses and incidents, including root cause analysis of all incidents resulting in fatalities, injuries, or serious environmental harm, establishing a system to promptly address and resolve the incident, and requiring that all employees and contractors whose job tasks are relevant to the investigation of the near miss or incident review the investigation report.

x. Hot work. The facility shall ensure that all hot work complies with city and state fire prevention and protection requirements.

xi. Contractors. Written procedures describing how operator screens, oversees, shares process safety and emergency response and preparedness information with contractors;

(a). Written procedures describing how Operator selects contractors and subcontractors and procedures for ensuring that all contractors and subcontractors meet the same workplace certification standards as Operators' employees.

Formatted: Indent: Left: 2"

(b). Best Value Contracting. Plan for ensuring that contractors and subcontractors are selected for providing the best value through a neutral and unbiased process.

Formatted: Indent: Left: 2"

xii. Process hazard analysis. Process hazard analysis for each covered process;

xiii. Incident history. List of all incidents that have occurred at the operator's facilities within the last ten years, along with any investigation reports, root cause analysis and operational or process changes that resulted from the investigation of the accident;

xiv. Safety culture assessment. Written procedures requiring operator periodically review safety culture, and at a minimum conduct such review after each major accident; and

xv. Inherently safer systems analysis. Require analysis at least every 5 years, whenever a change is proposed at the facility that could result in an incident, after an incident if recommended by the investigation report or root cause analysis, and during the design of new processes, equipment or facilities.

xvi. Operator shall ~~submit their make available~~ safety management plan to Adams County's Community and Economic Development Department, LEPC, and shall make available their safety management plan to any other County staff or elected official ~~at the County's by~~ request. Adams County may retain outside consultants to review safety management plan and may request modifications to safety management plan based on its review. Operator must make all requested modifications. Operator must reimburse County for any costs associated with retaining outside consultants.

b. Automatic safety protective systems and surface safety valves. Operator is required to install automated safety system prior to commencement of production. Automated safety system shall include the installation, monitoring and remote control of a subsurface safety valve and shall be able to remotely shut in wells on demand. Subsurface safety valve shall be equipped to operate remotely via the automated safety protective system. Operator shall test automated safety system quarterly to ensure functionality and provide results of testing to County quarterly.

c. Incident and accident reporting.

i. Incidents. Within ~~a week~~ twenty-four (24) hours of any safety incident, operator shall submit a report to the County including the following, to the extent available:

1. Fuel source, location, proximity to residences and other occupied buildings, cause, duration, intensity, volume, specifics and degree of damage to properties, if any beyond the facility, injuries to persons (including employees, contractors, subcontractors, and any member of the public), environmental contamination, emergency response, and remedial and preventative measures to be taken within a specified amount of time.

ii. County may require operator to conduct root cause analysis of any incidents or Grade 1 gas leaks, as defined by the COGCC.

iii. Operator shall keep a daily incident log that shall be made available to Adams County upon request. Any spill or release that is reportable to the COGCC shall be simultaneously reported to the County's LGD and applicable fire district.

iv. Notification to the County's LGD of all spills of a gallon or more that leaves the facility, all spills of any material on permeable ground at the facility that has a reportable spill quantity under any law and copies of any self-reporting submissions that operator provides to the COGCC.

6. Spill Prevention and Containment. Oil and gas operations shall be in compliance with COGCC safety and spill and release requirements.

a. Requirements for reporting of spills and releases and rules to minimize liquid spills and releases include the following:

i. Berms or other secondary containment devices around crude oil, condensate, and produced water storage tanks enclosing an area sufficient to contain and provide secondary containment for 150% of the largest single tank.

ii. Berms or other secondary containment devices shall be sufficiently impervious to contain any spilled or released material.

iii. Inspection of all berms and containment devices at regular intervals, but not less than monthly.

iv. Maintenance of all berms and containment devices in good condition.

v. A prohibition on the storage of ignition sources inside the secondary containment area unless the containment area encloses a fired vessel.

vi. Construction of containment berms using steel rings, designed and installed to prevent leakage and resist degradation from erosion or routine operation.

vii. Construction of secondary containment areas with a synthetic or engineered liner that contains all primary containment vessels and flowlines and is mechanically connected to the steel ring to prevent leakage.

viii. A prohibition on more than two crude oil or condensate storage tanks within a single berm.

ix. For locations within 2500 feet and upgradient of a surface water body, tertiary containment, such as an earthen berm, around oil and gas facilities.

x. Discharge valves shall be secured, inaccessible to the public and located within the secondary containment area. Openended discharge valves shall be placed within the interior of the tank secondary containment.

b. Anchoring. Anchoring is required within floodplain or geological hazard areas, as needed to resist flotation, collapse, lateral movement, sinking, or subsidence, and in compliance with Federal Emergency Management Agency (FEMA). All guy line anchors left buried for future use shall be identified by a marker of bright color not less than four feet in height and not greater than one foot east of the guy line anchor.

7. Chemical Handling and Requirements

a. The owner or operator of any installation that is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., and regulations promulgated under that Act, shall submit both a material safety data sheet (MSDS) for each such chemical and an annual emergency and hazardous chemical inventory form to the LEPC and the local fire district. A comprehensive and universal listing of all hazardous chemicals shall be organized based on the various phases of operation including test wells and drilling and other construction activities submitted prior to construction and with the necessary building permit applications for a Rig and Move Permit. In addition, operator shall have current MSDS and quantities on site at all times or available upon request. Fracturing chemicals shall be uploaded onto the FracFocus website within sixty (60) days of the completion of fracturing operations.

b. Operator shall not store onsite waste in excess of thirty days.

c. Drilling and completion chemicals shall be removed at most sixty days after completion.

d. Operator shall not use toxic, including orally toxic, chemicals in hydraulic fracturing fluids including, the following:

1. Benzene
2. Lead
3. Mercury
4. Arsenic
5. Cadmium
6. Chromium
7. Ethylbenzene
8. Xylenes^f
9. 1,3,5-trimethylbenzene
10. 1,4-dioxane
11. 1-butanol
12. 2-butoxyethanol
13. N,N-dimethylformamide
14. 2-ethylhexanol
15. 2-mercaptoethanol
16. Benzene, 1, 1'-oxybis-, tetrapropylene derivatives, sulfonated, sodium salts
17. Butyl glycidyl ether
18. Polysorbate 80
19. Quaternary ammonium compounds, dioctyl dimethyl, chlorides
20. Bis hexamethylene triamine penta methylene phosphonic acid
21. Diethylenetriamine penta

22. FD&C blue no 1.

23. Tetrakis (triethanolaminato) zirconium (IV) (TTZ)

e. [Operator] shall disclose to Adams County all chemicals, other than those protected as a Trade Secret, that will be stored and used during any hydraulic fracturing event along with the maximum quantity that will be present on-site at any one time.

Commented [JM1]: See Erie Code § 10.12.2(D)(7)(b)(iv)

Formatted: Indent: Left: 1"

8. Emergency Preparedness and Response

a. In General. Oil and gas operations shall not cause unreasonable risks of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, and hazardous material vehicle accidents or spills.

b. Emergency Preparedness Plan. Each Applicant with an operation in the County is required to implement an emergency preparedness plan for each specific oil and gas facility. The plan shall be referred to by the the Office of Emergency Management, and the applicable fire district and filed with the County and updated on an annual basis or as relevant conditions change (including but not limited to responsible field personnel change, ownership changes, etc.). The emergency preparedness plan shall consist of at least the following information:

i. Name, address and phone number, including 24-hour emergency numbers for at least two persons located in or near Adams County who are responsible for emergency field operations.

ii. An as-built facilities map in a format suitable for input into the County's GIS system depicting the locations and type of above and below ground facilities including sizes, and depths below grade of all oil and gas gathering and transmission lines and associated equipment, isolation valves, surface operations and their functions, as well as transportation routes to and from exploration and development sites, for emergency response and management purposes. The information concerning pipelines and isolation valves shall be held confidentially by the County's Office of Emergency Management, and shall only be disclosed in the event of an emergency. The County shall deny the right of inspection of the as-built facilities maps to the public pursuant to C.R.S. § 24-72-204.

iii. Detailed information addressing each potential emergency that may be associated with the operation. This may include any or all of the following: explosions, fires, gas, oil or water pipeline leaks or ruptures, hydrogen sulfide or other toxic gas emissions, or hazardous material vehicle accidents or spills. For each potential emergency, threshold /

trigger levels shall be pre-identified that govern when an emergency state is declared by the Applicant.

iv. The plan shall include a provision that any spill outside of the containment area or which has the potential to leave the facility ~~,-or-to~~ threaten a water body, or threaten the health of any of Operator's employees, contractors, subcontractors, or any member of the public, shall be reported to the emergency dispatch and the Director immediately.

v. Detailed information identifying access or evacuation routes, zone of influence for each emergency scenario identifying impacted facilities and buildings and health care facilities anticipated to be used.

vi. Project specific emergency preparedness plans are required for any project that involves drilling or penetrating through known zones of hydrogen sulfide gas.

vii. The plan shall include a provision that obligates the Applicant to reimburse the appropriate emergency response service providers for costs incurred in connection with any emergency.

viii. Detailed information that the Applicant has adequate personnel, supplies, and funding to implement the emergency response plan immediately at all times during construction and operations.

ix. The plan shall include provisions that obligate the Applicant to keep onsite and make immediately available to any emergency responders the identification and corresponding Safety Data Sheets (SDS) of all products used, stored or transported to the site. The SDS sheets shall be provided immediately upon request to the Director, the Adams County LEPC, a public safety officer, or a health professional. In cases of spills or other emergency events, the plan shall include provisions establishing a notification process to emergency responders of potential products they may encounter, including the products used in the hydraulic fracturing fluids.

x. The plan shall include a provision establishing a process by which the Applicant engages with the surrounding neighbors and schools to educate them on the risks ~~and benefits~~ of the onsite operations and to establish a process for surrounding neighbors and schools within a one-half mile radius, unless determined otherwise by the Director of Community and Economic Development, to communicate with the Applicant.

xi. Operator shall maintain storage of aqueous film forming foam (which shall not contain PFAS), absorption boom and granulated materials for ready deployment in case of leaks or other emergencies. Operator shall notify first responders of the location of said materials.

9. Recycle, Reuse and Disposal of Fluids:

- a. Operator shall recycle drilling, completion, flowback and produced fluids unless ~~technically infeasible~~ doing so is unsafe for public health, safety, or the environment.
- b. Waste may be temporarily stored in tanks while awaiting transportation to licensed disposal or recycling sites. Waste shall not be stored in open pits.
- c. Waste must be transported by pipelines unless technically infeasible.

10. Stormwater Controls:

- a. Oil and gas operations shall be in compliance with COGCC rules related to stormwater management regulations and Adams County Stormwater Quality Regulations as contained in the Adams County Development Standards and Regulations / Ordinances and other applicable federal, state, and county requirements.
- b. The Owner or Operator must provide a stormwater management plan that identifies possible pollutant sources that may contribute pollutants to stormwater, best management practices, sampling procedures (if required), and inspections that, when implemented, will reduce or eliminate any possible water quality impacts.

11. Water Bodies and Water Quality:

- a. General. Oil and gas operations shall not cause adverse impacts to surface or ground waters within Adams County. Operators shall comply with all Adams County rules, COGCC Rules, and other regulations specifically with respect to spills and releases in floodplains and/or water bodies, and applicable water quality standards set by the Colorado Department of Public Health and Environment or the federal Environmental Protection Agency.
- b. Water quality plan. Operators shall implement a water quality plan and ~~make available~~ submit it to Adams County ~~upon request~~. Such plan shall include details such as operator's plans for water quality testing, prevention of illicit or inadvertent discharges, stormwater discharge management, containment of pollutants, and spill notification and response as required by federal agencies and state agencies, and Adams County. The owner or operator shall provide the County with the same information it provides to the COGCC ensuring compliance with the water quality protection standards contained in COGCC Rules. The owner or operator shall provide all water source test results to the Ceounty and maintain records of such results. The owner or operator shall provide its plans concerning downhole construction details and installation practices, including

Commented [JM2]: Omits potential federal regulations (by the EPA for the Clean Water Act, and the Bureau of Land Management for any federally-owned mineral rights in the County).

Commented [JM3]: There may be situations in the future in which EPA regains "primacy" over state water quality standards.

casing and cementing design, and shall inform the county how the plans establish that the facility does not ~~pose any risks of degrading~~~~create significant degradation~~ to surface waters or drinking water aquifers.

c. Wastewater Injection Wells are prohibited in Adams County.

12. Well Plugging and Abandonment:

a. An operator shall comply with all COGCC rules regarding well abandonment and reclamation, including, but not limited to, removal of all equipment from the location and restoring the surface of the land to its original state. Notice of well plugging and abandonment shall be submitted by the operator to the Community and Economic Development Department within forty-eight (48) hours. Notice of well plugging and abandonment shall be submitted to all property owners (including surface estate owners, mineral estate owners, and water rights owners), and all residents and tenants within one mile of the plugged and abandoned well within thirty (30) days. Notice shall include surveyed coordinates of the decommissioned well.

b. Decommissioned oil and gas well assessment. Prior to any hydraulic fracturing, and at periods following hydraulic fracturing, the operator must perform assessment and monitoring of plugged and decommissioned or removed from use, and dry and removed from use oil and gas wells (abandoned wells) within one-quarter mile of the projected track of the borehole, including any horizontally drilled borehole, of a proposed well. The assessment and monitoring includes:

i. Identification of all abandoned wells located within one-quarter mile of the projected track of the borehole of a proposed well based upon examination of COGCC and other publicly available records,

ii. A Risk assessment of leaking gas or water to the ground surface or into subsurface water resources, taking into account plugging and cementing procedures described in any recompletion or plugged and abandoned (P&A) report filed with the COGCC.

iii. Notification to the County and COGCC of the results of the risk assessment of the plugging and cementing procedures.

iv. Permission from each surface owner who has an abandoned well on the surface owner's property to access the property in order to test the abandoned well. If a surface owner has not provided permission to access after thirty days from receiving notice, the applicant shall not be required to test the abandoned well.

v. Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well prior to hydraulic fracturing

vi. Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well within one year and then every three years after production has commenced.

vii. Notification of the results of the soil gas survey to the County and the COGCC within three weeks of conducting the survey or advising the County that access to the abandoned wells could not be obtained from the surface owner.

viii. In the event that contamination is detected during any soils testing, no further operations may continue until the cause of the contamination is detected and resolved and the County has given its approval for additional operations to continue.

ix. Any known natural fractures in the area that could create potential pathways for fluids to migrate to the surface.

c. Marking of plugged and abandoned wells. The operator shall permanently mark by a brass plaque set in concrete, similar to a permanent bench mark to monument the plugged and abandoned well's existence and location. Such plaque shall contain all information required on a dry hole marker by the COGCC and the County.

13. Noise. The Operator shall control noise levels as follows:

a. Prior to operations operator will obtain a baseline noise study that encompasses at least three days, one of those days being a weekend.

b. Beginning with construction and up to production, the County may require continuous noise monitoring and may require that this be conducted by an approved third party consultant.

c. (Operators) will insure that the noise level from their operations subject to COGCC Regulations 802.b and 604.c.(2)(A) is reduced at least five (5) db(A) below the maximum level permitted by those Regulations. The Operator must follow COGCC Regulations for noise level.

Commented [JM4]: See Erie Municipal Code § 10.12.3(B)(1)(f)(i)

d. To ensure the Operator controls noise to the allowable levels set forth above, one or more of the following may be required:

i. Acoustically insulated housing or cover enclosing the motor or engine;

- ii. Noise management plan identifying hours of maximum noise emissions, type, frequency, and level of noise to be emitted, and proposed mitigation measures;
- iii. Obtain all power from utility line power or renewable sources;
- iv. Utilize the most current equipment to minimize noise impact during drilling, completions, and all phases of operation including the use of "Quiet Fleet" noise mitigation measures for completions;
- v. Sound walls around well drilling and completion activities to mitigate noise impacts;
- vi. Restrictions on the unloading of pipe or other tubular goods between 6:00 p.m. and 8:00 a.m.;
- vii. Any abatement measures required by COGCC for high-density areas, if applicable.

14. Air Emissions: Air contaminant emission sources shall comply with the permit and control provisions of the state air quality control program (C.R.S. § 25-7-101 et seq.) and the rules and regulations promulgated by the State Air Quality Control Commission. The Operator shall employ the following control measures and operating procedures to avoid or minimize all emissions into the atmosphere.

a. Air quality action days. Operator shall respond to air quality action day advisories posted by the CDPHE for the front range area by implementing ~~suggested the following~~ air emission reduction measures ~~as feasible~~. Emissions reduction measures shall be implemented for the duration of an air quality action day advisory and ~~shall may include measures such as~~:

- i. Minimize ~~inge~~ vehicle and engine idling;
- ii. Reducing ~~inge~~ truck traffic and worker traffic;
- iii. Delay ~~ing~~ vehicle refueling;
- iv. Suspending ~~ing~~ or delay use of fossil fuel powered ancillary equipment;
~~and~~
- v. ~~Postponing well construction, completion, maintenance, and liquids unloading activities~~;
- vi. ~~Powering-down any fossil-fuel-powered on-site equipment not necessary to protect public health and safety~~;

Commented [JM5]: Nearly all options listed addressed NO_x, not VOC emissions from well sites.

vii. Delaying any discretionary site visits or other travel activities involving the use of fossil-fuel-powered vehicles to visit a well site; and

vii. Foregoing all pipeline maintenance and blowdown activities not necessary to protect public health and safety.

Postpone construction or maintenance activities, if feasible.

b. Leak Detection and Repair. Operator shall develop and maintain an LDAR program using (modern) an Approved Instrument Monitoring Method as defined in 5 Colo. Code Regs. § 1001-9:XII.B.3~~leak detection technologies~~ for all equipment (including pneumatic devices) used at the facility that complies with the following requirements:

Commented [JM6]: Unclear what “modern” means in this context; recommend tying to state regulations instead.

i. Inspections must occur at least ~~semi-annually~~quarterly; more frequent inspections may be required based on the design, location and size of the facility.

ii. If an infrared (IR) camera is used, operator shall retain an infrared image or video of all leaking components before and after repair. Such records shall be maintained for two years and shall be made available to the County upon request.

iii. Any leaks discovered by operator, including any verified leaks that are reported to operator by a member of the public, shall be reported to the County no later than twenty-four hours after discovery. The operator shall maintain a weekly log of all reported leaks and shall make that log available upon request from the County.

iv. Operator shall repair leaks within twenty-four hours unless ~~technically infeasible or~~ not safe to repair. If the County determines that the leak presents an imminent hazard to persons or property, the operator may not operate the affected component, equipment or pipeline segment until the operator has corrected the problem and the County agrees that the affected component, equipment or pipeline segment no longer poses a hazard to persons or property. In the event of leaks that the County believes do not pose an imminent hazard to persons or property, if more than 48 hours repair time is needed after a leak is discovered, operator shall contact the County and provide an explanation of why more time is required. The County shall have discretion to determine whether more time is or is not in fact necessary.

v. Plan shall include detailed recordkeeping of the inspections for leaking components.

vi. At least once per year, the operator shall notify the County five business days prior to an LDAR inspection of its facilities to provide the County the opportunity to observe the inspection.

vii. The County reserves the right to conduct its own LDAR inspection of any facility at any time.

c. Well Completions and Emissions Control

i. Operators shall utilize EPA Reduced Emission Completions for oil wells and gas wells.

ii. Operators must utilize closed loop, pitless drilling, completions and production systems without permanent on-site storage tanks for containment and/or recycling of all drilling, completion, flowback and produced fluids and any required venting routed to at least 98% effective emissions control devices.

d. Combustion Devices

i. For any flares or combustion devices used, manufacture test or other data demonstrating hydrocarbon destruction or control efficiency with a design destruction efficiency of 99% or better

ii. All flaring of associated gas from oil wells and any of other natural gas captured on-site at the wellhead or at a wellpad shall be eliminated other than during emergencies or upset conditions; all flaring shall be reported to the County

iii. To the extent used, all flares, thermal oxidizers, or combustion devices shall be designed and operated as follows:

1. The flare and or combustor shall be fired with natural gas.

2. The flare and or combustor shall be designed and operated in a manner that will ensure no visible emissions during normal operation. Visible emissions means observations of smoke for any period or periods of duration greater than or equal to one minute in any fifteen minute period during normal operation, pursuant to EPA Method 22. Visible emissions do not include radiant energy or water vapor.

3. The flare and or combustor shall be operated with a flame present at all times when emissions may be vented to it.

Commented [JM7]: Recommend clarifying that flaring includes not only associated gas flaring, but also routing gas to an on-site combustor as part of routine operations.

4. All combustion devices shall be equipped with an operating auto-igniter.

5. If using a pilot flame ignition system, the presence of a pilot flame shall be monitored using a thermocouple or other equivalent device to detect the presence of a flame. A pilot flame shall be maintained at all times in the flare's pilot light burner. A telemetry system shall be in place to monitor pilot flame and shall activate a visible and audible alarm in the case that the pilot goes out.

6. If using an electric arc ignition system, the arcing of the electric arc ignition system shall pulse continually and a device shall be installed and used to continuously monitor the electric arc ignition system.

e. Liquids Unloading

i. Best management practices during liquids unloading activities are required including the installation of artificial lift, automated plunger lifts and at least 90% emissions reductions when utilizing combustion to control any venting.

ii. If manual unloading is permitted, operator shall remain onsite.

iii. Operator shall not conduct manual unloading on ozone alert days.

iv. Operator shall notify the County at least 24 hours in advance of conducting manual unloading.

f. General air quality protection measures.

i. Operators ~~must~~^{should} work to limit truck traffic to and from the site.

ii. Hydrocarbon control of at least 98% or better for crude oil, condensate, and produced water tanks with uncontrolled actual emissions of VOCs greater than two TPY VOCs.

iii. No venting other than if necessary for safety or during an emergency

iv. Operators should consolidate product treatment and storage facilities within a facility.

v. Operators should centralize compression facilities within a facility.

vi. For operators with existing oil and gas facilities in Adams County, demonstration that the facility will not result in any increase of VOC

~~emissions~~ from operator's existing and planned development in the County. Operator may include anticipated reductions from plugging and abandoning existing wells located in the County when modeling total VOCs from existing and future development and related activities.

g. Site-specific air quality protection measures. To eliminate or minimize air emissions, the County ~~shall may~~ require ~~any or~~ all of the following, unless the Operator can demonstrate that any given requirement is inappropriate or unnecessary based on the size, location and nature of the facility:

i. Ambient Air Monitoring. An air monitoring plan that describes how the operator will conduct baseline monitoring within 500 feet of a proposed facility prior to construction and conduct monitoring during the drilling, completion and production phases of development. The plan shall include hourly monitoring for all potential emissions, including but not limited to, methane, VOCs, Hazardous Air Pollutants (HAPs), Oxides of Nitrogen (NOx), Particulate Matter (PM), Fine Particulate Matter (PM 2.5), and Carbon Monoxide (CO). The County shall review the monitoring plan and may require additional monitors if necessary and reasonable to protect public health or the environment. For any facility within 2500 feet of an occupied dwelling, Operator shall make data from the monitor available to the public on an easily-accessible website within 24 hours of when it is gathered. Operator shall pay for the baseline and ongoing monitoring. Baseline and continuous monitoring shall be done by a consultant approved of by the County. Any continuous monitoring system shall be able to alert the operator of increases in monitored air pollutant concentrations.

ii. The use of electric drill rigs.

iii. Tier 4 or better diesel engines, diesel and natural gas co-fired Tier 2 or Tier 3 engines, natural gas fired spark ignition engines, or electric line power for hydraulic fracturing pumps.

iv. The use of liquefied natural gas dual fuel hydraulic fracturing pumps.

v. Implementation of tankless production techniques.

vi. Use of quiet design mufflers (also referred to as hospital grade or dual dissipative) or equivalent.

vii. The use of zero emission dehydrators.

viii. Use of a pressure-suitable separator and vapor recovery unit (VRU) where applicable.

ix. Pipeline infrastructure for produced water, natural gas, crude oil and condensate constructed and placed into service prior to the start of any fluid flow from any wellbore.

x. The use of no-bleed continuous and intermittent pneumatic devices. This requirement can be met by replacing natural gas with electricity or instrument air, or routing the discharge emissions to a closed loop-system or process.

xi. Automated tank gauging.

xii. Operator must provide Adams County with a report on the lifecycle greenhouse gas emissions for all oil and gas facilities in Adams County owned or leased by the operator for the calendar year prior to registration or renewal, combined with the projected annual lifecycle emissions of the proposed project. All calculations, assumptions, and methodologies for the lifecycle greenhouse gas emissions report shall conform to those established by the United State Environmental Protection Agency for reporting greenhouse gas emissions for the oil and gas sector, 40 C.F.R. § 98.230 et seq. (often referred to as "EPA subpart W").

15. Odors.

a. Operator must implement and maintain and make available to the County upon request, an odor mitigation plan that demonstrates how operator will minimize odors from its operations and comply with Colorado Department of Public Health and Environment, Air Quality Control Commission, Regulation No. 2 Odor Emissions, 5 CCR 1001-4, Regulation No. 3, 5 CCR 1001-5, and Regulation No. 7, 5 CCR 1001-9 sections VII and VIII. The plan shall also provide a plan for timely responding to odor complaints from the community, and for identifying and implementing additional odor control measures to control odors emanating from the oil and gas facility.

b. Operator must notify the County's LGD no later than 24 hours after receiving odor complaint.

c. Operator must prevent odors from oil and gas facilities from affecting the health and welfare of the public by proactively addressing and, to the fullest extent, resolving complaints filed by members of the community, in coordination with County and Tri-County Health Department staff.

d. To ensure compliance with the odor mitigation plan, the County ~~shall~~may require the Operator to implement ~~all~~any of the following measures, unless the Operator can prove that they are not necessary or reasonable based depending on the size, location and nature of the facility:

- i. Adding an odorant which is not a masking agent or adding chillers to the muds.
- ii. Using filtration systems or additives to minimize odors from drilling and fracturing fluids except that operator shall not mask odors by using masking fragrances.
- iii. Enclose shale shaker to contain fumes from exposed mud, where safe and feasible
- iv. Wipe down drill pipe each time drilling operation “trips” out of hole
- v. Increasing additive concentration during peak hours.

16. Water source sampling and testing. Using records of the Colorado Division of Water Resources, the applicant will be required to identify and offer to sample all available water sources located within one-half mile of the proposed well or facility. All sampling must be conducted by third-party consultant approved of by the County. Sampling requirements include:

- a. Initial baseline samples and subsequent monitoring samples.
- b. Initial collection and testing of baseline samples from available water sources shall occur within twelve months prior to the commencement of drilling a well, or within twelve months prior to the re-stimulation of an existing well for which no samples were collected and tested during the previous twelve months.
- c. Post-stimulation samples of available water sources shall be collected and tested pursuant to the following time frame:
 - 1. One sample within six months after completion;
 - 2. One sample between twelve and eighteen months after completion; and
 - 3. One sample between sixty and seventy-two months after completion.
 - 4. For multi-well pads, collection shall occur annually during active drilling and completion.
- d. Operator shall collect a sample from at least one up-gradient and two down-gradient water sources within a one-half mile radius of the facility. If no such water sources are available, operator shall collect samples from additional water sources within a radius of up to one mile from the facility until samples from a total of at least one upgradient and two down-gradient water sources are collected. Operators should give priority to the selection of water sources closest to the facility.

e. An operator may rely on existing groundwater sampling data collected from any water source within the radii described above, provided the data was collected within the twelve months preceding the commencement of drilling the well, the data includes measurement of all of the constituents measured in Table 1, and there has been no significant oil and gas activity within a one-mile radius in the time period between the original sampling and the commencement of drilling the well.

f. The operator shall make reasonable efforts to obtain the consent of the owner of the water source. If the operator is unable to locate and obtain permission from the surface owner of the Water Source, the operator shall advise the CED Director that the applicant could not obtain access to the water source from the surface owner.

g. Testing for the analytes listed in Table 1, and subsequent testing as necessary or appropriate.

h. Standard industry procedures in collecting samples, consistent with the COGCC model Sampling and Analysis Plan, shall be followed.

i. Reporting the location of the water source using a GPS with sub-meter resolution.

j. Field observations. Reporting on damaged or unsanitary well conditions, adjacent potential pollution sources, odor, water color, sediment, bubbles, and effervescence.

k. Test results. Provide copies of all test results described above to the County, the COGCC, and the water source owners within three months after collecting the samples.

l. Subsequent sampling. If sampling shows water contamination, additional measures may be required including the following:

1. If free gas or a dissolved methane concentration level greater than one milligram per liter (mg/l) is detected in a water source, determination of the gas type using gas compositional analysis and stable isotope analysis of the methane (carbon and hydrogen).
2. If the test results indicate thermogenic or a mixture of thermogenic and biogenic gas, an action plan to determine the source of the gas.
3. Immediate notification to the County, the COGCC, and the owner of the water source if the methane concentration increases by more than five mg/l between sampling periods, or increases to more than ten mg/l.

4. Immediate notification to the County , the COGCC and the owner of the water source if BTEX and/or TPH are detected as a result of testing. Such detections may result in required subsequent sampling for additional analytes.

5. Further water source sampling in response to complaints from water source owners.

6. Timely production and distribution of test results, well location, and analytical data in electronic deliverable format to the CED Director, the COGCC and the water source owners.

[Table 1]

17. Dust:

a. Operator shall minimize dust pollution associated with onsite activities and traffic.

b. No untreated produced water or other process fluids shall be used for dust suppression.

c. The operator will avoid creating dust or dust suppression activities within 300 feet of the ordinary high-water mark of any water body, unless the dust suppressant is water.

i. Material Safety Data Sheets (MSDS) for any chemical-based dust suppressant shall be submitted to the County prior to use.

18. Visual Aesthetics.

a. Operator shall submit a visual mitigation plan in compliance with COGCC Rules, including but not limited to, a list of the proposed colors for the Facilities, regardless of construction date, which are observable from any public highway, providing for paint that is uniform, noncontrasting, nonreflective color tones (similar to the Munsell Soil Color Coding System), and with colors matched to but slightly darker than the surrounding landscape, a listing of the operations' equipment, proposed fencing, and screening. Plan shall indicate the location of all outdoor lighting on the site and any structures and include cut sheets of all proposed fixtures.

b. Operator shall submit landscaping and berming plan that includes maintenance and irrigation requirements for planted vegetation throughout the duration of operations, including production. Operator shall be required to provide maintenance funding through bonding to ensure funds are available for upkeep.

Weed control is required at the facility until final reclamation and abandonment. Required sound walls shall be included in the visual mitigation plan and shall comply with the color scheme approved by the County, blending with natural background

c. Operator shall submit lighting mitigation plan for all phases of development and operation, which adheres to best management practices to minimize light escaping the facility including making all lighting downward-facing and fully shielding bulbs to prevent light emissions above a horizontal plane drawn from the bottom of the fixture. Operator shall conduct a photometric study prior to start of construction to indicate impact on surrounding properties and measure the lumens emitted from the facility outside of the walls.

d. Sight access and security. Site shall be properly secured, including, but not limited to, security fencing or barriers to prevent unauthorized access to site. Site shall be properly secured prior to the start of drilling. Proposed fencing, barriers, and screening shall be included in the visual mitigation plan.

i. The Operator shall maintain at all facilities a large, legible sign with the operator's name, phone number, and information and warnings about the hazardous materials present and any other safety risks. At the location of any site subject to a proposed permit, the operator must provide a large, legible sign notifying the public about future site development with a link to the relevant part of Adams County's website where the public can gain more information and submit public comments. All signs must be in both English and Spanish.

Formatted: Indent: Left: 1.5"

19. Flammable material. The area twenty-five feet around anything flammable shall be kept free of dry grass or weeds, conform to COGCC safety standards and applicable fire code. The operator's pre-application and application shall be reviewed by the serving fire district.

20. Mud tracking. Operator shall take all practical measures to prevent mud and dirt tracking onto public right of ways and shall remove tracked mud and dirt within a reasonable time not to exceed two hours.

21. Trailers. A construction trailer is permitted during active drilling and completions only. No residential trailers will be allowed. Only equipment needed for project should be on site.

22. Temporary access roads. Operator will assure that temporary access roads are reclaimed and revegetated within sixty days of discontinued use. Erosion shall be controlled in accordance with the Erosion and Sediment Control Plan while the roads are in use.

23. Removal of debris. All excess debris shall be removed during construction activities. Site shall remain free of debris and excess materials at all times during operations. Burning of debris and other materials is strictly prohibited at all times. .

24. Removal of equipment. No permanent storage of equipment. When no longer used, equipment shall be removed within thirty days unless a Temporary Use Permit for said storage is obtained from the County.

25. Maintenance of machinery. Routine field maintenance of equipment involving hazardous materials within 300 feet of any water body is prohibited. All fueling shall occur over impervious material and shall not be done during storm events. Operator shall operate and maintain all equipment in accordance with manufacturer specifications. Regular maintenance checks are required for all equipment.

26. Burning. No open burning of trash, debris or other flammable materials.

27. Chains. Traction chains shall be removed from heavy equipment on public streets.

28. Off-location flow lines and crude oil transfer lines

a. Off-location flow lines and crude oil transfer lines regulated by the COGCC shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; surface water bodies; and city open space.

b. Without compromising pipeline integrity and safety, applicant shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize impact.

c. Setbacks from residential, commercial, or industrial buildings, places of public assembly, the high-water mark of any surface water body and sensitive environmental features will be determined on a case-by-case basis in consideration of the size and type of pipeline proposed and features of the proposed site.

d. Operator must conduct leak detection inspections or pressure testing in order to identify flowline leaks or integrity issues, and repair leaks within 24 hours unless the Operator can prove to the County that a longer repair timeframe is necessary to protect public health or safety.

e. Operator must make available to County upon request all records required to be kept by COGCC. Operator shall submit to the County the location of all pipelines and gathering systems on a United States Geological Survey quadrangle map with the location highlighted so that it is easy to see.

f. Buried pipelines shall have a minimum of four feet cover.

Commented [JM8]: See Erie Code § 10.12.2(D)(3)(a).

29. Gathering Lines

a. Gathering lines shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; surface water bodies; and city open space.

b. Without compromising pipeline integrity and safety, Operator shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize impact. Operator shall submit to the County the location of all pipelines and gathering systems on a United States Geological Survey quadrangle map with the location highlighted so that it is easy to see.

Commented [JM9]: See Erie Code § 10.12.2(D)(3)(a).

c. Setbacks from residential, commercial, or industrial buildings, places of public assembly, the high-water mark of any surface water body and sensitive environmental features will be determined on a case-by-case basis in consideration of the size and type of pipeline proposed and features of the proposed site.

d. Operator must make available to County upon request all records submitted to PHMSA or the PUC including those related to inspections, pressure testing, pipeline accidents and other safety incidents.

e. Well Connects. Well connects do not require permits. Well connects are defined as a pipeline, 10" or less inside diameter and 2 miles or less in length, laid running from the custody transfer point or production facility for a new well(s) to an existing gathering line connection point.

30. Financial Assurance.

a. Operators, as well as any contractor or subcontractor hired by an Operator to complete an oil and gas project in Adams County, shall be required to maintain up to \$1,000,000 in environmental liability insurance to cover gradual pollution events.

Commented [JM10]: See Longmont code § 15.04.020(B)(32)(v)(xii)(2).

b. Operator shall be required to file and maintain financial assurance as determined on a site specific basis prior to commencing operations, and thereafter during the active life of the facility, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. Should any corrective actions be required by the County in order to protect the health, safety, welfare, and the environment which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.

c. Operator shall fund completion by a neutral third party, chosen by the County, of a financial viability analysis to demonstrate that the Operator will be able to pay for any reasonably foreseeable eventuality.

Commented [JM11]: See SB18-063 for an example of this concept:
http://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a_063_01.pdf

4-10-02-03-03-04 INSPECTION AND ENFORCEMENT

1. Inspection: In recognition of the potential impacts associated with oil and gas facilities, all wells and accessory equipment and structures may be examined by the inspectors of the county at reasonable times any time, without prior notice to the Operator to determine compliance with applicable provisions of this chapter, any applicable state and Federal requirements, the International Fire Code, the International Building Code, and all other applicable standards in this title. For the purpose of implementing and enforcing the provisions of this chapter, the inspector and other authorized personnel have the right to enter upon private property. The county may use the information collected on the inspections to enforce the requirements of this chapter. The county may also report this information to appropriate state and federal officials, including but not limited to information regarding alleged violations of state and federal rules. Operator shall make available to County, upon request, all records required to be maintained by these regulations or to show compliance with these regulations, and the rules and regulations promulgated by the COGCC and the CDPHE, including permits, Air Pollutant Emission Notices (APENs) and other documents required to be maintained by the COGCC, CDPHE and these regulations. The County shall charge a yearly inspection fee for all Oil and Gas Facilities in the County. Fees for Oil and Gas Facility inspections shall be assessed according to the County's adopted fee schedule.

2. State Notification of Violations: Adams County will cooperate fully with the State of Colorado by notifying the Oil and Gas Conservation Commission of any and all violations of the Colorado Laws and Regulations.

3. Delinquent Taxes: One condition of any oil and gas well building permit is that all taxes as provided by statute, shall be paid.

4. Penalties and Fines: The County has authority under C.R.S. § 29-20-104, as amended, to impose fines for leaks, spills, and emissions. The following table summarizes the fine schedule for violations of these Development Standards and Regulations. All fines listed will be imposed per day, per violation, until the violation is corrected.:

[table 2]

56. County Violations: In addition to the fines outlined above, the County has authority to cite violations under its control pursuant to Section 1-05-06 Criminal Remedies and Enforcement.

67. Legal Non-conforming: Adams County recognizes that there are oil and gas operations that were legally established prior to the effective date of these regulations that may or may not conform to these regulations. These operations may continue, provided

the operation is not extended, expanded, modified, or altered in a manner that changes and/or alters the nature, character, or extent of the previously approved permit.

7. Adams County maintains the right to use citizen-submitted data, including records of complaints, independent monitoring conducted by members of the public (for example, infra-red camera imagery) that it considers to be accurate and sound as evidence in any enforcement proceeding.

4-10-02-03-05 RESIDENTIAL CONSTRUCTION Standards

1. Residential Construction Standards: The Director of Community and Economic Development may impose any one (1) or more of the following standards on a specific site basis as a condition of subdivision approval and/or building permits on platted or unplatted land:

- a. The oil and gas well location shall include a two-hundredfifty (250) foot buffer in the form of an easement on the Final Plat. No structures may be constructed within the buffer area.
- b. Access to the oil and gas well location shall be provided by a public street or recorded easement for private access.
- c. The Final Plat shall include notice to prospective buyers of the location of the oil and gas well and associated easements.
- d. All oil and gas well flow lines and/or easements shall be graphically depicted on the Final Plat.
- e. All surface and subsurface agreements shall be noted on the Final Plat by the recorded book and page number.
- f. Pursuant to Section 4-06-01-02-01-12, where a new home and/or other permanent structure with plumbing is constructed within three hundred (~~103~~00) feet of an existing oil and gas well, the property owner shall submit a signed waiver acknowledging the existence of the facility.

2. Plugged and Abandoned, and Former Oil and Gas Production Sites: This Section is enacted to protect and promote the health, safety, morals, convenience, order, prosperity, or general welfare of the present and future residents of the County. These regulations are based upon the land use authority of the County.

- a. Prior to submittal of a final plat or site specific development plan, each plugged and abandoned well shall be located and surveyed. The plugged and abandoned well shall be permanently marked by a brass plaque set in concrete similar to a permanent bench mark to monument its existence and location. Such plaque shall

contain all information required on a dry hole marker by the Colorado Oil and Gas Conservation Commission and the County.

b. As a condition of review of any final plat or site specific development plan which contains a plugged and abandoned well or former oil and gas production site or is within 10200 feet of such well or site, the owner shall submit a location diagram of the location of the well.

c. On every final plat or site specific development plan which contains a plugged and abandoned well, there shall be dedicated a well maintenance and workover setback depicted on the plat, the dimensions of which shall be not less than fifty feet in width and 100 feet in length. No structures shall be located within this setback. The plugged and abandoned well shall be located in the center of the setback. There shall be public access for ingress and egress to the setback of a width of not less than twenty feet.

d. Every final plat and site specific development plan which contains a plugged and abandoned well or a site specific development that includes a property that is less than 10200 feet from a plugged and abandoned well, shall include the following notation: "The owner shall disclose to prospective purchasers of lots within a radius of 10200 feet of the plugged and abandoned well of (1) the location of the plugged and abandoned well, (2) the location of the maintenance and workover setback, and (3) the purpose for the well maintenance and workover setback."

e. As a condition of building permit review, no dwelling shall be constructed within ~~fifty (50)~~two-hundred fifty (250) feet of a plugged and abandoned well.

f. Prior to issuance of a grading permit within a development containing a known reserve pit site, the reserve pit site shall be tested for expansive soils. Reserve pits containing expansive soils in locations proposed for buildings shall be subject to the provisions of the International Building Code.

g. No utility lines shall be installed within ten feet of any plugged and abandoned well.

4-10-02-03-03-06 COGCC AND COUNTY APPROVALS REQUIRED

Development of the OGF shall not commence unless and until applicant receives an approved OGF Permit, including any approved waiver(s), and receives all required approvals and permits from COGCC.

From: [Barb Binder](#)
To: [Katie Keefe](#)
Subject: Re: Input on proposed O&G regs
Date: Tuesday, July 23, 2019 4:24:00 PM

Please be cautious: This email was sent from outside Adams County

Thanks for the clarification.
Much appreciated!

Barb

On Tue, Jul 23, 2019 at 3:54 PM Katie Keefe <KKeefe@adcogov.org> wrote:

Hi Barb,

Being fairly new to Adams County and this position, I wasn't aware that a CORA request is expensive. The August 4th deadline is for comments on the draft amendments sent via email 2 weeks ago. Public and referral agency comments, which will be noticed in an email dated 7/24/19 can be submitted up until August 13. Networking with other stakeholder groups is an excellent idea for quickly obtaining stakeholder comments!



Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

[4430 South Adams County Parkway, 1st Floor, Suite W2000A](#)

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: Barb Binder <izzykalena@gmail.com>
Sent: Tuesday, July 23, 2019 2:32 PM
To: Katie Keefe <KKeefe@adcogov.org>
Cc: CommissionersMailbox <commissioners@adcogov.org>
Subject: Re: Input on proposed O&G regs

Please be cautious: This email was sent from outside Adams County

Thanks Katie,

Since the deadline for submitting comments is Aug 4, I guess there is no opportunity to see other comments until after the deadline when these will all be available on Aug 13 in the staff report.

As you know, a CORA request is expensive and never timely and not something an individual citizen typically has the luxury of requesting.

I'm just trying to help with input to the AdCo process given the nightmare we have been through in our neighborhood.

Thought there might be a process similar to when comments are made to COGCC on specific forms where we are able to see what others are suggesting but i guess since there is no formal process for input to AdCo regs (only email), that isn't possible.

Seeing other comments can help facilitate additional input.

Perhaps in the future AdCo could institute an approach where comments would be visible (names/emails/etc would be hidden) and people would be made aware that they could review input from others. Always helpful to see the broader discussion.

I will reach out to other groups that i know are providing input and ask them to share with me before providing my input.

Regards,

Barb Binder

On Tue, Jul 23, 2019 at 2:16 PM Katie Keefe <KKeefe@adcogov.org> wrote:

Barb,

The staff report, which includes comments will be posted to the County website by August 13th as part of the staff report for the next Board study session.

If you would like copies of comments that have been received thus far, I suggest filing a CORA request.

Katie Keefe



Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

[4430 South Adams County Parkway, 1st Floor, Suite W2000A](#)

Brighton, CO 80601

O: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: Barb Binder <izzykalena@gmail.com>
Sent: Tuesday, July 23, 2019 11:50 AM
To: Katie Keefe <KKeefe@adcogov.org>
Cc: CommissionersMailbox <commissioners@adcogov.org>
Subject: Input on proposed O&G regs

Please be cautious: This email was sent from outside Adams County

Hi Katie,

Is there a place online where I can view the comments submitted so far on the following?

I plan to submit comments but it would be helpful to review other inputs as that often facilitates additional insight.

Fyi - I live 1/2 mile from the Broomfield/Extraction Interchange pad that had 12 of 33 wells drilled & I suffered through 3 months of health impacts from the toxic Gibson D822 drilling mud that was being used & now I'm dealing with visible emission plumes from the Frac pumps that have Tier 2 engines instead of Tier4 engines. The Broomfield/Extraction Northwest pad of 16 wells is currently under construction & I am ~ 1600 ft from the 16 wells that will be drilled there.

Based on my experience I want to provide input to AdCo on the proposed regs so that AdCo can do a better job than Broomfield to protect the health & safety of ALL citizens,

regardless of jurisdictional boundaries.

Regards,

Barb Binder

izzykalena@gmail.com

Adams County resident

Oil & Gas Information

Proposed Oil & Gas Facility Regulations

Adams County staff presented draft regulations for Oil and Gas Facilities (OGF) to the Board of County Commissioners during public study session on Tuesday, July 16. Staff proposals include new [Application and Permitting Procedures](#), [Zone District Regulations](#), and [Performance Standards and Regulations](#) applicable to new OGF development applications. Additional setback criteria for oil and gas facilities is currently under review and staff recommendations will be posted to the webpage ahead of the next public study session on Tuesday, July 23.

Comments, questions, and feedback regarding the draft regulations can be submitted to Katie Keefe, Environmental Program Manager, via email at kkeefe@adcogov.org. All comments must be received by Sunday, Aug. 4, for the Planning Commission study session on Thursday, Aug. 8.

From: [Cindy Wakefield](#)
To: [Emma Pinter](#); [Eva Henry](#); [Mary Hodge](#); [Chaz Tedesco](#); [Steve O'Dorisio](#)
Cc: elizabethparanhos@delonelaw.com; [Katie Keefe](#)
Subject: preliminary oil and gas regulations changes
Date: Tuesday, July 23, 2019 11:59:15 AM

Please be cautious: This email was sent from outside Adams County

Good morning, Commissioners,

Thank you for representing me with your continued public service. As you continue work on the proposed oil and gas facility regulations, I encourage you to strengthen several sections, as follows:

1. Remove the provision establishing a two-tiered approach for considering proposed permits or waivers. All applications should be subject to a public hearing and neighborhood input that lasts at least 30 days, even if the application meets all regulatory requirements. While Adams County staff should review the technical details and compile public input to make recommendations to approve, condition or deny an application, the final approval must rest with you; our Board, who represent the citizens of our county.

2. Wherever public participation is mentioned in the proposed regulations, the words "allow" and "may" should be replaced with the word "must". The process for approving, amending or denying a site must include public hearings and neighborhood meetings for homeowners, owners of mineral and water rights and tenants within one mile of the proposed site. Because many of our county residents have disabilities or are elderly, opportunities for public comment must be available via email, web page forms, letters, or telephone, in Spanish and English, as well as TTY for constituents with varying levels of hearing.

3. Ensure that the regulations allow for exceptions. When there are additional concerns related to health, welfare or the environment, the regulations must specify a process to address those concerns, even if the proposed permit or waiver request satisfies all other requirements. For example, if the proposed site is within 2 miles of a flood plain, open space, wildlife refuge, school, child care center, nursing home, or sensitive ecological area that is inhabited by wildlife that are threatened, the application should go through an additional level of assessment. Remove all sections of the regulations that state the county "must" approve a permit if it meets all regulations.

4. Add specificity in Chapter 4 sections regarding air quality monitoring, incident reporting (within 24 hours), waste management, worker safety (training and procedures for contractors), traffic and noise (must be monitored to ensure that levels in residences, schools and care facilities be lower than 85 decibels. Noise levels that exceed 85 decibels permanently damage hearing.) These issues should also be considered when considering approval of oil and gas exploration, such as seismic testing.

Thank you for the diligent work by you and your staff. As a homeowner and taxpayer, I am hopeful that you will ensure better practices for my welfare, safety and health, and to protect the environment for everyone in Adams County.

Cynthia Wakefield
3124 E. 132 Ct.
Thornton, Co 80241
cindywakefield12@gmail.com

From: [Lyndsey Collins](#)
To: [Mary Hodge](#); [Emma Pinter](#); [Eva Henry](#); [Steve O'Dorisio](#); [Chaz Tedesco](#); [Katie Keefe](#)
Subject: fracking setbacks
Date: Tuesday, July 23, 2019 7:24:26 PM

Please be cautious: This email was sent from outside Adams County

Dear Adams County Commissioners;

It was brought to my attention today that the BOCC has begun discussions regarding safer setbacks and fracking. The number that was reported to me today, which the BOCC is considering, is 1,000 feet. I would ask that you consider the ample research that is available to you, as you consider this number. There are hundreds of studies and articles, such as those provided below, which provide information on the dangers of fracking within a mile of homes, schools, hospitals and other sensitive populations, such as pregnant women:

"That evidence is increasing, but it's incomplete, says CAPE member Dr. Larry Barzelai, a family physician and assistant professor at the University of British Columbia. He cited a recent [PLOS ONE review](#) that showed 84% of public health studies of fracking indicated increased health risks or negative health outcomes. Meanwhile, 69% of water quality studies and 87% of air quality studies show potential or actual contamination from these projects.

(<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5235941/>)

As a resident who is impacted by several fracking sites surrounding my neighborhood and community, I am asking the BOCC to consider a 2500 foot setback, for our health and safety. Thank you for your time and consideration.

-Lyndsey Collins, Adams County Resident

<https://www.forbes.com/sites/tarahaelle/2017/12/15/living-near-fracking-during-pregnancy-linked-to-poorer-newborn-health/#514882672254>

<https://www.forbes.com/sites/judystone/2017/02/23/fracking-is-dangerous-to-your-health-heres-why/#227e43285945>

<https://www.nrdc.org/media/2014/141216>

<https://www.denverpost.com/2017/12/13/fracking-low-birth-weight-babies-study/>

From: [Eva Henry](#)
To: [Christine Dougherty](#)
Subject: Fwd: new oil and gas regulations
Date: Tuesday, July 23, 2019 4:45:14 PM

Sent from my iPad

Begin forwarded message:

From: CommissionersMailbox <commissioners@adcogov.org>
Date: July 23, 2019 at 1:51:19 PM MDT
To: Chaz Tedesco <CTedesco@adcogov.org>, Emma Pinter <EPinter@adcogov.org>, Eva Henry <EHenry@adcogov.org>, Mary Hodge <MHodge@adcogov.org>, Steve O'Dorisio <SODorisio@adcogov.org>
Subject: FW: new oil and gas regulations

From: PAUL CSIBRIK Owner <milagro1@centurylink.net>
Sent: Tuesday, July 23, 2019 11:47 AM
To: Mary Hodge <MHodge@adcogov.org>; ehenry <ehenry@adcogove.org>; ehansen <ehansen@adcogov.org>; CommissionersMailbox <commissioners@adcogov.org>; Steve O'Dorisio <SODorisio@adcogov.org>; epinter@adcoorg.gov; Chaz Tedesco <CTedesco@adcogov.org>
Subject: new oil and gas regulations

Please be cautious: This email was sent from outside Adams County

To everyone:

We understand that there is a meeting July 23rd. at 9:30AM regarding new regulations. Unfortunately, we cannot attend.

We live about a mile from the Ivey Pads and are in the fracking zone. We understand that this is supposed to be a major oil and gas site and will eventually have 20 or so wells. Right now, 7 or so have been permitted.

What we don't understand is how this site can be allowed if health and safety are taken into consideration. There is Silver Creek scholl right in the path of this area and from what I ounderstand there is a new subdivision, East Creek, being buit by the school and another, City Creek, plotted right across from the oil and gas site.

Have we lost our minds!!!! How could you allow a large scale facility to be built surrounded by homes and businesses?

We don't know what you can do, but you must in all
conscious do what is right for the citizens of Adams County

Paul and Eileen Csibrik
14555 Gaylord St
Thornton, Co 80602

**ADAMS COUNTY COMMUNITIES FOR DRILLING ACCOUNTABILITY NOW
(ACCDAN) RECOMMENDATIONS FOR ADAMS COUNTY PROPOSED
OIL AND GAS REGULATIONS**

August 1, 2019

As a community organization representing hundreds of residents impacted by the recent and exponential growth of oil and gas developments near Adams County homes and schools, Adams County Communities for Drilling Accountability Now (ACCDAN) wholeheartedly supports the outstanding recommendations Earthjustice submitted on our behalf. However, we appreciate the invitation to emphasize particular recommendations to the staff that have arisen from our communities experiences over the past five years. When we initially reached out to our elected officials with our health and safety concerns regarding oil and gas development sited near neighborhoods and schools, they told us their “hands were tied.” Now that “a local government’s regulations may be more protective or stricter than State requirements (SB 19-181, Section 17: 34-60-131),” we have expectations, and high hopes, that our concerns over public health, safety, and welfare, and the environment, and wildlife resources will be robustly considered.

Regarding the permit processing procedures, to adequately address public health, safety, and welfare, we strongly recommend an approach that allows for much greater public input.

2-02-14-04 OCF PERMIT REVIEW PROCEDURES

Every permit application, not just those “requiring a waiver or modification,” should be reviewed by the Board of County Commissioners because:

- it triggers a public meeting allowing input from those residents, business owners, school staff and students, and recreationists who are most familiar with specific and particular aspects of the location, and whose health, safety, and welfare will be most impacted
- all stakeholders are given equal opportunity to address concerns through presentation of studies, evidence, and witnesses
- written public comments, concerns, and questions, after being posted on the County website, will also be addressed at the public hearing allowing for greater participation by those who cannot attend
- allows the BOCC, to hear and address constituents’ concerns as mandated through their oath of office to protect the public health and safety, either through their regular meeting times, or scheduled evening meetings
- Notification must be given to all affected parties within a *one-mile radius*

2-02-14-05 OGF PERMIT REVIEW STEPS

- 1.a. Alternative Site Analysis. To ensure public health, safety... the operator must assess impacts within a one-mile radius of location.
- 1.a.4. Evaluation criteria. Add viii. The impact on air quality. If this is not an isolated site, the cumulative effect of nearby sites must be factored in and a plan implemented to measure, address, and assess penalties for non-compliance.

- 1.a.4. Applications for addition wells on existing sites must also meet the air quality impact standard.
- 2. Neighborhood Meeting. Through our own experiences, and that of hundreds of Adams County residents, we cannot state strongly enough that *neighborhood meetings must be required and that the notification be sent to all residents*, businesses, and schools within a one-mile radius of the proposed site.
- 2. The letter of notification must look official and marked as important information.
- 2. A portion of the meeting must include an open forum, allowing for questions from the community.
- A written summary of the meeting to be completed by an independent third party.
- 6. Signage Plan. Signage on the site location must be readable from the edge of the road. It must be placed at site within one week of operator's application submission. Existing homeowners, business owners, renters, school staff and students should be made aware of what is proposed to allow for public input and participation in a public hearing. Potential homeowners, business owners, renters should be made aware of what is proposed and/or permitted in order to access a purchase or rental decision.

In addition to these recommendations, we ask that the County consider SB 19-181's new definition of "waste" as "the nonproduction of oil or gas from a formation if necessary to protect public health, safety, and welfare, the environment, or wildlife resources as determined by the Commission." To date, mineral owner rights trump surface owner rights in the permitting of large-scale OGFs in Adams County's growing urbanized areas, yet the law now clearly states that mineral production can be delayed in order to protect the public. The majority of residents in housing developments and small business owners do not own mineral rights, or own very small percentages. We recommend that the new definition of "waste" be utilized as a means to balance mineral development with surface development that will impact public health, safety, and welfare, and environment and wildlife resources.

We recommend seismic monitoring trucks (they travel in groups of 3=125,000 lbs.) be assessed traffic impact fees.

We strongly urge a greater setback distance between OGFs and homes, schools, hospitals, commercial properties, and recreation areas, to include existing sites. Using Great Western's Ivey site at 152nd and York as an example (although most current development fits), if an existing site already has 26 wells, a 1000' setback would allow them to apply for even more wells because the nearest home is 1200'. Because housing and commercial developments, and schools quickly pop up in the urbanized areas of the County, we recommend setbacks on all existing sites that would protect the public from future site-expansion.

Finally, while we realize a 2500' setback from occupied structures limits land use, more and more studies show that anything less negatively impacts public health and safety. Please consider much greater setbacks in urban areas of Adams County.

Thank you. We sincerely appreciate your attention to this most important matter.

The ACCDAN Team

Stewart Nyholm

Christine Nyholm

Lori Ascani

Stacy Lambright

Peg Thompson

From: [Christine Nyholm](#)
To: [Katie Keefe](#); [Jill Jennings Golich](#); [Jen Rutter](#)
Subject: ACCDAN Oil and Gas Regulation Recommendations
Date: Monday, August 5, 2019 7:18:54 AM
Attachments: [ACCDAN Draft Recommendations.docx](#)

Please be cautious: This email was sent from outside Adams County

Good morning. Thank you for meeting with us Friday. Your attention to this vital matter is greatly appreciated.

From: [Debbie Shannon](#)
To: [Katie Keefe](#)
Subject: Oil and Gas and Permits
Date: Tuesday, August 13, 2019 8:31:31 AM
Attachments: [image.png](#)

Please be cautious: This email was sent from outside Adams County

Dear Katie Keefe,

As Environmental Program Manager of Adams County, I am writing to you as an impacted resident of Adams County. I live less than a mile away from where Extraction is proposing placing the Harlo and Jacobson pad with 68 wells and Petro is proposing placing the Antelope pad with 24 wells. That is a total of 92 wells really close to many homes, families and children. I have a two month old grandson that I am worried for. I would not want him at my home if these wells are allowed to be drilled. As I am sure you already know, we have many air action alert days in Colorado and yesterday and today are both air action alert days. With such bad pollution already, it is dangerous and very unhealthy to allow these oil and gas companies to drill so close to so many homes. See the map below. O&G will inundate our families and homes with dangerous fumes, chemicals and drilling and when they have taken what they need, they will leave and leave us behind with useless land and potential earthquakes and hazards for our families.

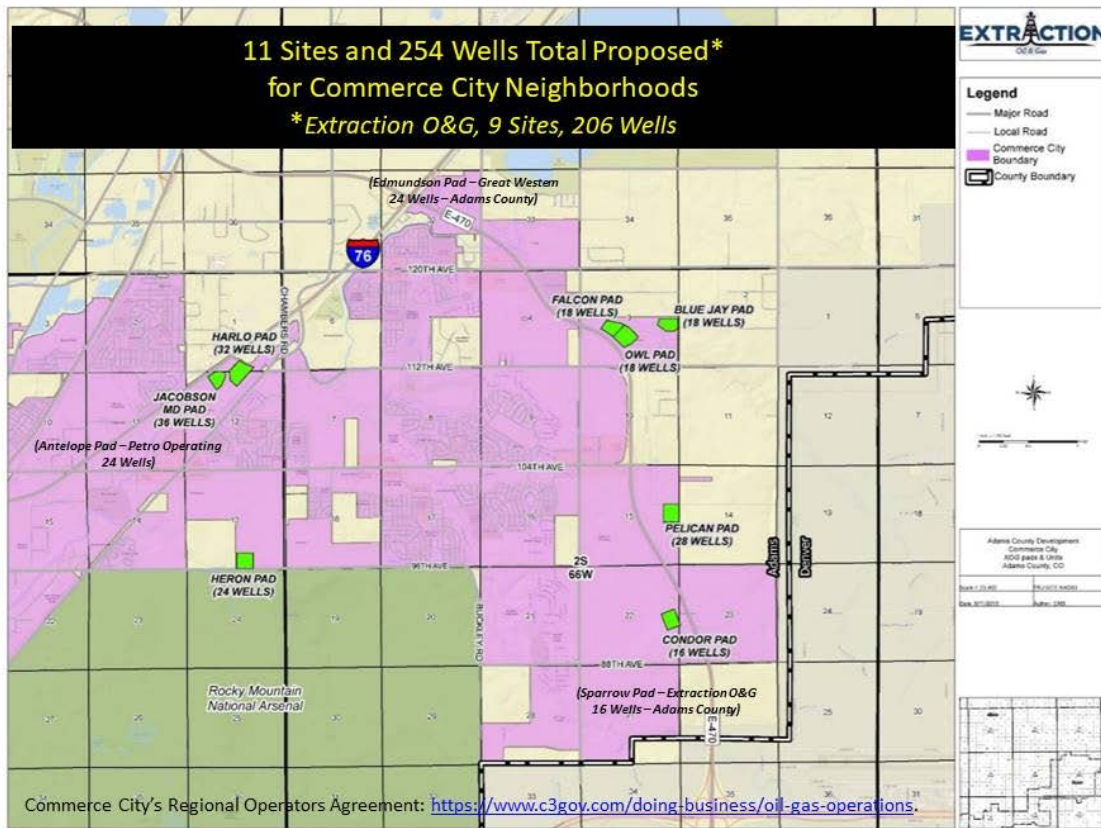
- The County's preliminary draft includes 1000 ft. setbacks from homes and schools. Studies show that this is not a safe distance to protect the public. I do not want any drilling near our homes but if they are allowed to drill then I want greater setbacks!
- The County's preliminary draft allows the Department of Community and Economic Development to permit applications without any public input. I want every permit reviewed by the Board of County Commissioners.
- The County has hundreds of permits on hold. The cumulative effects on air quality from new oil and gas facilities will dramatically increase the number of Ozone Action Alert Days along the Front Range and become a regular health hazard!
- Colorado's new law – SB 181 – mandates that all oil and gas development must put public health, safety, and welfare first!

Please put our public health, safety and welfare first before O&G profits. Please protect us innocent citizens who wanted to build a family and home and retire here. Please do not let O&G ruin our air quality, health and safety and security of our safe environment.

Thank you for your time and consideration.

Sincerely,

Debbie Shannon



From: [Don Summers](#)
To: [Katie Keefe](#)
Subject: Concerned Citizen
Date: Tuesday, August 13, 2019 5:05:31 PM

Please be cautious: This email was sent from outside Adams County

Commissioners,

My name is Don Summers and my address is 14731 Akron St. Brighton, Co 80602.

I am writing to strongly urge you to enforce what the voters of this great State of Colorado thought they were accomplishing when we voted on Proposition 112.

The question at issue was "Do we as citizens want to limit Oil & Gas drilling and the resulting production to such an extent that our economy will be harmed and limit the ability of landowners to profit from the land they own?". The overwhelming response was NO!! This ballot measure was defeated soundly and in a fair forum by the citizens of the State of Colorado.

The actions being considered by the County are in direct opposition to the will of the people of this State. I urge you to vote in a manner that clearly demonstrates that you as an elected official represent your constituents properly and your vote reflects the way they feel on this particular issue.

This is not like the regular issues that face you on a daily basis where you are asked to make tough decisions on subjects that you do not have clear information readily available to know how your constituents feel on particular subject, this same issue has gone a vote of the people and it was very clear what the people wanted.

I personally do not want to see taxes that I pay used to pay for enormous litigation fees that the County will be facing by enacting rules that will result in a "taking of property rights" from landowners. The ability to both produce petroleum and subdivide properties are at stake here. If not handled correctly, the County could face angry landowners from many different angles.

Again, I urge you to vote responsibly and work with the industry in a way that allows for landowners to fully realize the value of their land.

Sincerely,

Don Summers

720.373.7373

The information contained in this e-mail is intended only for the individuals to whom it is addressed. Its contents (including attachments) are confidential and may be privileged information. If you are not an intended recipient, you must not use, disclose, disseminate, copy or print its contents. If you receive this email in error, please notify the sender or reply by e-mail and delete or destroy this message.

From: [Emma Pinter](#)
To: [Guyleen Castriotta](#)
Cc: [Katie Keefe](#)
Subject: RE: 1000 foot setbacks
Date: Tuesday, August 13, 2019 11:11:51 AM

Guyleen,

Thank you for sending over your feedback. And thank you for all the work you have put into this topic. We had a conversation at a Study Session regarding something more than 1,000 foot setbacks, and only Eva and I were in favor. We don't have any studies that show us that 1,000 feet, vs. 1,550, or another number show a change in health outcomes for residents.

We have a lot of data on air quality monitoring, safety standards, water quality monitoring, the impact of fracking overall, but nothing on point with regard to which setback improves health outcomes. Without a study on point we have focused our energy on the health and safety standards on which we can have a measurable impact. You can read about the whole process here:

<http://www.adcogov.org/oil-and-gas-information>

Your feedback is really important to our process. I forwarded your email to staff to ensure we are taking your comments into account. We have a Study Session on feedback received today. As we make updates the materials will be posted on the website: <http://www.adcogov.org/oil-and-gas-information>

Feedback can be submitted to Katie Keefe, Environmental Program Manager, via email at kkeefe@adcogov.org

Thank you,

~Emma

From: Guyleen Castriotta [mailto:gcastriotta@broomfieldcitycouncil.org]
Sent: Monday, August 12, 2019 8:22 PM
To: Emma Pinter <EPinter@adcogov.org>; Steve O'Dorisio <SODorisio@adcogov.org>; Eva Henry <EHenry@adcogov.org>; Mary Hodge <MHodge@adcogov.org>; Chaz Tedesco <CTedesco@adcogov.org>
Subject: 1000 foot setbacks

Please be cautious: This email was sent from outside Adams County

Dear Commissioners,

I wanted to share some information that shows the current 1000 foot setbacks for the Extraction project that the borders Adams County are not sufficient. Please know that I am doing my very best to help enforce every letter of the operator agreement that was approved before I was elected. I have also 'adopted' the impacted Adams County residents as my own constituents and will continue to fight to make sure their voices are heard and the adverse impacts are mitigated.

But the fact is, 1000 ft is just too close for these large scale mega pads to be near people's homes and farms. See attached video below taken from 152nd Street and Huron. I've also included the FLIR video that Earthworks filmed from the same location about 1000 feet away showing the massive amount of emissions coming from that pad site.

<https://youtu.be/4m1M38FIxhA>

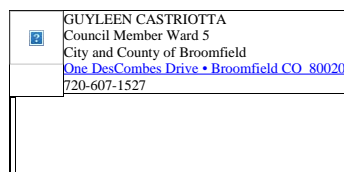
So having visited the homes and backyards of residents who live nearest to the Interchange B pad (approx. 1000 feet) I can say that it's too close. They reported horrific odors, noise, homes vibrating and are living in fear of what they are breathing in (as well as their livestock). Aside from the health impacts, they also worry of damage to their homes and having to prove it was caused by the drilling. Some say they can't wait for the drills and walls to be gone so they can sell their property and leave. My heart breaks for them.

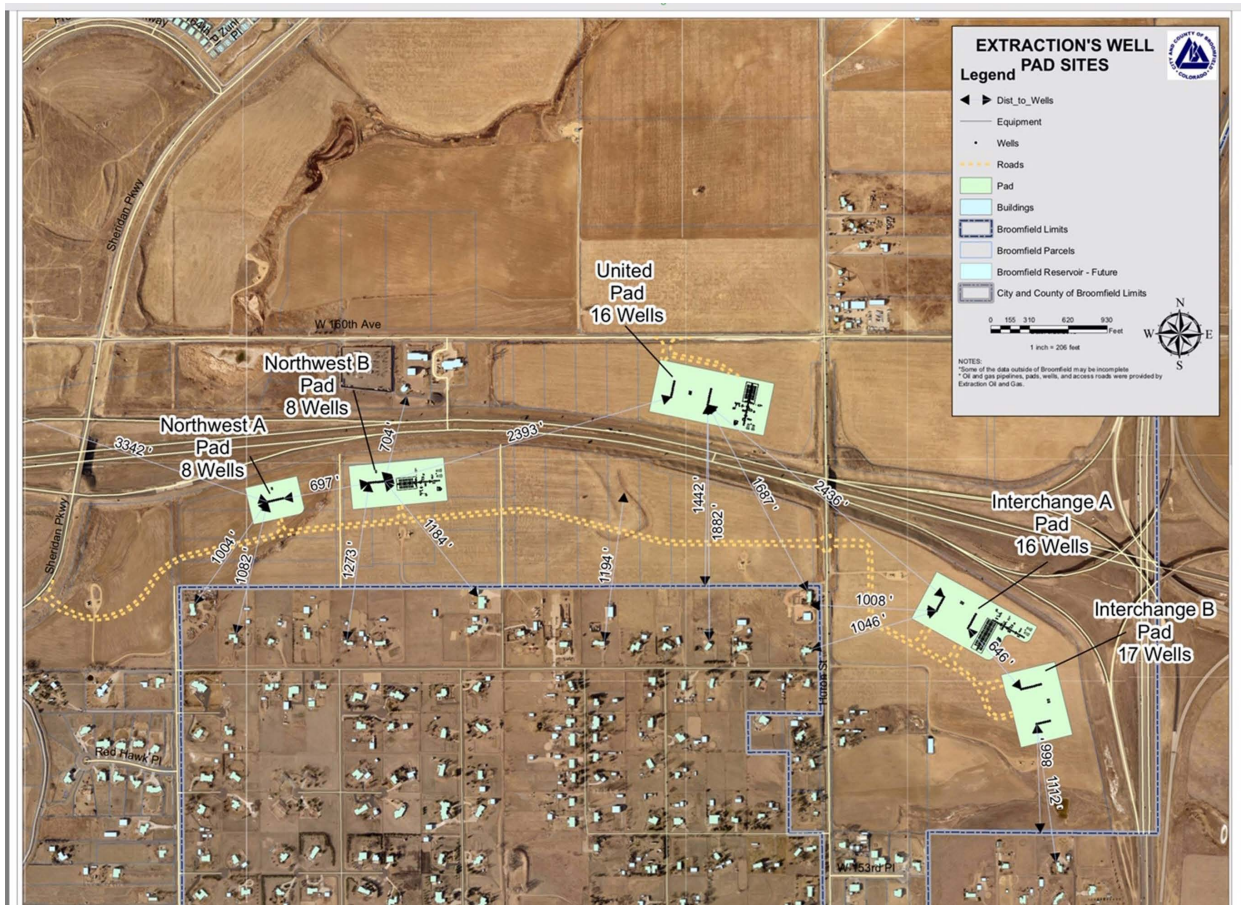
I'm sharing this information so that you know that 1000 foot setbacks have failed to protect the health, safety and welfare of all of our residents. The numerous complaints logged from impacted residents since the project started is also attached.

Thank you for your service and for allowing me to share our experiences with this Extraction project. I have learned a lot about the adverse impacts to health and safety since they came into Broomfield and I feel an obligation to share with you as we collectively try to strengthen our regulations post-181.

Please don't hesitate to reach out if I can be of further assistance.
Warmest regards,
Guyleen

<https://www.broomfield.org/DocumentCenter/View/27091/Distances-to-structures-Adams-County>





From: [Jeremy Conger](#)
To: [CommissionersMailbox](#); [Eva Henry](#); [Chaz Tedesco](#); [Emma Pinter](#); [Steve O'Dorisio](#); [Mary Hodge](#); [Katie Keefe](#); [Christine Dougherty](#); [Erica Hannah](#); [aherrera@adcogov.org](#); [jdupriest@adcogov.org](#); [jdomenico@adcogov.org](#); [Sharon Richardson](#); [dplakorus@adcogov.org](#); [sforest@adcogov.org](#); [jmartinez@adcogov.org](#); [rgardner@adcogov.org](#); [Greg Thompson](#)
Cc: [Miracle Pfister](#); [Susan Fakharzadeh](#); [Ben Huggins](#); [Natalie Svendsen](#); [Jamie Jost](#); [Jennifer Biever](#)
Subject: Great Western Operating Company's comments and redlines to Draft Regulations
Date: Tuesday, August 13, 2019 3:48:45 PM
Attachments: [Adams County Letter & redlines of proposed chapter 2 & 4 regulations.8.13.2019.pdf](#)

Please be cautious: This email was sent from outside Adams County

Good afternoon,

Please find attached to this email Great Western Operating Company, LLC's letter and draft redline of the Adams County Proposed Regulations for your review and consideration. As one of the larger operators in Adams County, Great Western has thoroughly reviewed and analyzed the Proposed Regulations and looks forward to continually engaging with you as this process continues.

If you have any questions, or have any issues opening the attached documents, please do not hesitate to contact me directly. Thank you in advance for your consideration of this submission and the items set forth therein.

Sincerely,

Jeremy G. Conger

Jeremy Conger
Sr. VP of Operations
Great Western Operating Co.
303-888-4515

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

From: [Heidi M. Miller](#)
To: [Katie Keefe](#)
Subject: Fwd: Proposed O&G Setbacks- Extend Current Moratorium Until COGCC Finalizes
Date: Thursday, August 8, 2019 3:56:53 PM

Heidi Miller - sent from iPhone.

Begin forwarded message:

From: Eva Henry <EHenry@adcogov.org>
Date: August 8, 2019 at 3:53:20 PM MDT
To: "Heidi M. Miller" <HMiller@adcogov.org>
Subject: Fwd: Proposed O&G Setbacks- Extend Current Moratorium Until COGCC Finalizes

Sent from my iPad

Begin forwarded message:

From: Ron Booth <ronbooth@q.com>
Date: August 8, 2019 at 2:53:45 PM MDT
To: ehenry@adcogov.org
Subject: re: Proposed O&G Setbacks- Extend Current Moratorium Until COGCC Finalizes

Please be cautious: This email was sent from outside Adams County

Commissioner Henry,

First my thanks for your outstanding service to Adams County.

I appreciate the wisdom that you and your fellow Commissioners showed by establishing a six month moratorium on authorizing any new drilling permits in order to allow the COGCC time to evaluate current setbacks, the latest applicable scientific findings and to create new minimum guidelines.

With regard to the 1,000' setbacks for oil and gas operations, specifically fracking, currently under consideration I have some concerns, reservations and a suggestion;

Since the COGCC has yet to establish a statewide minimum standard for setback but has created a 1,500' "trip wire" to trigger special additional reviews I feel that for the County to approve operations closer than 1,500' would be not only premature but ill advised.

If the County were to abandon the current moratorium prematurely rather than extend it pending final setback criteria being set by the COGCC there may be the potential for litigation if the COGCC's final determination is that safe setbacks be at a distance greater than 1,000'.

Therefore it would seem the most appropriate course of action at this point would be to extend the current moratorium until such time as the COGCC has finalized its new standards.

Thanks once again for your service to the community and your attention to this matter.

Ron Booth
Westminster 720-364-3822

From: [Suzanne Cabral](#)
To: [Eva Henry](#); [Steve O'Dorisio](#); [Chaz Tedesco](#); [Emma Pinter](#); [Mary Hodge](#); [Katie Keefe](#)
Date: Friday, July 26, 2019 10:17:42 AM

Please be cautious: This email was sent from outside Adams County

Dear Adams County Commissioners and Ms. Keefe,

I am writing to implore you to use your full legal authority to protect and prioritize health, safety, and the environment.

The environmental and public health harm and potential harm of oil and gas development/fracking are significant and unacceptable. Fracking relies on hundreds of chemicals, many that are toxic, endocrine disruptive and carcinogenic. The exposure from emissions and particulate matter from unconventional oil and gas development sites shows increases in respiratory diseases, negative birth outcomes, and cancer. Children, fetuses, infants, the elderly and immunocompromised are the most vulnerable in our communities.

The compendium of studies is extensive and growing, as of April 16, 2019, there were 1,778 published peer-reviewed studies that pertain to unconventional oil and gas development and the positive association with harm or potential harm.

<https://www.psr.org/wp-content/uploads/2019/06/compendium-6.pdf>

It is negligent to disregard the cumulative impacts of a large industrial site and the increased risks individuals and communities have with exposure living in close proximity to several sites.

The scientific consensus is clear on the impending climate crisis. Data conclusively shows that because of increasing emissions of methane, (a powerful heat-trapping gas) from oil and gas development and the necessary infrastructure such as pipelines and compressor stations and the ultimate combustion of natural gas makes it incompatible with climate stability.

The precautionary principle is expressed in the Rio Declaration, which stipulates that where there are "threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

There is no known regulatory framework that can adequately address and mitigate the multiple health, safety and environmental risks of unconventional oil and gas development/fracking.

As an individual and as a Community organizer I urge you to continue the moratorium on all oil and gas development within Adams County and encourage Adams County to become leaders in the development and

reliance on sustainable energy.

I strongly and respectfully insist that the following regulations be instituted as a minimum requirement for all existing and new oil and gas development.

Air Monitoring:

- Require the use of the newest technology to minimize and eliminate the emissions of Methane and other Hydrocarbons, Volatile Organic Compounds, and Oxides of Nitrogen from Oil and Natural Gas Exploration and Production Facilities and Natural Gas Facilities in the Processing, Gathering and Boosting, Storage and Transmission segments of the natural gas supply chain.
- Require that oil and natural gas operators must install and operate continuously methane and VOC emission monitors at ALL facilities.
- Require that ALL the data collected from each air monitor site be publicly available
- Require that all data be evaluated by an independent third party
- The requirement to reduce emissions pneumatic devices that do not vent methane aka natural gas.
- Require that all sites are evaluated monthly for leak detection by using a FLIR camera and VOC emission monitor.
- Require all leaks are to be reported and repaired immediately
- Require Green Completion to reduce methane and VOC emissions

I strongly disagree with the promotion of pipelines as a mitigation requirement for several reasons:

- A pipeline infrastructure enables operators to drill on the periphery of neighborhoods.
- It could impede future City/county housing/business/recreation development.
- A pipeline-interface in areas facing exponential growth in population just might outlive the operator's ability to sustain drilling for the next couple decades and become superfluous.

Flowline Management Plan

All flowline, transmission line and gathering line welders be certified by the American Welding Society (AWS).

All flowlines integrity requirements to meet or exceed ASME B31.3,

All transmission lines integrity requirements to meet or exceed Department of Transportation (DOT), DOT 192 or 195

Gathering Lines integrity requirements to meet or exceed American Society of Mechanical Engineers (ASME), ASME B31.4 or B31.8

Pre-Application and submittal is required for all Operators seeking a permit

and to include; Flowlines, Transmission Lines, and Gathering lines are to be platted,
documented and accessible to the public.

Existing Flowlines

Include and Require, but is not limited to:

- Estimated worst-case spill volume in the area of the development.
(Required for all lines).
- Level of Fluids contained on-site requires infrastructure built to 31.3
- Require semi-annual inspection of all pipelines.
- Location of existing and proposed flowlines, transmission lines and gathering lines
- Pipeline material, diameter and wall thickness
- Age
- Depth of cover
- Typical operating pressure and maximum allowable operating pressure (MAOP)
- Material transported and typical daily flow rate
- Pipeline easement(s) by location and dimension;
- The owner of each of the existing and proposed flowlines, transmission lines and or gathering lines
- The total number of girth welds and the number of nondestructively tested; including the number rejected and the disposition of each rejected weld;
- The amount, location and cover of each pipe installed;
- The location of each crossing of another pipeline;
- The location of buried utility crossing;
- The location of overhead crossing;
- The location of each valve and corrosion test station;
- Copies of all monitoring results and pipeline integrity and pressure test results for the last five (5) years.
- The location of each valve and corrosion test station;
- Copies of all monitoring results and pipeline integrity and pressure test results for the last five (5) years. .
- Post map and all of the above information on the County/City website.

Proposed Flowlines

Include and Require, but is not limited to:

- Estimated worst-case spill volume in the area of the development.
(Required for all lines).
- Level of Fluids contained on-site requires infrastructure built meet or exceed integrity requirements ASME B31.3
- Require a 1500' setback from all occupied structures, including 1500' from school property boundary (rather than structure).
- Five miles from transmission lines.
- Require a ½-mile setback from all water sources.

- Require semi-annual inspection of all pipelines.
- Require mapping of all existing and new pipeline infrastructure to include:
 - Disclose location of a map of pipeline infrastructure in all home purchase transactions.
 - Location of existing and proposed flowlines, transmission lines and gathering lines
 - Pipeline material, diameter and wall thickness
 - The Age
 - Depth of cover
 - Typical operating pressure and maximum allowable operating pressure (MAOP)
 - Material transported and typical daily flow rate
 - Pipeline easement(s) by location and dimension;
 - The owner of each of the existing and proposed flowlines, transmission lines and or gathering lines
 - The total number of girth welds and the number of nondestructively tested; including the number rejected and the disposition of each rejected weld;
 - The amount, location and cover of each pipe installed;
 - The location of each crossing of another pipeline;
 - The location of buried utility crossing;
 - The location of overhead crossing;
 - The location of each valve and corrosion test station;
 - Copies of all monitoring results and pipeline integrity and pressure test results for the last five (5) years.
 - Post map and all the above information on the County/City website.

Gathering Pipeline Integrity Management

Include and Require:

- Subterranean Infrastructure between custody transfer lines integrity requirements to meet or exceed ASME B31.4 and B31.8
- Location of existing and proposed gas pipeline and transmission lines
- Pipeline material, diameter and wall thickness
- Age
- Depth of cover
- Typical operating pressure and maximum allowable operating pressure (MAOP)
- Material transported and typical daily flow rate the
- Pipeline easement(s) by location and dimension;
- The owner of each of the existing and proposed flowlines, transmission lines and or gathering lines
- The total number of girth welds and the number of nondestructively tested; including the number rejected and the disposition of each rejected weld;
- The amount, location and cover of each pipe installed;
- The location of each crossing of another pipeline;

- The location of buried utility crossing;
- The location of overhead crossing;
- The location of each valve and corrosion test station;
- copies of all monitoring results and pipeline integrity and pressure test results for the last five (5) years.
- Estimated worst-case spill volume in the area of the development.
- Establish a required time frame for monitoring.

The Operator shall coordinate with the developer of the residentially zoned real property to provide

- the location,
- information:
 - on the age,
 - depth,
 - diameter,
 - thickness,
 - typical and maximum operating pressure
 - the nature of the material carried
 - estimated worst-case liquid spill volumes of all existing flowlines, transmission lines and gathering lines associated with the Oil and Gas Operation.

The Operator shall mark all such lines within the Oil and Gas Location and is required to make all platted lines and information publicly available.

Activity Notice for all oil and gas subterranean infrastructure activity
Include and Require:

- A notice of renovation or repair of accessory equipment or pumping systems submitted to the County prior to beginning the work.
- Require information and notice given to residents living within ½ mile of well within 1 week of scheduled renovation or repairs on well or accessory equipment.

Abandonment

Include and Require:

- Means the cementing of a well, the removal of its associated production facilities, the removal of its flowline, and the remediation and reclamation of the well site.
- All abandoned wells are to be marked and platted with information publicly available.
- Home developers and Real Estate Agents are required to provide information regarding abandoned and plugged wells, subterranean infrastructure marked, and platted information to the purchaser.

Current setbacks are not sufficient to mitigate the risks associated with an

oil and gas emergency and the health risks associated with living within this distance. Furthermore, it does not comply with the recent SB 181 ruling; Oil and Gas development is subject to the protection of public health, safety, and welfare, including protection of the environment and wildlife resources.

Regarding oil and gas development near the County's populated areas and within the County's boundaries, such powers shall include but not be limited to plenary authority to regulate all aspects of oil and gas development, including land use and all necessary police powers. As such, Adams County shall condition oil and gas development permits to require oil and gas development to only occur in a manner that does not adversely impact the health, safety, and the welfare of Adams County residents in their workplaces, their homes, their schools, and public parks in order to protect the public's health, safety, and welfare and to safeguard the environment and wildlife resources. "Evidence suggests that presently utilized setbacks may leave the public vulnerable to explosions, radiant heat, toxic gas clouds, and air pollution from hydraulic fracturing activities".

Please refer to the Study Adequacy of Current State Setbacks for Directional High-Volume Hydraulic Fracturing in the Marcellus, Barnett and Niobrara Shale Plays. <https://ehp.niehs.nih.gov/doi/10.1289/ehp.1510547>

The Health and Safety of the residents and the environment (to include all water bodies) in and surrounding Adams County and those that may be impacted living on, or near Adams County-owned property now and in the future needs to be prioritized and protected. Setback must be established based on the potential for risks including explosions, blowouts, leaks, and spills utilizing the above formula. This is necessary to protect current and future residents living by existing or proposed future oil and gas development including flowlines, transmission lines, gathering lines and related storage facilities. Further study is required to justify and establish a minimum setback of anything less than 2500 feet between oil and gas and new build (houses, business, etc.). Including establishing a "no-build zone" around all existing oil and gas infrastructure, including and requiring underground lines of any type for new builds, (homes, schools, business, etc.). When establishing setback boundaries measurement shall be taken from the boundary line of the production facilities to the boundary line of the residentially zoned real property.

All proposed Oil and Gas development sites to require an independent assessment/evaluation by a Licensed independent appropriate Engineer to determine the impacts

regarding Health, Safety, Environment, and Wildlife within a minimum of 2500 foot.

- There shall not be any Eligibility for Expedited Oil and Gas permits.

Moving forward we respectfully require the following

Include and Require:

All oil and gas operations on public and private land with the County must comply with these regulations.

Prior to the commencement of any oil and gas operations in the County, an Applicant must submit a special review application and the BOC must approve the application according to these regulations.

Special review approval is also required prior to the issuance of any County building permits, or associated pipeline, grading, access, floodplain, transportation impact fee or other County permits necessary for the oil and gas operations.

Liability Insurance

Include and Require:

To ensure that the Adams County and/or its taxpayers are not liable for damages (including evacuations, land remediation, etc.) due to natural disasters (including flooding, earthquake, lightning strikes), human error, equipment failure, lawsuits, and/or operator bankruptcy, all oil and gas operators and their contracted companies i.e. worker and transportation/trucking companies will be required to hold a minimum of \$100,000,000.00 liability insurance and require that the operator take financial responsibility for any accidents or failures resulting from contracted work/companies (trucking, cement, pipelines, equipment), and to maintain a trust fund derived from a percentage of produced royalties to be held by Adams County to cover expenses not covered by insurance.

- Increase the required bond to \$20 million for large-scale sites in urban mitigation areas. (Enough to cover loss of several homes, evacuation, injury/death lawsuits, clean up and remediation of the site.)
- Require oil/gas operators to take financial responsibility for all damages resulting from contracted companies (trucking, cement, equipment, etc).

Bonding

Include and Require

A bond carried by the operators in the event of bankruptcy or disaster (natural or human-caused).

- A minimum of 100,000 for each well at all oil and gas sites - to sufficiently cover the remediation/closure of the site.

<https://kdvr.com/2019/07/03/state-cleaning-up-orphan-wells-highlighted-in-problem-solvers-investigation/>

Well and pipeline abandonment

- ALL wells and production facilities should be fully remediated and capped within six months. If not utilized by adjacent operational pads,
- Pipelines and valves should be completely REMOVED within six months.
- In case of bankruptcy, Adams County holds on to liability funds to cover abandonment and/or necessary remediation.

This will protect the County in regard to bankruptcies that total in the billions of dollars in the United States alone.

http://www.haynesboone.com/~media/files/attorney%20publications/2016/energy_bankruptcy_monitor/oil_patch_bankruptcy_20160106.ashx

Housing Development Projects

Include and Require:

It is the responsibility of the housing Developer, Real Estate Agents and any all others promoting and or selling the property to inform the potential buyer of said platted flowlines, transmission lines

and gathering lines and closed and capped abandoned wells and current producing or shut in wells, on or within 2500 feet of the property a verbal and written notice that also requires the homebuyer's signature.

Require all Oil and Gas Operators to install a Billboard readable at a ½ mile from current and proposed housing developments that will advertise the proposed sites that disclose timeline, a number of wells, date of public hearing/community meeting, and intention of pipeline infrastructure/easements and contact information.

Emergency Action Plan:

Because of the new urban interface between oil and gas production and pipeline infrastructure, the cost of emergency response will grow exponentially. Reimbursement costs will be taken from the trust fund set up for Adams County by each operator from a percentage of its production royalties.

- Require that fire suppressant foam is on hand and that the foam must not contain perfluorochemicals (PFOs) a known water contaminate.
- Require the City/county to maintain a trained crew for containing oil/gas fires and leak clean-up.
- Require water availability within site boundaries.
- Require procedures for sheltering in place and/or evacuation of all schools and businesses in the case of explosions, fires, leaks from oil/gas sites and pipelines, and that this procedure be practiced on a semi-annual basis and posted on the property.
- Send procedural information home with students to inform parents/guardians, and supply/post a list of emergency numbers and operator contact information to school staff and parents.

Emergency Response Plan MOU

The oil and gas operator (a.k.a., Operator) will provide the County with a comprehensive Emergency Response Plan (ERP) to address all potential emergencies that may be associated with operating an oil and gas facility. The Operator shall also provide a copy of such plan to all emergency service providers (e.g., fire districts, fire departments, and emergency medical service providers) that would be expected to respond to such emergencies. A "will-serve" letter must be obtained from the appropriate emergency service provider(s).

Training

Emergency service providers serving the city or county in which the oil and gas facility is located shall receive training specific to emergency incidents likely to occur at the Operator's oil and gas facilities. Such training shall be coordinated with the emergency response providers and shall be hosted, run, and paid for by the Operator. Such training shall be offered at a minimum of twice per the calendar year. At the minimum, one Operator-hosted training shall be completed before the onset of any development activity occurring

at the proposed oil and gas well site.

Personal Protective Equipment, Apparatus, Equipment

Specialized personal protective equipment (PPE), apparatus, and/or equipment that is specifically needed to mitigate an oil and gas emergency or incident (including, but not limited to fires and hazardous materials incidents) and that which is identified by an emergency service provider shall be supplied to the requesting emergency response provider at the expense of the Operator. Such PPE, apparatus, and/or equipment shall be supplied before onset of gas and oil activity at the proposed site unless otherwise approved by the receiving emergency service provider.

Lost or Damaged PPE, Apparatus, Equipment

In the event of an emergency or incident involving the oil and gas facility (including, but not limited to, fires, hazardous materials incidents and medical responses), any and all PPE, apparatus, and/or equipment lost or damaged as a direct result of the emergency response provider's response to, or actions taken to mitigate, the incident shall be replaced and/or resupplied to the emergency response provider at the expense of the Operator.

Private Roads

During the construction and operation of new tank batteries (post-MOU), new well- drilling activity, and reworks or re-completions of existing oil and gas wells, the Operator agrees to construct (unless already constructed) and maintain an access road designed to support the imposed loads of emergency response apparatus (i.e., 75,000 lbs.) and which will accommodate emergency response vehicles including, but not limited to, law enforcement vehicles, emergency command vehicles (cars/SUVs), ambulances, hazardous materials response vehicles, water tenders, and fire apparatus. With respect to new roads to new tank batteries, the Operator agrees to construct access roads at least sixteen (16') feet in width with at least six (6") inch road base. Best efforts will be made by the Operator to improve inadequate access to existing tank battery sites identified by any emergency response provider or the County, based on service calls and/or a demonstrated problem with accessing the site. The Operator and County agree that spot inspections of access roads may be done by the County and/or appropriate emergency service providers, at such County or agency's sole risk and expense, to ensure that emergency access is being maintained in accordance with this Section.

Geographical Address

The Operator is responsible for providing a physical geographical address to be assigned to the oil and gas well site for facilitating proper identification by emergency service providers in the event of an emergency. The address shall be legible and placed in a position that is visible from the public street fronting the oil and gas well site. Address identification characters shall contrast with their background. Gates and/or Restricted Access The Operator shall supply and maintain Knox Company locking hardware on any and all gates installed across emergency access roads that are needed to access the oil and gas well site.

As a community member, RN, mom, and grandmother I am motivated to help ensure a healthy and vibrant environment for all, and for future generations.

I would be happy to sit down with you and discuss the studies showing significant health impacts and am available to discuss the above regulations to include and require.

Respectfully,

Suzanne Cabral
Nurse, Mom, Neighbor,
working for
Sustainable Energy

Katerina Chamot
15452 W. 49th Avenue
Golden, Colorado 80403

August 2, 2019

Department of Community and Economic Development
4430 S. Adams County Parkway
Suite W200A
Brighton, Colorado 80601-8216

Dear Katie Keefe,

My name is Katerina Chamot. I currently have 2 rental homes located near 120th and Holly in Adams County and therefore have a vested interest in the new oil and gas regulations. My primary residence used to be in the Haven at York Street in Thornton but because fracking came into my subdivision we moved. I loved my home in Thornton until Ward Petroleum was planning a facility within less than ½ mile from my home. By the time I sold my home, Great Western came in and was granted the right to frack under that home with the Tollway site. Since then, Ward sold their rights to Great Western. When you look at the map provided by the COGC the entire northern region from Boulder to Brighton is slated to be fracked. Our air quality and health is at risk.

I attended meetings, wrote letters, spoke at the Adams County hearing and the COGC and felt helpless. The oil and gas companies have the money, threaten to sue and have the threat of forced pooling if you were unwilling to comply with selling or leasing your mineral rights.

When considering the new oil and gas regulations please give the homeowner a voice and protect our health and air quality. Put public safety ahead of oil and gas. Increase the setbacks to a safe distance of ½ mile and change the forced pooling laws so the homeowners have a voice.

Keep oil and gas facilities away from homes and schools. The current setbacks are inadequate in light of current research and oil and gas fires. Just yesterday, at one of the oil facilities in Windsor, Great Western had a fire and one man died. In December 2017, there was another fire at a fracking site in Windsor and a man was severely burned and hospitalized for weeks. Luckily these sites were not near homes. Imagine if this happened at the Ivey site less than ½ mile from homes and schools. School would have to be closed and homeowners would be forced to evacuate because of the pollutants in the air. 500 foot setbacks would be insufficient. Based on the research studies at fracking sites the health hazards exist up to ½ mile away.

As of April 2018 the researchers from the Colorado School of Public Health, NASA, Boulder County Public Health and other organizations determined that the lifetime cancer risk of those living within 500 feet of a well is 8 times higher than the acceptable EPA levels.

If you want to grant fracking then do not allow housing to be developed within a ½ mile radius. If housing developments exist then do not allow fracking to occur within the ½ mile radius.

The rules on forced pooling need to be changed as well. In Colorado all it takes is one person to want to exercise his/her mineral rights and it usurps everyone else's rights to say no. That is not right. Other states require 51% of mineral right owners to want to frack before forced pooling can occur. That would be more equitable than the way the law exists today.

Please protect our health. Increase setbacks to ½ mile radius from a fracking site and make forced pooling fair so that a person can have a voice against oil and gas and not feel helpless and at their mercy.

Thank you.

Sincerely,

Katerina Chamot

From: [Bill Obermann](#)
To: [Katie Keefe](#)
Subject: Upcoming Oil/Gas public involvement sessions
Date: Tuesday, August 6, 2019 8:05:27 AM

Please be cautious: This email was sent from outside Adams County

Hi Katie -

My name is Bill Obermann, I am an air quality consultant and urban planner with over 10 years oil/gas experience (formally worked for Noble Energy). I am an independent consultant now looking to get involved with local land use planning related to oil/gas. I am impressed with the amount of work you and Adams County have achieved in light of SB 181.

I am interested in attending the upcoming study session with the County Commissioners this week, but I could not find the official Agenda, date, and time for the study session on the website. It looks like today's Study Session (Aug 6) with the County does not include oil/gas. Can you tell me when the Study Session focused on oil/gas will be held?

Also, can you tell me when and where the Staff Open House will be held on August 12th? I might try to stop by and understand more about the Adams County process with you and others...

Thanks for your help,

Bill Obermann
303-947-1059

From: [Cindy Wakefield](#)
To: [Emma Pinter](#); [Eva Henry](#); [Mary Hodge](#); [Chaz Tedesco](#); [Steve O'Dorisio](#)
Cc: elizabethparanhos@delonelaw.com; [Katie Keefe](#)
Subject: Re: preliminary oil and gas regulations changes
Date: Thursday, July 25, 2019 8:06:43 AM

Please be cautious: This email was sent from outside Adams County

Good morning Commissioners,

As you consider setback distances from oil and gas drilling operations in Adams County, I strongly urge you to adopt a requirement of at least 2500 feet between a drilling pad and the closest home, care center, school or wildlife refuge.

*COGCC Staff Report (1/2019) states that there were approximately 600 spills or historical releases reported in 2018.

*COGCC Complaint Summary Report documents more than 2,500 complaints about noise, smells, traffic, flares and spills to COGCC from 2015 through 2018.

Spills and releases within 1,000 feet would result in significant impact on Adams County citizens' health and safety, as well as our County water and ecosystems. Please use this data when deciding a setback distance.

Thank you.

Cindy Wakefield

3124 E. 132 Ct.

Thornton, Co 80241

On Tue, Jul 23, 2019 at 11:59 AM Cindy Wakefield <cindywakefield12@gmail.com> wrote:

Good morning, Commissioners,

Thank you for representing me with your continued public service. As you continue work on the proposed oil and gas facility regulations, I encourage you to strengthen several sections, as follows:

1. Remove the provision establishing a two-tiered approach for considering proposed permits or waivers. All applications should be subject to a public hearing and neighborhood input that lasts at least 30 days, even if the application meets all regulatory requirements. While Adams County staff should review the technical details and compile public input to make recommendations to approve, condition or deny an application, the final approval must rest with you; our Board, who represent the citizens of our county.

2. Wherever public participation is mentioned in the proposed regulations, the words "allow" and "may" should be replaced with the word "must". The process for approving, amending or denying a site must include public hearings and neighborhood meetings for homeowners, owners of mineral and water rights and tenants within one mile of the proposed site. Because many of our county residents have disabilities or are elderly, opportunities for public comment must be available via email, web page forms, letters, or telephone, in Spanish and English, as well as TTY for constituents with varying levels of hearing.

3. Ensure that the regulations allow for exceptions. When there are additional concerns related to health, welfare or the environment, the regulations must specify a process to address those concerns, even if the proposed permit or waiver request satisfies all other requirements. For example, if the proposed site is within 2 miles of a flood plain, open space, wildlife refuge, school, child care center, nursing home, or sensitive ecological area that is inhabited by wildlife that are threatened, the application should go through an additional level of assessment. Remove all sections of the regulations that state the county

"must" approve a permit if it meets all regulations.

4. Add specificity in Chapter 4 sections regarding air quality monitoring, incident reporting (within 24 hours), waste management, worker safety (training and procedures for contractors), traffic and noise (must be monitored to ensure that levels in residences, schools and care facilities be lower than 85 decibels. Noise levels that exceed 85 decibels permanently damage hearing.) These issues should also be considered when considering approval of oil and gas exploration, such as seismic testing.

Thank you for the diligent work by you and your staff. As a homeowner and taxpayer, I am hopeful that you will ensure better practices for my welfare, safety and health, and to protect the environment for everyone in Adams County.

Cynthia Wakefield
3124 E. 132 Ct.
Thornton, Co 80241
cindywakefield12@gmail.com

--

Cindy
cindywakefield12@gmail.com

From: [Kyleigh](#)
To: [Katie Keefe](#)
Subject: Fracking Setbacks
Date: Monday, August 12, 2019 1:38:36 PM

Please be cautious: This email was sent from outside Adams County

Hello Katie,

As a resident of Adam's County, I ask that Adam's County Government please consider the science behind the rationale for 2500 foot setbacks from fracking. The health and safety of our residents is vitally important.

Thank you,
Kyleigh Hafar

From: [Judy and John Dorris](#)
To: [Katie Keefe](#)
Subject: Fracking in Adams County
Date: Monday, August 12, 2019 1:52:42 PM

Please be cautious: This email was sent from outside Adams County

I wish it to be known that fracking needs to be farther than 1,000 feet. It has not been something we all don't know enough about. Take time read 181. Protect your citizens. Know oil and gas will say anything to frack. If they leave the state, we had taxpayers will end up with the bill. Colorado needs to be beautiful for next generations. They are ruining home owners property values, roads. Their are people that already have health issues. Do you want this is your neighbor or County. Stop giving permits, till the dust is settled. Their not here for you or me. Their here to make money

[Sent fom Yahoo Mail for iPhone](#)

From: [Emma Pinter](#)
To: [Stan Barry](#); [Katie Keefe](#)
Subject: RE: Adams County Proposed Oil and Gas Regulations
Date: Tuesday, August 13, 2019 11:00:30 AM

Thank you so much for your feedback. It is really, really helpful to hear from members of the community like yourself.

We are right now working on our regulations, under SB181. These efforts are intended to work within the State system. You can read more here:

<http://www.adcogov.org/oil-and-gas-information>

Your feedback is really important to our process. I forwarded your email to staff to ensure we are taking your comments into account. We have a Study Session on feedback received today. As we make updates the materials will be posted on the website:

<http://www.adcogov.org/oil-and-gas-information>

Feedback can be submitted to Katie Keefe, Environmental Program Manager, via email at kkeefe@adcogov.org

Thank you,

~Emma

From: Stan Barry [mailto:stanbarry@yahoo.com]
Sent: Monday, August 12, 2019 8:54 PM
To: Emma Pinter <EPinter@adcogov.org>
Subject: Adams County Proposed Oil and Gas Regulations

Please be cautious: This email was sent from outside Adams County

Dear Commissioner Pinter

I am writing you to express my concerns regarding the Adams County proposed oil and gas regulations. I have been an environmental professional for over 25 years. In that time I have worked in a number of industries where I witnessed firsthand how many different viewpoints can come together for the greater good of society.

I am a firm believer that any problem can be solved. I am firm believer that industries can thrive for every one and still meet society's needs for a sustainable environment. For 25 years, I have helped industries do just that.

However, the proposed regulations do not solve problems. They do not allow industries to thrive. And they do not help meet society's need for a sustainable

environment.

Instead, they simply create problems without solutions hoping someone else will solve them for you. Instead, they will have a major negative impact to industries beyond oil and gas, with the hope that someone else will fix it. Instead, they will create hardships for society and the people you were elected to serve, with the hope that someone else will fix it.

These regulations are overreaching and I believe are against the will of the voters. I remember the overwhelming majority of Colorado voters rejected similar regulations known as Proposition 112. The very same voters you were elected to serve. As a resident of Adams County, I am deeply concerned about the consequences of these regulations. I am deeply concerned about our elected officials' seemingly unwilling to hear all of the voices of the people. I am deeply concerned when my elected officials choose to only listen to one side.

As you are aware, the Colorado Department of Public Health and Environment (CDPHE) and the Colorado Oil and Gas Conservation Commission (COGCC) are currently drafting rules in response to SB-181. I believe these rulemakings will provide a better opportunity for all Adams County and Colorado residents to have a say in their future.

I urge you reject the Adams County proposed rules and wait for rulemakings at Colorado Department of Public Health and Environment (CDPHE) and Colorado Oil and Gas Conservation Commission (COGCC) before making major rule changes .

Sincerely,

Stan Barry

6597 Pecos St.

Denver, CO 80221

From: [Emma Pinter](#)
To: [Katie Keefe](#)
Subject: FW: Support for the Oil & Gas Moratorium
Date: Tuesday, August 13, 2019 10:55:39 AM

I wanted to ensure that you had these comments.

~Emma

From: Dan J [mailto:danj45@yahoo.com]
Sent: Monday, August 12, 2019 8:31 PM
To: Emma Pinter <EPinter@adcogov.org>
Subject: Re: Support for the Oil & Gas Moratorium

Please be cautious: This email was sent from outside Adams County

Dear Commissioner Pinter - Just wanted to follow-up, as you requested, since finishing my membership on the Commerce City Oil & Gas Focus Group. The group's meeting schedule was expanded to include 3 extra sessions, in order to address all the relevant issues brought to us by the City Administration. In particular, the last session dealt exclusively with the proposed Regional Operator Agreement with Extraction Oil & Gas LLC.

In my view based on the presentations that were made by Commerce City Admin and the discussions that followed: the summary points in the Earthjustice memo submission of July 22, 2019, best address the oil & gas situation in both Adams County and Commerce City. In particular, the following preliminary comments on Adams County's proposed Oil and Gas Facility Regulations seem especially pertinent:

Eliminating the two-tiered approach to considering permits, and requiring a public hearing before the Board of County Commissioners on all permit applications; • Providing additional opportunities for public comment and engagement; • Clarifying that

the County has discretion to approve, condition, or deny permits—the County has no obligation to approve a permit in all instances; • Maintaining the proposed alternative site selection process with only a few minor changes; and • Making a few small changes to other sections of Chapter 2 to better protect public health and the environment.

Thank you again for putting the Public, Health, Safety and Welfare of Adams County residents ABOVE the interests of the oil & gas industries.

Best Regards,

Dan Bruce

On Tuesday, April 30, 2019, 04:33:49 PM MDT, Emma Pinter <EPinter@adcogov.org> wrote:

Yes! I would love to hear any of your insights, or concerns resulting from your meetings.

Emma Pinter
Adams County Commission, Vice Chair
ADAMS COUNTY, COLORADO
4430 South Adams County Parkway, 5th Floor, Suite C5000A Brighton, CO 80601
O: 720-523-6867
C: 720.239.2053

pronouns she/her/hers

Neighborhood Groups:
<http://www.adcogov.org/neighborhood-groups>

Adams County Service A-Z:
<http://www.adcogov.org/a-z-services>

On Apr 28, 2019, at 4:58 AM, Dan J <danj45@yahoo.com> wrote:

Commissioner Pinter - Just wanted to reach out with more feedback as you suggested. I have been appointed to Commerce City's limited-term Oil & Gas Focus Group. Our first open session was this past Wednesday. I would be happy to share with yourself and/or staff some highlights from our meetings and ideas that surface going forward. If you thought that would be helpful?

Regards,

Dan Bruce

From: [Judy and John Dorris](#)
To: [Katie Keefe](#)
Subject: Fracking in Adams County
Date: Monday, August 12, 2019 1:52:42 PM

Please be cautious: This email was sent from outside Adams County

I wish it to be known that fracking needs to be farther than 1,000 feet. It has not been something we all don't know enough about. Take time read 181. Protect your citizens. Know oil and gas will say anything to frack. If they leave the state, we had taxpayers will end up with the bill. Colorado needs to be beautiful for next generations. They are ruining home owners property values, roads. Their are people that already have health issues. Do you want this is your neighbor or County. Stop giving permits, till the dust is settled. Their not here for you or me. Their here to make money

[Sent fom Yahoo Mail for iPhone](#)

From: [Heidi M. Miller](#)
To: [Katie Keefe](#)
Subject: FW: Oil & Gas Rulemaking - Safe Setbacks Please
Date: Thursday, August 8, 2019 12:34:27 PM

From: Eva Henry
Sent: Thursday, August 8, 2019 12:09 PM
To: Heidi M. Miller <HMiller@adcogov.org>
Subject: Fwd: Oil & Gas Rulemaking - Safe Setbacks Please

Sent from my iPad

Begin forwarded message:

From: Laura Harris <lauraharris@outlook.com>
Date: August 8, 2019 at 9:54:01 AM MDT
To: "ehenry@adcogov.org" <ehenry@adcogov.org>, "ctedesco@adcogov.org" <ctedesco@adcogov.org>, "epinter@adcogov.org" <epinter@adcogov.org>, "sodorisio@adcogov.org" <sodorisio@adcogov.org>, "mhodge@adcogov.org" <mhodge@adcogov.org>
Subject: Oil & Gas Rulemaking - Safe Setbacks Please

Please be cautious: This email was sent from outside Adams County

Dear Commissioners,

I am a resident and voter within Adams County. I am contacting you to request that the setbacks for oil & gas development be no less than one mile from homes, parks, hospitals, and schools. The current setbacks are arbitrary and are too close to protect public health and safety. There is a growing repository of evidence demonstrating that humans that live within a mile of fracking operations are at significantly greater risk of developing a variety of health issues. One mile corresponds to the evacuation zone for explosions.

I'm appalled at the density of operations that has been approved by Adams County. Placing industrial sites in the middle of neighborhoods and schools is putting our community in grave danger. Just as one example – If there is an explosion at Ivey, there is NO WAY to protect the children at Silver Creek Elementary. There is literally no way to safely evacuate 600+ children, much less the three- and four-year-olds. An explosion at a single site will pull all of our emergence responders to one site, leaving the rest of the County without services.

Beyond the safety issues, the beauty of our community has been ruined. Take a drive

thru my part of town and you see nothing but walled sites and towers. It is disgusting, unsafe, and is ruining the environment.

Any explosion, leak in our community is on your hands. Many of us will not start having visible health affects until long after you are all retired and out of office, because sometimes it takes multiple years for an environmentally inflicted illnesses to present itself before it ravages your body. Is this the mark you want to leave on our world?

Please do the right thing for your community. One mile setbacks, please.

.. thank you.

[laura harris](#)
[303.818.6430](#)

From: [Kelly Herbst](#)
To: [Katie Keefe](#)
Subject: STOP fracking under our home and in our neighborhood!
Date: Tuesday, August 13, 2019 3:38:00 PM

Please be cautious: This email was sent from outside Adams County

Dear Katie,

We need your help immediately to protect our children, environment and neighborhoods. Please STOP FRACKING under my home and in our neighborhoods. Now that SB19-181 has been signed into law, I urge the COGCC/CDPHE to swiftly meet its new mission to protect the health, safety, and welfare of Colorado's communities and environment in the critical rulemaking process.

First, immediately pause permitting during the rulemaking process and halt all preparatory work at sites not fully permitted at the state and local levels, including sites under lawsuit. Colorado communities deserve due process and a halt to permitting to allow a thoughtful, thorough process that enables public participation in rulemaking at the state and local levels and accomplishes the intention of SB19-181-protection of public safety, health, welfare, the environment and wildlife.

Second, with regard to adopting protective rulemaking under SB19-181, I ask the COGCC/CDPHE to ensure the following:

- In light of public health impacts and the global climate crisis, a ban on fracking is warranted. Many states have banned fracking to protect the people in their states and move closer to 100% renewables. Eliminate oil and gas development to support the necessary transition off fossil fuels. The most recent IPCC report states "1.5°C-consistent pathways are characterized by a rapid phase-out of CO2 emissions and deep emissions reductions in other GHGs". To achieve Governor Polis' 100% renewable energy by 2040 goal and the Greenhouse Gas Emissions Reductions Goals in HB 19-1261 we must be responsible in choices we make today.

- Use the precautionary principle: if an action or policy has a suspected risk of causing severe harm to the public domain, the action should not be taken in the absence of scientific near-certainty about its safety, and the burden of proof about absence of harm falls on those proposing an action, not those opposing it.

- Therefore, oil and gas drilling and operations should not be allowed in or near the places people live, work or play until and unless credible public health studies prove that doing so does not increase the risk of harm.

- The distance between oil and gas operations and homes, schools and other areas people occupy must be >55,000 feet in line with public health research indicating unacceptable risks to public health and safety at closer proximities.

- Oppose permits for additional wells near populations where a high density of wells already exist, until it can be proven that these populations are not at increased risk from the cumulative impacts of concentrated toxic emission exposures.

- Considering the vast number of fracking companies operating on junk debt or going bankrupt

and leaving communities to clean up their mess, companies proposing projects must be required to prove financial viability, and bonding should be increased to \$1M per well, with no per-company cap, to go into a fund for communities to cleanup and maintain well sites if necessary.

- End exemptions from setbacks and other rules for re-entry of old wells.
- Eliminate the loophole allowing uncontrolled emissions for 90 days (see open burn photo below).
- Prioritize and honor community input near permit sites, including community groups, homeowners associations, environmental groups, and local governments and agencies. Communities should have full authority to enhance regulations or adopt local bans if they do not wish to have oil and gas operations in their communities.
- Prioritize protection of water sources near operations and require strategies to eliminate the waste of enormous volumes of freshwater currently used in hydraulic fracturing.
- Eliminate “forced pooling” - no one should have fracking forced upon them unwillingly. The oil and gas companies do not have a constitutional right to take the resources beneath my home through forced pooling and forced fracking.

Additionally, this is a picture of the open burning of Natural gas right next to our Costco in Thornton July 3, 2019. Families were shopping feet from this flame to prepare for the Fourth of July holiday. We couldn't stop coughing for several hours. We called and spoke to the oil and gas people operating this and they kept repeating the State of Colorado says it is all legal to do. Just because it is legal by our state does not make it safe for our health.



Please consider the human life and environment you are effecting by allowing fracking in our neighborhoods and communities.

Katie, Please take action! Our children and families are counting on you! Thank you for prioritizing these urgent public health, safety and environmental issues in all future rulemaking for Colorado.

Thank you for your help.

Kelly

Kelly Herbst

1040 W. 141st Circle

Westminster, CO 80023

Office: 520-280-9309

Email: kcherbst@msn.com

Sent from my iPhone

From: [Kristi Douglas](#)
To: [Katie Keefe](#)
Subject: Adams County Oil and Gas Regulation Comments
Date: Wednesday, August 14, 2019 12:00:29 AM

Please be cautious: This email was sent from outside Adams County

I would like to express my concerns for Adams County creating regulations prior to the completion of the COGCC's rule making under the new law SB19-181 which requires putting the health and safety of citizens as a priority above any new petroleum production, in particular the proposed 1,000ft county setback which undermines the targeted COGCC's 1,500ft set-back. I am baffled by the continued aggressive hold this Industry obviously has over our public servants. I am recommending that the Commissioners extend the moratorium if only to really examine why they feel a need to rush into action before the COGCC has completed their rule making process, especially in regards to cumulative impacts. I ask that our Commissioners show the Oil and Gas Industry that Adams County is not Weld County and that we will not bend to their demands and pressure tactics - that the complete assurance of health and safety of our citizens will always outweigh any monetary benefits to anyone or any entity, no matter what.

Kristi Douglas
720-205-2627
Texting is best
VM is next



Virus-free. www.avast.com

From: [Mick Richardson](#)
To: [Eva Henry](#); [Chaz Tedesco](#); [Emma Pinter](#); [Steve O'Dorisio](#); [Mary Hodge](#); [CommissionersMailbox](#)
Cc: [Katie Keefe](#); [Christine Dougherty](#)
Subject: Comments regarding Proposed Oil and Gas Regulations
Date: Monday, August 12, 2019 6:06:59 PM

Please be cautious: This email was sent from outside Adams County

Dear Commissioners:

I am writing today to share some concerns about local regulations that Adams County is considering implementing around oil and gas development. As the regulations are written today, this has the potential to have dire consequences not only on the oil and gas industry, but on the communities of Adams County as a whole. Some of these regulations would essentially eliminate oil and gas production in Adams County via a setback rule, which as you may recall was an initiative that Adams County voters said no to last November, voting down Proposition 112 by a staggering 60%. Every aspect of Adams County communities will be hurt by these types of consequences. Our schools and our infrastructure relies on tax revenue, our residents rely on employment, and countless community non-profits and resources receive generous assistance from the oil and gas industry. Please know that this is not a political issue—it's not a partisan issue—it's a community issue.

A few specific concerns are:

- These regulations are overreaching and are directly against the will of the voters
- Adams County relies on this abundant domestic resource for revenue, local energy, and jobs, as do many community resources and non-profits
- These regulations could cripple our economy
- Resource after resource indicates that oil and gas is developed safely in the state of Colorado, and the unintended consequences of these regulations are potentially devastating
- As a resident, I am gravely concerned about the consequences of these actions and our elected officials' seeming to not hear the voices of the people
- The county should wait for rulemakings at Colorado Department of Public Health and Environment (CDPHE) & Colorado Oil and Gas Conservation Commission (COGCC) before making major rule changes.

Thank you for the opportunity to provide input on the proposed regulations.

Mick Richardson
Vintage Homes and Land
200 W. Hampden Ave., Suite 201
Englewood, CO 80110
303.346.6437 x301
mick@vhlco.com

From: [Debbie Shannon](#)
To: [Katie Keefe](#)
Subject: Oil and Gas and Permits
Date: Tuesday, August 13, 2019 8:31:31 AM
Attachments: [image.png](#)

Please be cautious: This email was sent from outside Adams County

Dear Katie Keefe,

As Environmental Program Manager of Adams County, I am writing to you as an impacted resident of Adams County. I live less than a mile away from where Extraction is proposing placing the Harlo and Jacobson pad with 68 wells and Petro is proposing placing the Antelope pad with 24 wells. That is a total of 92 wells really close to many homes, families and children. I have a two month old grandson that I am worried for. I would not want him at my home if these wells are allowed to be drilled. As I am sure you already know, we have many air action alert days in Colorado and yesterday and today are both air action alert days. With such bad pollution already, it is dangerous and very unhealthy to allow these oil and gas companies to drill so close to so many homes. See the map below. O&G will inundate our families and homes with dangerous fumes, chemicals and drilling and when they have taken what they need, they will leave and leave us behind with useless land and potential earthquakes and hazards for our families.

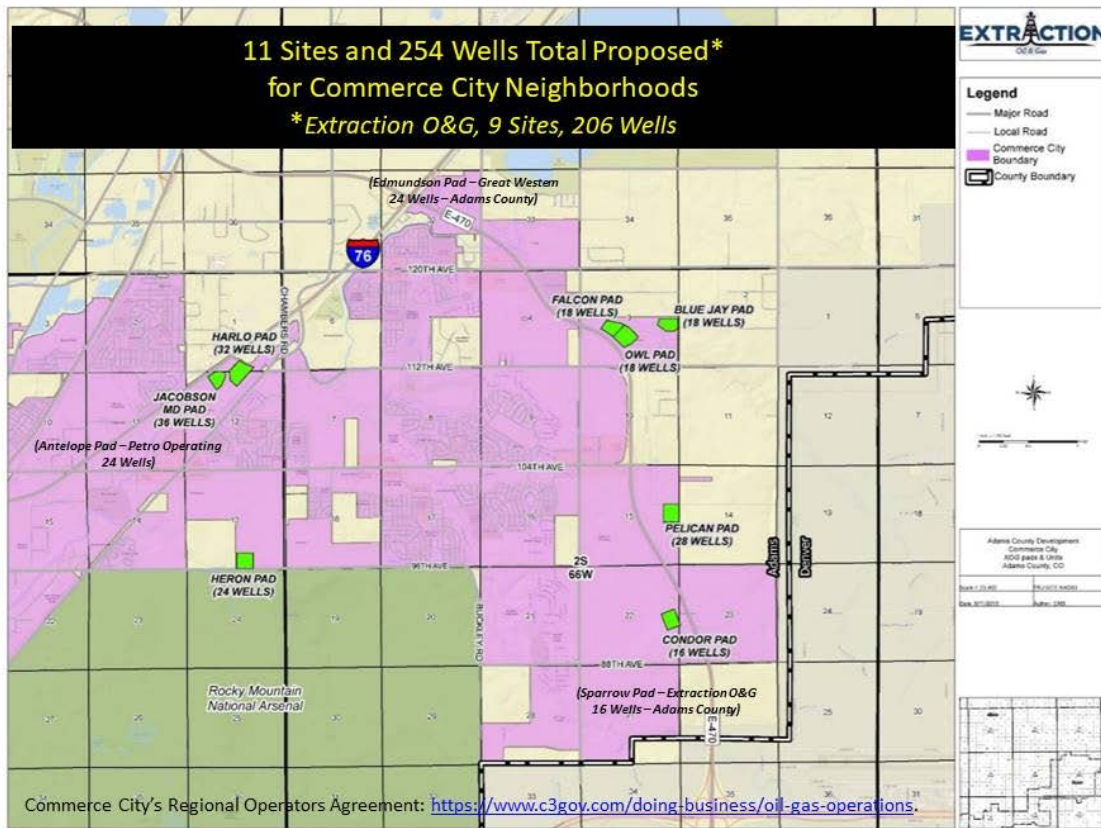
- The County's preliminary draft includes 1000 ft. setbacks from homes and schools. Studies show that this is not a safe distance to protect the public. I do not want any drilling near our homes but if they are allowed to drill then I want greater setbacks!
- The County's preliminary draft allows the Department of Community and Economic Development to permit applications without any public input. I want every permit reviewed by the Board of County Commissioners.
- The County has hundreds of permits on hold. The cumulative effects on air quality from new oil and gas facilities will dramatically increase the number of Ozone Action Alert Days along the Front Range and become a regular health hazard!
- Colorado's new law – SB 181 – mandates that all oil and gas development must put public health, safety, and welfare first!

Please put our public health, safety and welfare first before O&G profits. Please protect us innocent citizens who wanted to build a family and home and retire here. Please do not let O&G ruin our air quality, health and safety and security of our safe environment.

Thank you for your time and consideration.

Sincerely,

Debbie Shannon



From: [Rick Spicer](#)
To: [Katie Keefe](#); [CommissionersMailbox](#); [Chaz Tedesco](#); [Steve O"Dorisio](#); [Emma Pinter](#); [Eva Henry](#); [Mary Hodge](#)
Subject: Please help protect our local community.
Date: Tuesday, August 13, 2019 10:19:31 PM

Please be cautious: This email was sent from outside Adams County

Hello Adams county policy makers,

I would like to give you a quick history on how we became Westminster residents and ask you to mandate 2500' setbacks for oil and gas.

My wife and 2 little girls(ages 4&6) recently moved back to Westminster after a brief move to the Anthem neighborhood in northern Broomfield. (I say we are fracking refugees) We did not know much about fracking and the Oil and gas industry prior to purchasing what we thought to be the perfect home in a great community. Until we learned about the fracking operations scheduled to put ~200 wells within 1.5 miles of our "dream home." There were a few small scale pads that we OK with but nothing like the MEGA industrial fracking operations that were scheduled to move very close our house. We did what we could to educate neighbors and collected signatures for proposition 112. We absolutely voiced our concern to Broomfield city council. Yet the operator agreement was pushed along with "we regret that our hands are tied" and "there is nothing we can do." While I don't believe them still to this day. Local communities have more control over creating new regulation for the O&G industry with the passing of SB-181.

I am thankful for your consideration of imposing setback but 1000' is just not far enough. If there is a contamination or fire the evacuation distance is 2500' minimum. For this reason I would like to respectfully request this be the minimum for Adams county. Also, 1000' is just not save for prolonged exposure.

We choose Westminster because of the high quality of life in the community and because it was MUCH more populated and we could find a house NOT to close to open space but had access to outdoor activities. We moved to Broomfield for the open space.(What a mistake and waist of money) We live in the legacy ridge neighborhood now and HOPE and pray that we will be able to continue to enjoy the open space along Sheridan and 112th, bike paths along 104th, Stanley lake and many dog park. The O&G operators have no interest in quality of life or who becomes sick from their activities. They believe that they pay to extract and move along. Please please please help keep us safe from this hazardous industry. 2500' setbacks is not to much to ask.

Please do not for force us to uproot our family again. We were lucky to get out when we did last November. We have many friends still trying to leave but the housing market is terrible and they are unable to sell their homes. (Take a look on Zillow at all the real estate between highway 7 and Sheraton parkway. When we purchased March of 2017 the inventory was a small fraction of what is available today.)

Thank you very much for your time and consideration.

Rick Spicer.

Sent from my iPhone

From: [Suzanne Cabral](#)
To: [Katie Keefe](#); [Eva Henry](#); [Chaz Tedesco](#); [Steve O'Dorisio](#); [Emma Pinter](#); [Mary Hodge](#); [Jen Rutter](#); [Kristin Sullivan](#); [Christine Dougherty](#)
Subject: Additional comments regarding oil and gas regulations
Date: Sunday, August 11, 2019 9:14:21 PM
Attachments: [Additional Comments for Adams County oil and gas Regulations.docx](#)

Please be cautious: This email was sent from outside Adams County

Dear Adams County Commissioners and Staff,

I have attached a document of requirements to consider in addition to the requirements I previously submitted regarding oil and gas regulations.

Thank you,

Suzanne Cabral
Nurse, Mom, Neighbor,
working for
Sustainable Energy

<u>Lead Author</u>	<u>Year</u>	<u>Distance</u>	<u>State</u>
<u>Distance-based studies</u>			
McMullin	2018	500 feet (152 meters)	CO
McKenzie	2018	500 feet (152 meters)	CO
Macey	2014	885 feet	AR, CO, OH, PA, WY
Lewis	2018	1320 feet (1/4 mile)	n/a
Thompson	2014	1391 feet (424 meters)	CO
Haley	2016	1500 feet	TX, PA, CO
Los Angeles Department of Public Health	2018	1500 feet	CA
Steinzor	2013	1500 feet	PA
University of Maryland	2014	2000 feet	MD
McKenzie	2018	2000 feet (610 meters)	CO
Macey	2014	2591 feet	AR, CO, OH, PA, WY
McKenzie	2012	2640 feet (1/2 mile)	CO
Whitworth	2017	2640 feet (1/2 mile)	TX
Curry	2017	3280 feet (1 km)	PA
Rabinowitz	2015	3280 feet (1 km)	PA
Colborn	2014	3696 feet (0.7 miles)	CO
Haley	2016	4224 feet (0.8) miles	TX, PA, CO

Kassotis	2014 5280 feet (1 mile)	CO
Curry	2017 9842 feet (3 km)	PA

Well Density Studies

Casey	2016	PA
Casey	2019	PA
McKenzie	2019	CO
McKenzie	2017	CO
McKenzie	2014	CO
Janitz	2019	OK
Rasmussen	2016	PA
Stacy	2015	PA

Studies Finding Elevated Hydrocarbon Levels on the Colorado Front Range Due to Oil and Gas

Oltmans	2019	CO
Bien	2018	CO
Evans	2017	CO

Kaser	2017	CO
-------	------	----

McDuffie	2016	CO
----------	------	----

Petron	2014	CO
--------	------	----

Swarthout	2013	CO
-----------	------	----

Gilman	2013	CO
--------	------	----

Petron	2012	CO
--------	------	----

Effect at Distance

Found hazard index of greater than 1 for combined VOCs; less than 1 for VOCs individually; and cancer rates above EPA hazard index of 1/10,000 people
Higher rates of neurological, hematological, and development health effects. Elevated cancer risk 8.3 times above EPA upper threshold

Elevated benzene concentrations

Expert consensus (Delphi study) that 1/4 mile is insufficient, but no consensus on setbacks between 1/4 and 2 miles

Elevated volatile organic compound concentrations, including benzene levels that exceeded EPA's cancer risk threshold of 1 in 100,000

Concluded that catastrophic events, thermal modeling, vapor cloud modeling, and air pollution data indicate that 1500 feet "do[es] not appear sufficient to protect public health and safety."

Based on literature review, concludes that 1500 foot setback is necessary to address air pollution, odor, and noise impacts

Statistically significant increase in reporting symptoms (headaches, etc.)

Based on review of several studies

Lifetime excess cumulative cancer risk above EPA 1/10,000 threshold

Elevated benzene concentrations

Hazard Index: sub-chronic non-cancer of 5; chronic hazard index of 1; cumulative cancer risk = 10/1 million. All at or above EPA thresholds

Higher risk of pre-term birth

Strongest Evidence of negative health effects, including greater incidence of low-birth weight and significant declines in average birth weight

Statistically significant increase in reporting of dermal and respiratory symptoms

Measured endocrine-disrupting chemicals in air sampling

Average evacuation zone in safety incidents studied

Found endocrine disrupting chemicals associated with oil and gas development in surface and groundwater samples
Some evidence of negative health impacts due to in-utero exposure; no evidence beyond this distance

Thoers who lived in the highest exposure quartile (124 wells within 20 km) were 1.4 times more likely to give birth to low-birth-weight children and smaller than gestational age children; compared to lower quartile (8 wells within 20 km). (Inverse Density Weighting (IDW) methodology methodology)

Higher rates of prenatal anxiety & depression in women living in closer proximity

Significantly higher rates of congenital heart defects in infants born to women who live in areas with more than 403 wells in a 10-mile radius (IDW methodology)

Higher rates of childhood blood cancers (acute lymphocytic leukemia) based on proximity to oil and gas wells (IDW methodology; uses 16.1 km radius)

Positive association between gas wells within 10 miles of maternal residence (IDW approach), and prevalence of congenital heart defects and neural tube defects in infants
Higher risk of neural tube defects for babies born in closer proximity to natural gas wells. IDW approach

Elevated asthma exacerbation (hospitalizations, severity of attacks) due to proximity

Lower birth weight and higher incidence of small for gestational age among babies born to women in areas with greater well density (IDW method)

Development

Wind trajectories show that volatile organic compounds emitted by oil and gas play a "crucial role" in causing the highest ozone levels in Colorado.

Discussed complicating factor of oil and gas emissions in addressing ozone formation in Colorado front range
Finding that 65% of ozone formation on Colorado's Northern Front Range's worst ozone days is due to pollutants transported from oil and gas producing areas, while only 9% is due to transport from the Denver urban corridor

Finding that oil and gas activities were partially responsible for air quality models underestimating ozone formation in the Colorado Front Range

Finding that oil and gas emissions contribute to approximately 50% of regional VOCs and 20% of regional ozone formation in the Colorado Front Range

Finding that oil and gas emissions of benzene and other pollutants was seven times higher than estimated in the Colorado state emissions inventory

Performing source signature analysis and determining that a high percentage of ozone-forming VOCs at an atmospheric measurement station in the Colorado Northern Front Range originated from the oil and gas sector

Performing source signature analysis Finding that 55% of ozone-forming VOCs measured in the Colorado Northern Front Range were attributable to the oil and gas sector
Measuring oil and gas emissions in Colorado's Northern Front Range and concluding that due to oil and gas sector emissions, state emissions inventory may be too low by a factor of two.

Exhibit 3.3 - Local Districts Comments

From: [Matt Schaefer-ESC](#)
To: [Katie Keefe](#)
Subject: Re: Adams County Request for Comments - Oil and Gas Regulations
Date: Wednesday, August 14, 2019 8:45:11 AM
Attachments: [ADCO Rule Making 20190813.pdf](#)

Please be cautious: This email was sent from outside Adams County

Hello again Katie, In my haste to get you the letter I missed a couple small formatting issues. I've reattached the letter in pdf format. Thanks! matt

Matt Schaefer, MPA, GISP

Planning Manager
Planning and Admissions Department
Business Services
Adams 12 Five Star Schools
[1500 E 128th Ave, Thornton, CO 80241](#)
matt.schaefer@adams12.org
720-972-4289

<http://www.adams12.org/admissions>

NOTICE: This email may be a public record subject to disclosure under the Colorado Open Records Act.

On Wed, Aug 14, 2019 at 6:52 AM Matt Schaefer-ESC <matt.schaefer@adams12.org> wrote:

Good morning Katie, Please find attached our comments regarding the oil and gas rulemaking process. Thanks for the chance to comment! Sincerely, Matt

Matt Schaefer, MPA, GISP

Planning Manager
Planning and Admissions Department
Business Services
Adams 12 Five Star Schools
[1500 E 128th Ave, Thornton, CO 80241](#)
matt.schaefer@adams12.org
720-972-4289

<http://www.adams12.org/admissions>

NOTICE: This email may be a public record subject to disclosure under the Colorado Open Records Act.

On Wed, Jul 24, 2019 at 6:25 PM Katie Keefe <KKeefe@adcogov.org> wrote:

Good afternoon,

Please find attached a letter requesting comments on proposed code amendments to the

Adams County Development Standards and Regulations (DSR) pertaining to Oil and Gas Facilities. The specific section of each chapter within the DSR, as referenced in the Request for Comments letter, are also attached.

The following changes have been made to section 2-02-14-01, Oil and Gas Facility Permit, since the previous request for comments issued via email on July 17, 2019:

- Neighborhood Meetings are required as specified in section 2-02-14-05-2;
- Requirement to identify water resource lawfully available as specified in section 2-02-14-05-3-f; and
- Deleted provision allowing for discretionary acceptance of public comments by the Board of County Commissioners at public hearing in section 2-02-14-07-4.

A 1,000-ft setback from schools, licensed daycares, residences and environmentally sensitive areas was established as a *General Provision* in chapter 4, section 4-10-02-03-03-03-3.

No changes have been made to Chapter 3 since the prior request for comments was issued.

As stated in the attached letter, **all comments must be received by August 13th** to be considered for Planning Commission Public Hearing on August 22, 2019.

Thank you,



Katie Keefe

Environmental Program Manager, *Community & Economic
Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

||



August 10, 2019

Adams County
Department of Community and Economic Development
c/o Katie Keefe, Case Manager
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601-8216
kkeefe@adcogov.org.

Dear Adams County Department of Community and Economic Development,

Adams 12 Five Star Schools (Adams 12) appreciates the opportunity to comment on these draft oil and gas regulations. Generally, Adams 12 strongly supports these regulations. The draft county regulations would provide meaningful protections that will direct oil and gas development away from residential areas and schools and mitigate those impacts that cannot be avoided.

While these regulations are a great improvement over existing county regulations, Adams 12 encourages Adams County to make changes that will ensure oil and gas facilities are located a safe distance from future school locations. No amount of best management practices nor technologies can mitigate a bad location. Pursuant to Senate Bill 181, Adams County now has a vital responsibility to ensure that industrial oil and gas development is well-planned and located a safe distance away from existing and future school locations.

In December of 2018, Adams 12 worked with the Colorado Association of School Boards, School District 27J, and oil and gas industry stakeholders, to update the COGCC oil and gas setback rules. The new COGCC rules expanded the 1,000 foot setback around schools to include outdoor space on school property that students and staff regularly use: playgrounds, fields and other physical education areas, bleachers, outdoor eating areas, outdoor teaching areas, and other outdoor spaces utilized by a school.

The new COGCC rules also prohibit oil and gas facilities within 1,000 feet of “Future School Facilities.” The COGCC regulations define “Future School Facility” as follows:

FUTURE SCHOOL FACILITY means a school facility that is not yet built, but that the school or school governing body plans to build and use for students and staff within three years of the date the school or school governing body receives a pre-application notice pursuant to Rule 305.a.(4). In order to be considered a future school facility, the following requirements must be satisfied:

- For public, non-charter schools, the school governing body must affirm the nature, timing, and location of the future school facility in writing; or
- For charter schools, the school must have been approved by the appropriate school district or the State Charter School Institute, § 22-30.5-505, C.R.S., at the time it receives a preapplication notice pursuant to Rule 305.a.(4), and the school governing body must affirm the nature, timing, and location of the future school facility in writing; or
- For private schools, the school governing body must be registered with the Office of the Colorado Secretary

of State at the time it receives a pre-application notice pursuant to Rule 305.a.(4), and must provide documentation proving its registration with the Office of the Colorado Secretary of State, its tax exempt status, and its submitted plans to the relevant local government building and planning office.

Adams 12 requests that the county incorporates the COGCC definition into its own oil and gas regulations with one change: Adams 12 believe that three-year planning horizon is far too short and would recommend that it be changed to ten years. Sound planning processes often require school districts to secure land for a future school site ten or more years before a school will be built. This ensures the district will have adequate space to serve students in housing subdivisions that are approved, underway, and/or reflected in master planning documents but have not yet reached the stage requiring a new school.

To ensure that Future School Facilities receive the same protection as existing schools, Adams 12 suggests making the following changes to the current draft regulations:

2-02-14-05 OGF PERMIT REVIEW STEPS

The processing of a proposed OGF permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures (although not necessarily conducted in the following order) as follows:

1. Conceptual review. Operator shall identify three proposed locations for the oil and gas facility for the Alternative Site Analysis process outlined below. For each location, operator shall identify, and visually depict the same on a map, the following items that are located within a half-mile radius of the parcel boundary of the proposed facility: existing or platted residences, occupied buildings, parks, open space, schools, Future School Facilities, state licensed daycares, known areas of environmental contamination such as superfund sites, hospitals, water bodies, floodplains, floodways,

4. Evaluation criteria. In determining which sites are likely to have the least off-site impact, CED may consider the following:

- i. Distance from existing or platted residences, schools, Future School Facilities, state licensed daycares, occupied buildings, active open spaces, environmentally sensitive areas, or other areas likely to be adversely impacted;

4-10-02-03-02 Definitions

FUTURE SCHOOL FACILITY means a school facility that is not yet built, but that the school or school governing body plans to build and use for students and staff within ten years of the date the school or school governing body receives a pre-application notice pursuant to Rule 305.a.(4). In order to be considered a future school facility, the following requirements must be satisfied:

- For public, non-charter schools, the school governing body must affirm the nature, timing, and location of the future school facility in writing; or
- For charter schools, the school must have been approved by the appropriate school district or the State Charter School Institute, § 22-30.5-505, C.R.S., at the time it receives a preapplication notice pursuant to Rule 305.a.(4), and the school governing body must affirm the nature, timing, and location of the future school facility in writing; or
- For private schools, the school governing body must be registered with the Office of the Colorado Secretary of State at the time it receives a pre-application notice pursuant to Rule 305.a.(4), and must provide documentation proving its registration with the Office of the Colorado Secretary of State, its tax exempt status, and its submitted plans to the relevant local government building and planning office.

4-10-02-03-03 General Provisions

3. Setbacks: Oil and Gas Facilities shall be at least 1,000 feet from the property line of any existing or platted residences, schools, Future School Facilities, state licensed daycares, or occupied buildings.

The new COGCC regulations also require that Operators send a preapplication notice to the relevant school district if there is an oil and gas facility proposed within ¼ mile of an existing school or a “Future School Facility.” Adams 12 requests that Adams County also make the relevant school district a referral agency on any new oil and gas development that is proposed within ½ mile of a school or Future School Facility.

Thanks again for allowing Adams 12 the opportunity to comment on these regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew D. Schaefer". The signature is fluid and cursive, with the first name "Matthew" being more prominent and the last name "Schaefer" following in a similar style.

Matthew D. Schaefer

From: [Chris Douglass](#)
To: [Katie Keefe](#)
Cc: [Scott Mefford \(smefford@comcast.net\)](#); [Sheela Stack \(sstack@rcalaw.com\)](#)
Subject: ECCV Comments on Adams County Proposed Oil and Gas Amendments
Date: Monday, August 12, 2019 4:29:57 PM
Attachments: [image001.png](#)

Please be cautious: This email was sent from outside Adams County

Dear Katie:

Thank you for the opportunity to comment on the Adams County Development Standards and Regulations pertaining to Oil and Gas Facilities. East Cherry Creek Valley Water and Sanitation District (ECCV) owns and operates a large municipal well field in Adams County just north of Barr Lake, and has submitted public comments to Adams County on many previous oil and gas applications. ECCV's principal concern is protecting from contamination the shallow and highly transmissive Beebe Draw Aquifer from which ECCV draws its water supply for over 100,000 customers. ECCV is currently amending its regulations to authorize siting, inspection, and monitoring authority over oil and gas operations within its boundaries, and looks forward to working with Adams County to coordinate regulatory efforts for a balanced approach to oil and gas development in the wake of Senate Bill 2019-181.

Our comments on the proposed code amendments are as follows:

1. In 2-02-14-01, ECCV recommends amending the third paragraph as follows:

The Colorado Oil and Gas Conservation Commission (COGCC), the federal government, and other local governments have authority to regulate certain aspects of oil and gas mineral extraction.
2. In 2-02-14-05(1), ECCV recommends amending the paragraph as follows:
 1. Conceptual review. Operator shall identify three proposed locations for the oil and gas facility for the Alternative Site Analysis process outlined below. For each location, operator shall identify, and visually depict the same on a map, the following items that are located within a half-mile radius of the parcel boundary of the proposed facility: existing or platted residences, occupied buildings, parks, open space, schools, state licensed daycares, known areas of environmental contamination such as superfund sites, hospitals, water bodies, floodplains, floodways, water supply facilities including wells, existing active and decommissioned oil and gas wells, and roadways. . . .
3. In 2-02-14-05(1)(a)(4), ECCV recommends amending items (i) and (viii) on the list as follows:
 - i. Distance from existing or platted residences, schools, licensed daycares, occupied buildings, active open spaces, environmentally sensitive areas, public drinking water supply areas, or other areas likely to be adversely impacted;
 - . . .
 - viii. Impact on nearby environmental resources such as water bodies and facilities.
4. In 2-02-14-05(6), ECCV recommends amending the paragraph as follows:
 6. Notice: Applicable. Notice shall be sent by the applicant

to all property owners and current residents within a half mile at a minimum, or greater, as determined by the Director of Community and Economic Development. . . . The applicant shall provide written notification by U.S. Mail, which shall include an offer to consult, to any municipality, county, or public drinking water supply areas, whose boundaries are within ½ mile of the proposed parcel where an application for an Oil and Gas Facility has been filed with the County.

As a special district pursuant to Article 1 of Title 32, C.R.S., ECCV is entitled to the same neighborhood notice that municipalities and counties receive. *Cf.* COGCC 100 Series Rules (defining “local government” as “a county, home rule or statutory city, town, territorial charter city or city and county, or any special district established pursuant to the Special District Act, C.R.S. §32-1-101 to 32-1-1807 (2013).”). ECCV’s many comments on previous oil and gas permit applications in Adams County have come as a result of its own monitoring of the Adams County website, not through notice, which has placed a substantial burden on ECCV. For example, when Extraction filed its Mile High Duck Club permit application in 2017 for operations in the heart of ECCV’s well head protection area, ECCV did not receive notice and, as a result, initiated participation after the comments period had closed.

5. In 2-02-14-05(7), ECCV recommends amending the first sentence as follows:

7. Public Hearing: Applicable if the OGF Permit requires waiver from any approval criteria or performance standards, or if requested by an interested party.

6. In 2-02-14-07-04, ECCV recommends amending Step 2 to require Neighborhood Meetings for applicants seeking a waiver. Without a Neighborhood Meeting, interested parties who wish to participate in the public hearing may not be notified.

7. In 4-10-02-03-03-03(5)(c)(v), ECCV recommends amending the sentence as follows:
Notification to the surface owner, the surface owner’s tenant, and the water rights holder if applicable, of spills and releases in conformance with COGCC Rules.

In Colorado, it is common for the property owner of surface rights to be different from the property owner of water rights.

8. In 4-10-02-03-03-03(6)(a)(ix), ECCV recommends amending the sentence as follows:
For locations within 500 feet and upgradient of a surface_or ground water body, tertiary containment, such as an earthen berm, around oil and gas facilities.

This is consistent with 4-10-02-03-03-03(11)(a), which contemplates impacts to ground water.

9. In 4-10-02-03-03-03(8)(b)(iv), ECCV recommends amending the sentence as follows:
The plan shall include a provision that any spill outside of the containment area or which has the potential to leave the facility or to threaten a water body shall be reported to the emergency dispatch, the Director, and the water rights holders of the water body immediately.

10. In 4-10-02-03-03-03(8)(b)(vii), ECCV recommends amending the sentence as follows:
The plan shall include a provision that obligates the Applicant to reimburse the appropriate emergency response service providers, including property owners, if applicable, for costs incurred in connection with any emergency.

11. In 4-10-02-03-03-03(8)(b)(x), ECCV recommends amending the sentence as follows:
The plan shall include a provision establishing a process by

which the Applicant engages with the surrounding neighbors, schools, and public drinking water supply areas to educate them on the risks and benefits of the on-site operations and to establish a process for surrounding neighbors, schools, and public drinking water supply areas within a half mile radius, unless determined otherwise by the Director of Community and Economic Development, to communicate with the Applicant.

12. In 4-10-02-03-03-03(11), ECCV recommends amending the sentence as follows:

a. General. Oil and gas operations shall not cause adverse impacts to surface or ground waters within Adams County. Operators shall comply with all Adams County rules, COGCC Rules, and special district rules and regulations, specifically with respect to spills and releases in floodplains and/or water bodies, and applicable water quality standards set by the Colorado Department of Public Health and Environment.

b. Water quality plan. Operators shall implement a water quality plan and make available to Adams County and any applicable water district upon request, such plan shall include details such as operator's plans for water quality testing, prevention of illicit or inadvertent discharges, stormwater discharge management, commitment of pollutants, and spill notification and response as required by federal and state agencies. The owner or operator shall provide the County and any applicable water district with the information it provides to the COGCC ensuring compliance with the water quality protection standards contained in COGCC Rules. The owner or operator shall provide all water source test results to the county and any applicable water district and maintain records of such results. The owner or operator shall provide its plans concerning downhole construction details and installation practices, including casing and cementing design, and shall inform the county and any applicable water district how the plans establish that the facility does not create significant degradation to surface waters or drinking water aquifers.

13. In 4-10-02-03-03-03(16), ECCV generally approves of the requirements regarding water source sampling and testing, but recommends amending certain subsections as follows:

f. The operator shall make reasonable efforts to obtain the consent of the water rights holder of the water source. If the operator is unable to locate and obtain permission from the water rights holder of the Water Source, the operator shall advise the CED Director that the applicant could not obtain access to the water source from the water rights holder.

...

k. Test results. Provide copies of all test results described above to the County, the COGCC, and the water rights holders within three months of collecting the samples.

l. Subsequent sampling. . . .

4. Immediate notification to the County, the COGCC and water rights holders of the water source if BTEX and/or TPH are detected as a result of testing. . . .

To reiterate, in Colorado, it is common for the property owner of surface rights to be different from the property owner, or holder, of water rights.

15. In 4-10-02-03-03(32), ECCV approves of the requirements regarding financial assurance, especially for gradual pollution events.

16. We support the changes made since the previous request for comments on 07/17/19. Requiring Neighborhood Meetings in 2-02-14-05(2) and deleting the provision allowing for discretionary acceptance of public comments in 2-02-14-07-04 increases transparency, complies with statutory notice requirements, and produces a stronger final product. A 1,000-foot setback from environmentally sensitive areas in 4-10-02-03-03(3) fulfills Senate Bill's 2019-181 new mandate to protect public safety, health, welfare, and the environment.

Thank you again for the opportunity to comment, and please let me know if you have any questions.

Chris Douglass
Project Manager

cdouglass@eccv.org

Work: 303.693.3800 Ext-153 Mobile: 720.271.9687

www.eccv.org





Kipp Scott
6995 East 70th Ave
Commerce City, CO, 80037
720-206-0567
August 2, 2019

Re: Regulation Amendments, Case Number PLN2019-00011

Department of Community and Economic Development
Adams County
4430 South Adams County Parkway
Suite W2000A
Brighton Colorado, 80601-8216

To Whom it May Concern:

South Adams county Water and Sanitation District is a Colorado Special District providing water and wastewater services to Commerce City and unincorporated Adams County. The District provides services to approximately 65,000 residents, with the primary source of raw water being alluvial groundwater.

Attached to this letter is a memorandum from HRS Water Consultants, Inc. to the South Adams County Water and Sanitation District concerning Best Management Practices for oil and gas operations within Commerce City, Colorado. The comments that are in this memo are pertinent to the current regulations that Adams County is considering. The District believes the recognition and inclusion, where applicable, of these comments will provide the necessary layers of protection that are required of a public water supply system within the unincorporated areas of Adams County that the District services..

We appreciate the opportunity to provide this input to the County. If there are any questions I can be reached at 720-206-0567.

Respectfully,

A handwritten signature in blue ink that reads "Kipp E. Scott".

Kipp E. Scott
Water systems Manager
South Adams County Water and Sanitation District
720-206-0567
kscott@sacwsd.org

Attachments: HRS Water Consultant Memorandum 9/17/2018

Cc: Jim Jones, District Manager

HRS WATER CONSULTANTS, INC.

8885 West 14th Avenue
Lakewood, Colorado 80215
(303) 462-1111

CONSULTANTS IN
HYDROGEOLOGY AND
WATER RESOURCES

== MEMORANDUM ==

To: Jim Jones and Kipp Scott, South Adams County Water and Sanitation District

From: Dave Lipson Ph. D., P.G. and Matt Seitz P.G., P.E., HRS Water Consultants, Inc.

Date: September 17, 2018

Project: 80112-01

Re: HRS Review of "Best Management Practices for Well Sites in Commerce City"

As requested, HRS reviewed the document "Best Management Practices for Well Sites in Commerce City" (hereinafter, the "BMP Document") which discusses Commerce City's proposed requirements for oil and gas (O&G) Operators wishing to drill and operate new O&G wells in Commerce City. South Adams County Water and Sanitation District's (SACWSD's, or the District's) service area includes Commerce City and portions of unincorporated Adams County. Our review focused on protection of the alluvial aquifer¹ groundwater resources in the District. Groundwater provided by SACWSD is the primary source of water supply to the Commerce City area.

Overall the BMP Document appears to be reasonable and straightforward from a water resources perspective. It relies heavily on O&G Operators adhering to Colorado Oil and Gas Conservation Commission (COGCC) rules and regulations.

We offer the following comments and suggestions for the District to consider, which we believe will provide added layers of protection to the District's water resources:

- Per the BMP Document, new O&G wells are currently planned within the areas shown on Plate 1². Three of the seven currently planned sites are near Third Creek and are upgradient of SACWSD's Northeast Well Field (Plate 1).

¹ An alluvial aquifer is comprised of saturated loose (non-cemented) sand, gravel, silt, and clay.

² Note that Plate 1 is not included with this memo. This is because Plate 1 shows the specific location of critical District infrastructure. We believe that the map comprising Plate 1 is not necessary for the purposes for which this memo is being provided to the City. The District will work with COGCC to ensure that it has the necessary data and that it is appropriately kept confidential.

- To provide COGCC with accurate data for use in reviewing the Operators' Oil and Gas Location Assessments (COGCC Form 2A), the District should provide COGCC with:
 - A GIS³ coverage of the District's existing and planned municipal supply water wells (Plate 1), subject to the District's confidentiality practices regarding locations of critical district infrastructure;
 - A GIS coverage of the mapped alluvial aquifer paleochannels⁴ in District's Service Area (Plate 1), and;
 - A GIS coverage of streams in the Service Area (Plate 1).

COGCC shall use these GIS coverages, along with data from the Colorado Division of Water Resources, in assessing whether a planned site is a "Sensitive Area" as defined in COGCC Rules and Regulations (dated May 1, 2018).

Plate 1 shows ¼ mile buffers around the District's existing and planned water wells and streams. Per COGCC rules, an O&G site is classified as a Sensitive Area if it is within ¼ mile of a public water supply well. Due to their importance to SACWSD's water supply system, in our opinion the paleochannel areas should also qualify as Sensitive Areas.

Section 75a of the BMP Document should be updated to read "Using records of the Colorado Division of Water Resources ***and records provided by South Adams County Water and Sanitation District***, Operator must implement a water quality monitoring and well testing plan that includes the following:" (new text shown in bold italics).

- The District should be provided and be allowed to comment on all data submitted by Operators to COGCC in support of a COGCC "Sensitive Area Determination" prior to COGCC issuing a permit to drill an O&G well.
- The City or Operator should provide the District with the as-built GIS files of O&G collection or transmission lines ("flowlines") at each drill site.
- A process should be implemented that demonstrates, to the District, that all permitted O&G locations have met the requirements of the BMP's. Furthermore, to the extent there are going to be flowlines installed throughout the District's groundwater supply area, proper procedures need to be implemented to ensure that those facilities don't leak or possible leaks are contained to eliminate the potential for contamination from these facilities. It is our understanding that flowlines and

³ GIS: geographic information system files contain features viewable in mapping software and related attribute data.

⁴ Groundwater flow in the District largely moves through a network of "paleochannels". A paleochannel is a relatively thick and productive section of aquifer formed by erosion into the underlying bedrock by an ancestral stream.

tanks installed within Sensitive Areas are subject to additional pressure testing under COGCC's regulations.

- The District should be provided the planned locations and well permit numbers for baseline and post-drilling water well water quality sampling and the water quality test results.
- Paragraph 15, Emergency Response Plan. The District should review, and provide comments on, any Emergency Response Plans from a water-resources perspective.
- Paragraph 41, Fires and Explosions. Fire and Explosion Reports should also include quantities of water, Aqueous Film Forming Foam (AFFF), and any other liquids used to fight any O&G-related fires or explosions.
- Paragraph 55D, Plugged and Decommissioned Well Testing. We suggest adding "oil" to this paragraph.
- Paragraph 65, Spills. This could be made more protective by requiring an Operator to notify the District of any spill of any material, or to notify the District of any spill greater than five gallons.
- Paragraph 65, Spills. The District should consider requiring O&G Operators to have Spill Response Kits available at all O&G facilities, capable of dealing with small to mid-size spills (e.g., 5 to 50 gallons).
- Paragraph 65, Spills. The District should consider requiring O&G Operators to immediately notify the District of any spill or any other O&G-related emergency or incident inside of or within a one-mile buffer of the District's service area (Plate 1).
- We suggest the District consider inquiring with COGCC engineers about possible "re-working" of older O&G wells (many existing wells are from the mid-1970's). There is considerable uncertainty regarding the integrity of these older O&G wells, and some of these older wells could pose risks to the District's groundwater resources in terms of construction details depending on the regulations and construction practices in place when they were drilled. The District's Denver Basin wells are a relatively minor source of water and are not likely to be impacted. Relative to the alluvial aquifers, however, the risk is somewhat higher as there may be less cement sealing off the O&G production zone from the overlying Denver Basin aquifer formations.
- We recommend that the District begin regularly monitoring and tracking the COGCC's electronic spill reporting system (<http://cogcc.state.co.us/complaints.html#/complaints>), which tracks reported O&G incidents and spills from initial reporting to closure.

- The above recommendations should apply across SACWSD's entire service area plus a ¼ mile buffer, whether within Commerce City or unincorporated Adams County.



We make energy happen.®

One Williams Center
P.O. Box 2400
Tulsa, OK 74102-2400

August 4, 2019

Ms. Katie Keefe
Environmental Program Manager
Adams County Community & Economic Development
kkeefe@adcogov.org
VIA EMAIL

RE: Comments on proposed Oil and Gas Facility Regulations

Ms. Keefe:

Williams appreciates the opportunity to provide feedback on the proposed Oil & Gas Facility (OGF) Permit regulations within the Adams County Development Standards and Regulations (ACDSR). Williams is an energy infrastructure company with pipeline and processing operations spanning the United States, including an office in Brighton and pipeline infrastructure in Adams County. We believe strongly in environmental stewardship and working collaboratively with regulatory bodies to help develop regulations that accomplish environmental protection while allowing energy development, and avoid potential compliance challenges based on other conflicting layers of regulations or technological hurdles.

Williams has reviewed the proposed changes to the ACDSR and we request that the County consider the following comments for the Planning Commission study session on August 8th and future revisions as the regulations are finalized. Williams is also generally supportive of the comments being filed by the Colorado Petroleum Council and the Colorado Oil and Gas Association; however, most of those comments are not related to Williams' midstream operations in Adams County.

- Safety Management Plan / Safety Management System
 - The safety standards listed in the proposed ACDSR are generally duplicative of the standards defined by Occupational Safety and Health Administration (OSHA) Process Safety Management (PSM) and United States Environmental Protection Agency (USEPA) Risk Management Plan (RMP) programs.
 - The OSHA PSM and USEPA RMP programs have listed threshold quantities provided for when the standards apply to a facility; however, the proposed ACDSR are required for any permitted OGF regardless of the risk imposed by the facility operations.
 - Rather than imposing the general safety requirements for all OGFs, Williams recommends a more practical approach of requiring operators to provide documentation

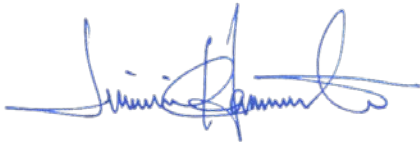
of facility applicability to the current federal regulations along with a certification provided to the county that they are in compliance with the applicable requirements. This practice would maintain the current federal regulations and provide the county assurance that the associated safety risks have been implemented and are being maintained.

- The proposed ACDSR also requires operators maintain and report incident history and conduct safety culture assessments after major incidents. Operators define incidents and accidents differently therefore the county would need to define these terms in the regulation for consistent implementation. Additionally, the ACDSR requests a list of all incidents that have occurred in the last ten years. Williams suggests narrowing this request to Adams County facilities and clarifying that in the regulation.
- Spill Prevention and Containment
 - The requirement to provide secondary containment for 150% of the largest single tank does not generally provide additional protection. Ensuring adequate containment measures and response actions are in place would provide greater value to reducing and managing potential releases.
 - The requirement for secondary containment to be greater than what USEPA requires for Spill Prevention Containment and Countermeasures (SPCC) plans and the requirement to have a maximum of two tanks within the containment structure will generally require a larger surface area footprint to achieve the secondary containment volume. This will result in an unintended effect of requiring an OGF to have a larger footprint on the landscape. Another unintended outcome would be that additional precipitation will be collected within larger containments requiring proper management rather than being immediately returned to surface or groundwater resources.
 - The USEPA requirements to provide secondary containment for the largest single oil tank plus sufficient freeboard to contain precipitation already provides an essential line of defense in the event of a failure of the primary containment.
- Chemical Inventory and Waste Management
 - The proposed regulations indicate operators shall not store onsite waste in excess of 30 days.
 - USEPA and COGCC have sufficient regulations in place to ensure waste is managed appropriately to protect the public and environment. In some cases, waste can take greater than 30 days to characterize, profile, and remove from an OGF. Williams suggests removing the 30 day requirement and stating that waste management activities should be conducted in accordance with USEPA and COGCC regulations.
- Air Emissions
 - Several of the proposed changes affecting air quality could potentially create conflicts with CDPHE's upcoming rulemaking.


- Rather than creating new requirements within the County at this time, Williams recommends including language in the ACDSR requiring compliance with CDPHE's Regulation 7.
 - Williams recommends avoiding the citation of specific sections of CDPHE's air regulations at this time since they are likely to change under the pending rulemaking.
 - In item v. under "General air quality protection measures," Williams recommends the county clarify that the requirement to centralize compression facilities is meant for production locations and not midstream compression facilities.
- Setbacks
 - Setbacks established for gathering lines and OGFs should also be maintained and established for other types of future development activities in the same location. Williams recommends the county make any necessary changes in the ACDSR for commercial and residential developments so that the same setbacks will be enforced from existing OGFs or pipelines to prevent encroachment and potential safety concerns.

Williams appreciates your consideration of these comments and we offer our continued assistance as the County finalizes the OGF regulations. Please do not to hesitate to contact me if you have any questions at (682) 730-4865 or jimmie.hammontree@williams.com

Sincerely,



Jimmie Hammontree
Manager, State Regulatory Affairs - West

Section		Draft Regulation	Suggested Language	Additional Comments
2-2-14-5.1	 VIEW STEPS; Review	Operator shall identify three proposed locations for the oil and gas facility for the Alternative Site Analysis process outlined below. For each location, operator shall identify the following items that are located with a half-mile radius of the parcel boundary of the proposed facility: existing or platted residences, occupied buildings, parks, open space, schools, state licensed daycares, known areas of environmental contamination such as superfund sites, hospitals, water bodies, floodplains, floodways, existing active and decommissioned wells, and roadways. Proposed access routes to the site should also be provided. This information must be submitted to Community and Economic Development for review. Following that, a conceptual review meeting shall be held with the operator. Operators are encouraged to schedule a conceptual review prior to entering into any surface use agreements.	Operator shall identify at least two proposed locations for the oil and gas facility for the Alternative Site Analysis process outlined below. For each location, operator shall identify the following items that are located with a half-mile radius of the parcel boundary of the proposed facility: existing or platted residences, occupied buildings, parks, open space, schools, state licensed daycares, known areas of environmental contamination such as superfund sites, hospitals, water bodies, floodplains, floodways, existing active and decommissioned wells, and roadways. Proposed access routes to the site should also be provided. This information must be submitted to Community and Economic Development for review. Following that, a conceptual review meeting shall be held with the operator. Operators are encouraged to schedule a conceptual review prior to entering into any surface use agreements.	
2-2-14-5.1.a.2	OGF PERMIT REVIEW STEPS; Alternative Site Analysis	Description of potential sites. Applicant must submit descriptions of at least three (3) potential sites for the OGF that were considered by applicant. Description must include description of site locations considered, whether mineral extraction is possible and reasonable from those sites, the off-site impacts associated with those sites, and why a particular site is proposed, if any.	Description of potential sites. Applicant must submit descriptions of at least three (3) two (2) potential sites for the OGF that were considered by applicant. Description must include description of site locations considered, whether mineral extraction is possible and reasonable from those sites, the off-site impacts associated with those sites, and why a particular site is proposed, if any.	Surface locations are dependent on access to minerals. Many times, finding 3 surfaces can be extremely difficult.
2-2-14-5.1.a.5	OGF PERMIT REVIEW STEPS; Site Selection	The county shall review all proposed locations in order to determine which location(s) best protects public health, safety, welfare, and the environment and will choose the location that best satisfies this goal. The Director of Community and Economic Development will determine if any proposed sites meet this goal. If no location satisfies this goal, Operator shall submit three new proposed locations. Alternatively, the County may suggest alternative location(s) or may recommend denial of the OGF Permit if it does not believe that any of the proposed sites meet the siting goal.	The county shall review all proposed locations in order to determine which location(s) best protects public health, safety, welfare, and the environment, and will choose the location that best satisfies this goal, while recognizing the ability to access the minerals . The Director of Community and Economic Development will determine if any proposed sites meet this goal. If no location satisfies this goal, Operator shall submit three new proposed locations. Alternatively, the County may suggest alternative location(s) or may recommend denial of the OGF Permit if it does not believe that any of the proposed sites meet the siting goal.	It is important to also acknowledge the surface location's ability to access the minerals efficiently and economically.
2-2-14-5.2	OGF PERMIT REVIEW STEPS; Community Meeting	Applicable, unless waived by the Director of Community and Economic Development. Director of Community and Economic Development will determine whether neighborhood meetings are required for all or some of the proposed alternative sites. At the neighborhood meeting, the applicant shall provide an overview of its proposed oil and gas operation and allow those in attendance to provide input as to the proposed operation, including, but not limited to, issues that arise from application of these regulations to the proposed operation, and suggested mitigation to adequately ensure compliance with these regulations.		Setting up a community meeting for every potential location may create unintended harm. This may also cause private negotiations with landowners to be public and create unintended friction amongst the community.
2-2-14-5.3.c.3	OGF PERMIT REVIEW STEPS; Operations Plan: Impact Area Map	The second sheet shall contain an Impact Area Map that shows the proposed location of the Oil and Gas Facility, locations of all existing oil and gas wells within the one-mile impact area, locations of all producing, closed, abandoned, and shut-in wells and other oil and gas operations within one (1) mile of the site, locations of all water wells within ½ mile of the proposed Oil and Gas Operation, Existing improvements within 1,500 feet of the location on which the operation is proposed, and all existing and proposed roads within the one-mile impact area	The second sheet shall contain an Impact Area Map that shows the proposed location of the Oil and Gas Facility, locations of all existing oil and gas wells within the one- half mile impact area, locations of all producing, closed, abandoned, and shut-in wells and other oil and gas operations within one- half (1) mile of the site, locations of all water wells within ½ mile of the proposed Oil and Gas Operation, Existing improvements within 1,500 feet of the location on which the operation is proposed, and all existing and proposed roads within the one-mile impact area	To avoid unnecessary confusion, Extraction recommends using one distance for all Impact Area Map requirements.
2-2-14-5.3.c.5	OGF PERMIT REVIEW STEPS; Operations Plan: Production Plan	The fourth sheet shall provide a site plan of production operations with production equipment such as tanks and compressor stations with existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County. The production plan shall also identify proposed drilling and completion schedules. A seed mix shall be provided for reseeded the well pad. Equipment layout may be a typical plan appropriate to the degree of development for the Oil and Gas Facility, if the County deems it appropriate for the extent of development of the proposed Oil and Gas Facility.	The fourth sheet shall provide a site plan of production operations with production equipment such as tanks and compressor stations with existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County. The production plan shall also identify proposed drilling and completion schedules. A seed mix shall be provided for reseeded the well pad. Equipment layout may be a typical plan appropriate to the degree of development for the Oil and Gas Facility, if the County deems it appropriate for the extent of development of the proposed Oil and Gas Facility.	Extraction is unable to determine drilling and completions schedules during this phase. Schedules are often dictated and impacted by markets and other factors that cannot be controlled.
2-2-14-5.3.e.4.d	OGF PERMIT REVIEW STEPS; Engineering Documents	All applicable transportation fees shall be paid prior to issuance of a development plan review construction permit, including without limitation:		What is a development plan review construction permit?
2-2-14-5.3.e.4.d.ii	OGF PERMIT REVIEW STEPS; Engineering Documents	Oversize/overweight permit fees		These permits are not typically required until later on. Extraction recommends adding this requirement as a COA on the OGF Permit. At the time of permitting we won't know what drilling rig will be used for the site. Technology may change within the permit time frame and permits would be incorrect.
2-2-14-6-6	CRITERIA FOR APPROVAL	The site is suitable for the use, including adequate usable space, adequate access, and absence of environmental constraints.	The site is suitable for the use, including adequate usable space, adequate access, and adherence of environmental or wildlife stipulations.	

2-2-14-7-4	WAIVER REVIEW PROCEDURES	Applicants may only seek a waiver after submitting a complete application for an OGF Permit and participating in a conceptual review meeting with Community and Economic Development staff. If applicant is unable to meet all approval criteria and comply with all performance standards required for an OGF Permit, applicant may choose to seek a waiver from the Board of County Commissioners. The processing of a waiver shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:	Applicants may only seek a waiver after submitting a complete application for an OGF Permit only after and participating in a conceptual review meeting with Community and Economic Development staff. If applicant is unable to meet all approval criteria and comply with all performance standards required for an OGF Permit, applicant may choose to seek a waiver from the Board of County Commissioners. The processing of a waiver shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:	
4-10-02-03-03-03.6.a. and 4-10-02-03-03-03.6.a.i	General Provisions; Safety Standards	Operator shall implement a safety management plan and maintain a safety management system applicable to all covered processes at the facility. The safety management system shall provide for employees and systems to oversee implementation and periodic revision of the plan. The plan shall include the following elements and describe the manner in which each of the following elements will be applied to the covered processes: i. Process safety information. Compilation of written process safety information needed to conduct process hazard analysis. Process safety information shall include information pertaining to hazards of substances and chemicals used by the process, information pertaining to the technology of the process, information pertaining to the equipment used in the process, and information pertaining to the hazards of the substances or chemicals in the process. Documentation that equipment used in the process complies with recognized and generally accepted good engineering practices;		All of the components listed in the Safety Standards 6.a.i-6.a.xvi are components of OSHA's Process Safety Mgmt and Chemical Management Provisions of EPA's Clear Air Act. It requires that operators who could have 10,000 lbs. or more of a Class I (or IA) flammable liquid or Category 1 flammable gas on site in storage or interconnected piping combined at any one time comply with the standards. Production sites function to gather a combined two or three-phase stream of crude oil, natural gas, natural gas condensate (and/or produced water) and separate them for transfer offsite. Raw Condensate, Produced Water, Crude Oil, and Natural (Field) Gas are not subject to the EPA RMP (10,000 lb.) threshold determination – independent of flammability (40 CFR 68.115) - as typical production facilities are designed to separate and transfer each in an unrefined state. These hydrocarbon streams are not processed in a manner that changes the chemical nature from their raw state. As such, typical production facilities are not subject to the RMP rule. A Safety Management Plan is used on these sized facilities, but would be a difficult expectation to implement on all locations. Extraction would like to suggest 1) deleting it entirely because it is a current OSHA requirement on larger facilities (e.g., processing plants), not on the standard oil and gas facilities that are built today 2) instead amend the regulation to require the county attend the PHA (Process Hazard Analysis) and PSSR (Pre-Startup Safety Review), but not create a new process for every component of a facility.
4-10-02-03-03-03.6.a.viii	General Provisions; Safety Standards: Compliance Audits	Written procedures requiring an audit every three years to verify compliance with the procedures and practices developed under the safety management plan, and procedures requiring correction of any deficiencies identified in audit; operator will make results of audit available to inspector upon request;	A third party PHA-HAZOP certified facilitator, to be engaged by the city, shall coordinate a Hazard and Operability Study with cooperation of the Operator. If any of the findings by the PHA-HAZOP certified facilitator are applicable, this information will be added to the Emergency Response Plan and the local fire departments training. The Operator will provide a letter that the engineer of record has incorporated all applicable PHA-HAZOP recommendations in the design of the applicable well sites.	Currently, neither Adams County nor the operators have the staff to comply with this regulation as its written. Both parties would have to increase staff to include at least 4 more people in order to execute this proposed regulation.
4-10-02-03-03-03.6.a.xiii	General Provisions; Safety Standards: Incident History	List of all incidents that have occurred at the operator's facilities within the last ten years, along with any investigation reports, root cause analysis and operational or process changes that resulted from the investigation of the accident;	List of all incidents that have occurred at the operator's facilities within the last three ten years, along with any investigation reports, root cause analysis and operational or process changes that resulted from the investigation of the accident as required by the COGCC ;	
4-10-02-03-03-03.6.b	General Provisions; Safety Standards: Automatic safety protective systems and surface safety valves	Automatic safety protective systems and surface safety valves. Operator is required to install automated safety system prior to commencement of production. Automated safety system shall include the installation, monitoring and remote control of a subsurface safety valve and shall be able to remotely shut in wells on demand. Subsurface safety valve shall be equipped to operate remotely via the automated safety protective system. Operator shall test automated safety system quarterly to ensure functionality and provide results of testing to County quarterly.	Automatic safety protective systems and surface safety valves. Operator is required to install automated safety system prior to commencement of production. Automated safety system shall include the installation, monitoring and remote control of a surface safety valve and shall be able to remotely shut in wells on demand. Surface safety valve shall be equipped to operate remotely via the automated safety protective system. Operator shall test automated safety system quarterly to ensure functionality and provide results of testing to County quarterly.	There are no subsurface safety valves in this basin.
4-10-02-03-03-03.6.c	General Provisions; Safety Standards: Incident and accident reporting	Incident and accident reporting.	An operator must notify Adams County of reportable safety events at an oil and gas facility. Reportable safety events include: (1) Any accidental fire, explosion, or detonation, or uncontrolled release of pressure; (2) Any accident or natural event that results in a reportable injury as defined by the U.S. Department of Labor, Occupational Safety and Health Administration, at 29 C.F.R. § 1904.39. 29 C.F.R. § 1904.39 may be found at https://www.osha.gov . ; or (3) Any accident or natural event that results in an injury to a member of the general public that requires medical treatment.	
4-10-02-03-03-03.6.c.iv	General Provisions; Safety Standards: Incident and accident reporting	Notification to the County’s LGD of all spills of a gallon or more that leaves the facility, all spills of any material on permeable ground at the facility that has a reportable spill quantity under any law and copies of any self-reporting submissions that operator provides to the COGCC.	Notification to the County’s LGD of all spills of 1 barrel (bbl.) a gallon or more that leaves the facility, all spills of any material on permeable ground at the facility that has a reportable spill quantity under any law and copies of any self-reporting submissions that operator provides to the COGCC.	

4-10-02-03-03.7.a.	General Provisions; Chemical Handling and Requirements	The owner or operator of any installation that is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., and regulations promulgated under that Act, shall submit both a material safety data sheet (MSDS) for each such chemical and an annual emergency and hazardous chemical inventory form to the LEPC and the local fire district. A comprehensive and universal listing of all hazardous chemicals shall be organized based on the various phases of operation including test wells and drilling and other construction activities submitted prior to construction and with the necessary building permit applications for a Rig and Move Permit. In addition, operator shall have current MSDS and quantities on site at all times or available upon request.	The owner or operator of any installation that is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., and regulations promulgated under that Act, shall submit both a material safety data sheet (MSDS) for each such chemical and an annual emergency and hazardous chemical inventory form to the LEPC and the local fire district. A comprehensive and universal -listing of all hazardous chemicals shall be organized prior to drilling activities-based-on the various phases of operation including test wells and drilling and other construction activities submitted prior to construction and with the necessary building permit applications for a Rig and Move Permit and will be available upon request. In addition, operator shall have current MSDS and quantities on site at all times or available upon request.	Extraction will not know this level of detail this far in advance, this information may change post-submittal.
4-10-02-03-03.7.d.	General Provisions; Chemical Handling and Requirements	Operator shall not use toxic, including orally toxic, chemicals in hydraulic fracturing fluids including, the following: 1. Benzene; 2. Lead; 3. Mercury; 4. Arsenic; 5. Cadmium; 6. Chromium; 7. Ethylbenzene; 8. Xylenesf; 9. 1,3,5-trimethylbenzene; 10. 1,4-dioxane; 11. 1-butanol; 12. 2-butoxyethanol; 13. N,N-dimethylformamide; 14. 2-ethylhexanol; 15. 2 -mercaptoethanol; 16. Benzene, 1,1'-oxybis-,tetrapropylene sulfonated, sodium salts derivatives, 17. Butyl glycidyl ether; 18. Polysorbate 80; 19. Quaternary a mmonium compounds, dicocoalkyldimethyl, chlorides; 20. Bisexamethylenetriaminepentamethylene phosphonic acid; 21. Diethylenetriamine pental; 22. FD&C blue no 1.; 23. T etrakis (triethanolaminato) zirconimum (IV) (TTZ)	Operator shall not limit its use of toxic, including orally toxic, chemicals in hydraulic fracturing fluids including, the following: 1. Benzene; 2. Lead; 3. Mercury; 4. Arsenic; 5. Cadmium; 6. Chromium; 7. Ethylbenzene; 8. Xylenesf; 9. 1,3,5-trimethylbenzene; 10. 1,4-dioxane; 11. 1-butanol; 12. 2-butoxyethanol; 13. N,N-dimethylformamide; 14. 2-ethylhexanol; 15. 2-mercaptoethanol; 16. Benzene, 1,1'-xybis-, tetrapropylene sulfonated, sodium salts derivatives, 17. Butyl glycidyl ether; 18. Polysorbate 80; 19. Quaternary ammonium compounds, dicocoalkyldimethyl, chlorides; 20. Bisexamethylenetriaminepentamethylene phosphonic acid; 21. Diethylenetriamine pental; 22. FD&C blue no 1.; 23. Tetrakis (triethanolaminato) zirconimum (IV) (TTZ)	These chemicals are helpful in controlling corrosion and bacteria.
4-10-02-03-03.8.b.v	Emergency Preparedness and Response.	Detailed information identifying access or evacuation routes, zone of influence for each emergency scenario identifying impacted facilities and buildings and health care facilities anticipated to be used.	Detailed information identifying access or evacuation routes , zone of influence for each emergency scenario identifying impacted facilities and buildings and health care facilities anticipated to be used.	Extraction recommends excluding "evacuation routes" from the proposed regulation. The first responders will determine evacuation routes for their district.
4-10-02-03-03.8.b.viii	Emergency Preparedness and Response.	Detailed information that the Applicant has adequate personnel, supplies, and funding to implement the emergency response plan immediately at all times during construction and operations.	Detailed information that the Applicant has adequate personnel, supplies, and funding to implement the emergency response plan immediately at all times during construction and operations. Supplies can include the adsorption boom, granulated materials, and coordination of foam supplies with the local first responders.	
4-10-02-03-03.8.b.x.	General Provisions; Emergency Preparedness and Response	The plan shall include a provision establishing a process by which the Applicant engages with the surrounding neighbors and schools to educate them on the risks and benefits of the on- site operations and to establish a process for surrounding neighbors and schools within a half mile radius, unless determined otherwise by the Director of Community and Economic Development, to communicate with the Applicant.		What exactly is expected in terms of engaging with the neighbors and schools to educate them on the risks and benefits within a half-mile? Should this be included/addressed during the Community Meeting phase?
4-10-02-03-03.8.b.xi.	General Provisions; Emergency Preparedness and Response	Operator shall maintain onsite storage of aqueous film forming foam (which shall not contain PFAS), absorption boom and granulated materials for ready deployment in case of leaks or other emergencies. Operator shall notify first responders of the location of said materials.	Operator shall maintain onsite storage of aqueous film forming foam (which shall not contain PFAS), absorption boom and granulated materials for ready deployment in case of leaks or other emergencies. Operator shall notify first responders of the location of said materials.	Extraction recommends striking this regulation altogether. Details of supplies are requested to be relocated/added to 4-10-02-03-03.8.b.viii
4-10-02-03-03.9.c	General Provisions; Recycle, Reuse, and Disposal of Fluids	Waste must be transported by pipelines unless technically infeasible.		What is included in waste? Produced water? Must be clarified.
4-10-02-03-03.12.b.iv	General Provisions; Well Plugging and Abandonment	Permission from each surface owner who has an abandoned well on the surface owner's property to access the property in order to test the abandoned well. If a surface owner has not provided permission to access after thirty days from receiving notice, the applicant shall not be required to test the abandoned well.	Permission from each surface owner who has an abandoned well on the surface owner's property to access the property in order to test the abandoned well. If a surface owner has not provided permission to access after fifteen days from receiving notice, the applicant shall not be required to test the abandoned well.	
4-10-02-03-03.12.b.vi	General Provisions; Well Plugging and Abandonment	Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well within one year and then every three years after production has commenced.		Every three years is much more than previous agreements. Operators will require any surface landowners that agree to the initial sampling to give operators access to their property for the life of the facility.
4-10-02-03-03.12.c	General Provisions; Well Plugging and Abandonment	Marking of plugged and abandoned wells. The operator shall permanently mark by a brass plaque set in concrete, similar to a permanent bench mark to monument the plugged and abandoned well's existence and location. Such plaque shall contain all information required on a dry hole marker by the COGCC and the County.	Marking of plugged and abandoned wells. The operator shall permanently mark by a brass plaque set in concrete, similar to a permanent bench mark to monument the plugged and abandoned well's existence and location. Such plaque shall contain all information required on a dry hole marker by the COGCC and the County.	

4-10-02-03-03-03.14.b.ii	General Provisions; Air Emissions: Leak Detection and Repair	If an infrared (IR) camera is used, operator shall retain an infrared image or video of all leaking components before and after repair. Such records shall be maintained for two years and shall be made available to the county upon request.	If an infrared (IR) camera is used, operator shall retain an infrared image or video of all leaking components before and after repair. Such records shall be maintained for two years and shall be made available to the county upon request.	Request to remove- saving videos takes a lot of space and has no bearing on AQ improvement.
4-10-02-03-03-03.14.d.ii	General Provisions; Air Emissions: Combustion Devices	Flaring shall be eliminated other than during emergencies or upset conditions; all flaring shall be reported to the county	Open flaring shall be eliminated other than during emergencies or upset conditions; all open flaring shall be reported to the county.	
4-10-02-03-03-03.14.f.vi	General Provisions; Air Emissions: Combustion Devices	For operators with existing oil and gas facilities in Adams County, demonstration that the facility will not result in any increase of VOCs from operator’s existing and planned development in the County. Operator may include anticipated reductions from plugging and abandoning existing wells located in the County when modeling total VOCs from existing and future development and related activities.	For operators with existing oil and gas facilities in Adams County, demonstration that the facility will not result in any increase of VOCs from operator’s existing and planned development in the County. Operator may include anticipated reductions from plugging and abandoning existing wells located in the County when modeling total VOCs from existing and future development and related activities. Operator shall plug and abandon all of the wells agreed upon by the Operator and the City.	This regulation is a strong no for Extraction. Provide reasons <u>why</u>
4-10-02-03-03-03.14.g.	General Provisions; Air Emissions: Ambient Air Monitoring	Site-specific air quality protection measures. To eliminate or minimize air emissions, the County may require any or all of the following depending on the size, location, and nature of the facility:	Site-specific air quality protection measures. To eliminate or minimize air emissions, the County may require any or all of the following depending on the size, location, technical feasibility , and nature of the facility:	
4-10-02-03-03-03.14.g.i	General Provisions; Air Emissions: Ambient Air Monitoring	Ambient Air Monitoring. An air monitoring plan that describes how the operator will conduct baseline monitoring within 500 feet of a proposed facility prior to construction and conduct monitoring during the drilling, completion and production phases of development. The plan shall include monitoring for all potential emissions, including but not limited to, methane, VOCs, Hazardous Air Pollutants (HAPs), Oxides of Nitrogen (NOx), Particulate Matter (PM), Fine Particulate Matter (PM 2.5), and Carbon Monoxide (CO). Operator shall pay for the baseline and ongoing monitoring. Baseline and continuous monitoring shall be done by a consultant approved of by the County. Any continuous monitoring system shall be able to alert the operator of increases in monitored air pollutant concentrations.	Ambient Air Monitoring. An air monitoring plan that describes how the operator will conduct baseline monitoring within 500 feet of a proposed facility prior to construction and conduct monitoring. The plan may also include how the operator will conduct monitoring during the drilling, completion and production phases of development, if agreed upon with the city. The plan shall include monitoring for all potential emissions, including but not limited to, methane, VOCs, Hazardous Air Pollutants (HAPs), Oxides of Nitrogen (NOx), Particulate Matter (PM), Fine Particulate Matter (PM 2.5), and Carbon Monoxide (CO); the operator’s proposal to monitor total hydrocarbons. Operator shall pay for the baseline and ongoing monitoring. Baseline and continuous operational monitoring shall be done by a consultant approved of by the County. Any continuous monitoring system shall be able to alert the operator of increases in monitored air pollutant concentrations if that technology is available, reliable, and feasible.	
4-10-02-03-03-03.14.g.ii	General Provisions; Air Emissions: Ambient Air Monitoring	The use of electric drill rigs.	The use of electric drill rigs, when feasible.	
4-10-02-03-03-03.14.g.iii	General Provisions; Air Emissions: Ambient Air Monitoring	Tier 4 or better diesel engines, diesel and natural gas co-fired Tier 2 or Tier 3 engines, natural gas fired spark ignition engines, or electric line power for hydraulic fracturing pumps.	Tier 4 or better diesel engines, diesel and natural gas co-fired Tier 2 or Tier 3 engines, natural gas fired spark ignition engines, or electric line power for hydraulic fracturing pumps, when feasible.	
4-10-02-03-03-03.14.g.v	General Provisions; Air Emissions: Ambient Air Monitoring	Implementation of tankless production techniques.	Implementation of tankless production techniques, when feasible.	
4-10-02-03-03-03.15.d.iii	General Provisions; Air Emissions: Ambient Air Monitoring	Enclose shale shaker to contain fumes from exposed mud, where safe and feasible	Enclose shale shaker to contain fumes from exposed mud, where safe and technically feasible	
4-10-02-03-03-05.2.g	RESIDENTIAL CONSTRUCTION Standards; Plugged and Abandoned and Former Oil and Gas Production Sites	No utility lines shall be installed within ten feet of any plugged and abandoned well.	No utility lines shall be installed within ten feet of any plugged and abandoned well.	This is unnecessary.

5. Safety Standards:

- a. Operator shall implement a safety management plan and maintain a safety management system applicable to all covered processes. Upstream facilities consisting of standard, repeatable design may be covered with a single safety management plan at the facility. The safety management system shall provide for employees and systems to oversee implementation and periodic revision of the plan. The plan shall include the following elements and describe the manner in which each of the following elements will be applied to the covered processes:

Comment: Extraction strongly recommends having one safety management plan that covers all oil and gas facilities, which includes a PHA, SOPs, Hot Work permits, Mechanical Integrity, and Employee Training. Each site would then be required to have site-specific documentation and include Process Flow Diagrams (PFD), Piping & Instrumentation Drawings (P&ID), Electrical Area Classification, MOCs, Emergency Response Plans (ERPs), and Pre-startup Safety Reviews (PSSR). Extraction recognizes and agrees with the need for documents that support safety for upstream oil and gas production facilities. However, it is important to understand that the safety risk and consequence of an incident is low on upstream oil and gas production facilities because the production volumes are low, the processing that is occurring on these facilities is not complex, and the facilities are unmanned. There is a federal threshold for when a PSM program, such as the safety management plan Adams County is proposing, is triggered, and upstream production facilities are far from meeting this safety threshold. Additionally, OSHA and EPA standards dictate how PSM programs are structured. Part 68.115 of the EPA's Risk Management Plan excludes condensate, crude oil, and field gas from the applicability of this rule. The items listed in the safety standards section of Adams County's proposed regulations are pulled from OSHA 1910.119 requirements for Process Safety Management (PSM) facilities, which, for valid reasons, do not apply to upstream oil and gas facilities.

- i. ~~Process~~safety information. Compilation of written ~~process~~safety information needed to conduct process

Formatted: Indent: Left: 1.31", Hanging: 1", Tab stops: 1.63", Left + Not at 2.5"

Formatted: Highlight

Formatted: Indent: Left: 2.81", No bullets or numbering

Formatted: Font: Not Italic, Font color: Auto

hazard analysis. ~~Process-s~~Safety information shall include information pertaining to hazards of substances and chemicals used ~~by the process~~, information pertaining to the technology ~~of the process~~, information pertaining to the equipment used ~~in the process~~, and information pertaining to the hazards of the substances or chemicals ~~in the process~~. Documentation that equipment used ~~in the process~~ complies with recognized and generally accepted good engineering practices;

- ii. Operating procedures. Written operating procedures that provide clear instructions for safely conducting activities involved ~~in each covered process~~ consistent with the ~~process~~ safety information, and at least annual review of operating procedures to ensure they reflect current operating practices;
- iii. Employee participation. Plan for ensuring employee participation in conduct and development of process hazards analysis and access to process hazards analysis;
- iv. Training. Written procedures detailing initial and refresher employee training requirements and documentation of employee training;
- v. Mechanical integrity. Written procedures **in compliance with COGCC regulations and** designed to maintain the on-going integrity of process equipment, ensure employees involved in maintenance are properly trained to ensure the ongoing integrity of process equipment, ensure that process equipment is tested and inspected in accordance with manufacturer specifications, correct deficiencies in equipment in a safe and timely manner, and ensure that new equipment is installed or constructed properly;
- vi. Management of change. Written procedures to manage changes to ~~covered processes~~, technologies, equipment and procedures;
- vii. Pre-startup reviews. Written procedures regarding pre-startup safety reviews;
- viii. Compliance audits. Written procedures requiring an audit every ~~three~~ **five** years to verify compliance with the procedures and practices developed under the safety

Formatted: Highlight

Formatted: Highlight

management plan, and procedures requiring correction of any deficiencies identified in audit; operator will make results of audit available to inspector upon request;

~~ix. Incident investigation. Written procedures requiring investigations of all incidents, including root cause analysis of all incidents resulting in fatalities or serious environmental harm, establishing a system to promptly address and resolve the incident, and requiring that all employees and contractors whose job tasks are relevant to the investigation of the near miss or incident review the investigation report.~~

~~Comment: This requirement is listed in 4-10-02-03-03.5.a.xiii "Incident History" below.~~

Formatted: Font: Italic, Font color: Red

Formatted: Font: Italic, Font color: Red

x. Hot work. The facility shall ensure that all hot work complies with city and state fire prevention and protection requirements.

Formatted: Indent: Left: 2.31", Hanging: 0.5"

~~ix.~~ Contractors. Written procedures describing how operator screens, oversees, shares ~~process~~ safety and emergency response and preparedness information with contractors;

~~xi.~~ Process hazard analysis. Process hazard analysis for each covered process;

~~xii.~~ Incident history. List of all **significant incidents causing fatalities or serious environmental harm** that have occurred at the operator's facilities within the last **five** years, along with any investigation reports, root cause analysis and operational or process changes that resulted from the investigation of the accident;

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

~~xiii.~~ Safety culture assessment. Written procedures requiring operator periodically review safety culture, and at a minimum conduct such review after each major accident; and

~~xiv. Inherently safer systems analysis. Require analysis at least every 5 years, whenever a change is proposed at the facility that could result in an incident, after an incident if recommended by the investigation report or root cause analysis, and during the design of new processes, equipment or facilities.~~

Formatted: Font color: Text 1

Comment: This requirement is addressed under the Management of Change (MOC) process listed in 4-10-02-03-03-03.5.a.vi above.

Formatted: Font: Italic, Font color: Red

Formatted: Body Text, Indent: Left: 2.44"

Formatted: Font color: Red, Not Highlight

Formatted: Font: Italic, Font color: Red

xv-xiii. Operator shall make available safety management plan to Adams County at the County's request. Adams County may retain outside consultants to review safety management plan and may request modifications to safety management plan based on its review. Operator must reimburse County for reasonable costs associated with retaining outside consultants.

b. Automatic safety protective systems and surface safety valves. Operator is required to install automated safety system prior to commencement of production. Automated safety system shall include the installation, monitoring and remote control of a surface safety valve and shall be able to remotely shut in wells on demand. The surface safety valve shall be equipped to operate remotely via the automated safety protective system. Operator shall test automated safety system ~~annually~~ quarterly to ensure functionality and ~~document results~~ provide results of testing to County quarterly.

Formatted: Tab stops: Not at 2.5"

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Comment: Testing automated systems on a quarterly basis is unnecessary because these are industrial pieces of equipment that have low probability of failure if it's installed and tested properly. Additionally, subsurface safety valves are not used/do not apply in the basin accessed by Adams County surface locations.

Formatted: Legal3_L4

e-b. Incident and accident reporting.

i. Incidents. Within a week of any reportable safety incident, required to be reported under COGCC rules, operator shall submit to the County all reports provided to COGCC regarding the safety incident.

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Comment: All incident and accident reporting should be consistent with the reporting requirements under COGCC regulations to avoid duplicative reporting. Further, "Safety incident" needs to be defined to avoid a strict application where an operator is reporting a sprained ankle or bee sting. Extraction recommends defining safety incident to include (1) Any accidental fire, explosion, or detonation, or uncontrolled release of pressure; (2) Any accident or natural event that

results in a reportable injury as defined by the U.S. Department of Labor, Occupational Safety and Health Administration, at 29 C.F.R. § 1904.39. 29 C.F.R. § 1904.39 may be found at <https://www.osha.gov>.; or (3) Any accident or natural event that results in an injury to a member of the general public that requires hospitalization or professional medical treatment.

- ii. ~~County may require operator to conduct root cause analysis of any incidents causing fatality, serious injury or serious environmental harm or Grade 1 gas leaks, as defined by the COGCC.~~

~~Comment: Already covered under section 4-10-02-03-03.5.a.xiii.~~

- iii. ~~Operator shall keep a incident log that shall be made available to Adams County upon request. Any spill or release that is reportable to the COGCC shall be simultaneously reported to the County's LGD and applicable fire district.~~

~~Comment: Already covered under 4-10-02-03-03.5.a.xii Incident History~~

- ~~iv-ii.~~ Notification to the County's LGD of all spills of a one barrell (bbl) or more that leaves the facility, all spills of any material on permeable ground at the facility that has a reportable spill quantity under any applicable COGCC, CDPHE, or EPA requirement and copies of any self-reporting submissions that operator provides to the COGCC.

- ~~v.~~ Notification of the surface owner or the surface owner's tenant of spills and releases in conformance with COGCC Rules.

Formatted: Font: Italic, Font color: Red

Formatted: Font color: Red

Formatted: Body Text, Indent: Left: 2.44"

Formatted: Font: Italic, Font color: Red


Formatted: Font: Italic, Font color: Red, Not Highlight

Formatted: Body Text, Indent: Left: 2.44"

Formatted: Font: Italic, Font color: Red

Formatted: Font color: Red, Not Highlight

Formatted: Legal3_L5, Indent: Left: 2.5"

Sect	e	Draft Regulation	Suggested Language	Additional Comments
2-2-14-5.1	 VIEW STEPS; iew	Operator shall identify three proposed locations for the oil and gas facility for the Alternative Site Analysis process outlined below. For each location, operator shall identify the following items that are located with a half-mile radius of the parcel boundary of the proposed facility: existing or platted residences, occupied buildings, parks, open space, schools, state licensed daycares, known areas of environmental contamination such as superfund sites, hospitals, water bodies, floodplains, floodways, existing active and decommissioned wells, and roadways. Proposed access routes to the site should also be provided. This information must be submitted to Community and Economic Development for review. Following that, a conceptual review meeting shall be held with the operator. Operators are encouraged to schedule a conceptual review prior to entering into any surface use agreements.	Operator shall identify at least two proposed locations for the oil and gas facility for the Alternative Site Analysis process outlined below. For each location, operator shall identify the following items that are located with a half-mile radius of the parcel boundary of the proposed facility: existing or platted residences, occupied buildings, parks, open space, schools, state licensed daycares, known areas of environmental contamination such as superfund sites, hospitals, water bodies, floodplains, floodways, existing active and decommissioned wells, and roadways. Proposed access routes to the site should also be provided. This information must be submitted to Community and Economic Development for review. Following that, a conceptual review meeting shall be held with the operator. Operators are encouraged to schedule a conceptual review prior to entering into any surface use agreements.	
2-2-14-5.1.a.2	OGF PERMIT REVIEW STEPS; Alternative Site Analysis	Description of potential sites. Applicant must submit descriptions of at least three (3) potential sites for the OGF that were considered by applicant. Description must include description of site locations considered, whether mineral extraction is possible and reasonable from those sites, the off-site impacts associated with those sites, and why a particular site is proposed, if any.	Description of potential sites. Applicant must submit descriptions of at least three (3) two (2) potential sites for the OGF that were considered by applicant. Description must include description of site locations considered, whether mineral extraction is possible and reasonable from those sites, the off-site impacts associated with those sites, and why a particular site is proposed, if any.	Surface locations are dependent on access to minerals. Many times, finding 3 surfaces can be extremely difficult.
2-2-14-5.1.a.5	OGF PERMIT REVIEW STEPS; Site Selection	The county shall review all proposed locations in order to determine which location(s) best protects public health, safety, welfare, and the environment and will choose the location that best satisfies this goal. The Director of Community and Economic Development will determine if any proposed sites meet this goal. If no location satisfies this goal, Operator shall submit three new proposed locations. Alternatively, the County may suggest alternative location(s) or may recommend denial of the OGF Permit if it does not believe that any of the proposed sites meet the siting goal.	The county shall review all proposed locations in order to determine which location(s) best protects public health, safety, welfare, and the environment, and will choose the location that best satisfies this goal, while recognizing the ability to access the minerals . The Director of Community and Economic Development will determine if any proposed sites meet this goal. If no location satisfies this goal, Operator shall submit three new proposed locations. Alternatively, the County may suggest alternative location(s) or may recommend denial of the OGF Permit if it does not believe that any of the proposed sites meet the siting goal.	It is important to also acknowledge the surface location's ability to access the minerals efficiently and economically.
2-2-14-5.2	OGF PERMIT REVIEW STEPS; Community Meeting	Applicable, unless waived by the Director of Community and Economic Development. Director of Community and Economic Development will determine whether neighborhood meetings are required for all or some of the proposed alternative sites. At the neighborhood meeting, the applicant shall provide an overview of its proposed oil and gas operation and allow those in attendance to provide input as to the proposed operation, including, but not limited to, issues that arise from application of these regulations to the proposed operation, and suggested mitigation to adequately ensure compliance with these regulations.		Setting up a community meeting for every potential location may create unintended harm. This may also cause private negotiations with landowners to be public and create unintended friction amongst the community.
2-2-14-5.3.c.3	OGF PERMIT REVIEW STEPS; Operations Plan: Impact Area Map	The second sheet shall contain an Impact Area Map that shows the proposed location of the Oil and Gas Facility, locations of all existing oil and gas wells within the one-mile impact area, locations of all producing, closed, abandoned, and shut-in wells and other oil and gas operations within one (1) mile of the site, locations of all water wells within ½ mile of the proposed Oil and Gas Operation, Existing improvements within 1,500 feet of the location on which the operation is proposed, and all existing and proposed roads within the one-mile impact area	The second sheet shall contain an Impact Area Map that shows the proposed location of the Oil and Gas Facility, locations of all existing oil and gas wells within the one- half mile impact area, locations of all producing, closed, abandoned, and shut-in wells and other oil and gas operations within one- half (1) mile of the site, locations of all water wells within ½ mile of the proposed Oil and Gas Operation, Existing improvements within 1,500 feet of the location on which the operation is proposed, and all existing and proposed roads within the one-mile impact area	To avoid unnecessary confusion, Extraction recommends using one distance for all Impact Area Map requirements.
2-2-14-5.3.c.5	OGF PERMIT REVIEW STEPS; Operations Plan: Production Plan	The fourth sheet shall provide a site plan of production operations with production equipment such as tanks and compressor stations with existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County. The production plan shall also identify proposed drilling and completion schedules. A seed mix shall be provided for reseeding the well pad. Equipment layout may be a typical plan appropriate to the degree of development for the Oil and Gas Facility, if the County deems it appropriate for the extent of development of the proposed Oil and Gas Facility.	The fourth sheet shall provide a site plan of production operations with production equipment such as tanks and compressor stations with existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County. The production plan shall also identify proposed drilling and completion schedules. A seed mix shall be provided for reseeding the well pad. Equipment layout may be a typical plan appropriate to the degree of development for the Oil and Gas Facility, if the County deems it appropriate for the extent of development of the proposed Oil and Gas Facility.	Extraction is unable to determine drilling and completions schedules during this phase. Schedules are often dictated and impacted by markets and other factors that cannot be controlled.
2-2-14-5.3.e.4.d	OGF PERMIT REVIEW STEPS; Engineering Documents	All applicable transportation fees shall be paid prior to issuance of a development plan review construction permit, including without limitation:		What is a development plan review construction permit?
2-2-14-5.3.e.4.d.ii	OGF PERMIT REVIEW STEPS; Engineering Documents	Oversize/overweight permit fees		These permits are not typically required until later on. Extraction recommends adding this requirement as a COA on the OGF Permit. At the time of permitting we won't know what drilling rig will be used for the site. Technology may change within the permit time frame and permits would be incorrect.
2-2-14-6-6	CRITERIA FOR APPROVAL	The site is suitable for the use, including adequate usable space, adequate access, and absence of environmental constraints.	The site is suitable for the use, including adequate usable space, adequate access, and adherence of environmental or wildlife stipulations .	

2-2-14-7-4	WAIVER REVIEW PROCEDURES	Applicants may only seek a waiver after submitting a complete application for an OGF Permit and participating in a conceptual review meeting with Community and Economic Development staff. If applicant is unable to meet all approval criteria and comply with all performance standards required for an OGF Permit, applicant may choose to seek a waiver from the Board of County Commissioners. The processing of a waiver shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:	Applicants may only seek a waiver after submitting a complete application for an OGF Permit only after and participating in a conceptual review meeting with Community and Economic Development staff. If applicant is unable to meet all approval criteria and comply with all performance standards required for an OGF Permit, applicant may choose to seek a waiver from the Board of County Commissioners. The processing of a waiver shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:	
4-10-02-03-03-03.6.a. and 4-10-02-03-03-03.6.a.i	General Provisions; Safety Standards	Operator shall implement a safety management plan and maintain a safety management system applicable to all covered processes at the facility. The safety management system shall provide for employees and systems to oversee implementation and periodic revision of the plan. The plan shall include the following elements and describe the manner in which each of the following elements will be applied to the covered processes: i. Process safety information. Compilation of written process safety information needed to conduct process hazard analysis. Process safety information shall include information pertaining to hazards of substances and chemicals used by the process, information pertaining to the technology of the process, information pertaining to the equipment used in the process, and information pertaining to the hazards of the substances or chemicals in the process. Documentation that equipment used in the process complies with recognized and generally accepted good engineering practices;		All of the components listed in the Safety Standards 6.a.i-6.a.xvi are components of OSHA's Process Safety Mgmt and Chemical Management Provisions of EPA's Clear Air Act. It requires that operators who could have 10,000 lbs. or more of a Class I (or IA) flammable liquid or Category 1 flammable gas on site in storage or interconnected piping combined at any one time comply with the standards. Production sites function to gather a combined two or three-phase stream of crude oil, natural gas, natural gas condensate (and/or produced water) and separate them for transfer offsite. Raw Condensate, Produced Water, Crude Oil, and Natural (Field) Gas are not subject to the EPA RMP (10,000 lb.) threshold determination – independent of flammability (40 CFR 68.115) – as typical production facilities are designed to separate and transfer each in an unrefined state. These hydrocarbon streams are not processed in a manner that changes the chemical nature from their raw state. As such, typical production facilities are not subject to the RMP rule. A Safety Management Plan is used on these sized facilities, but would be a difficult expectation to implement on all locations. Extraction would like to suggest 1) deleting it entirely because it is a current OSHA requirement on larger facilities (e.g., processing plants), not on the standard oil and gas facilities that are built today 2) instead amend the regulation to require the county attend the PHA (Process Hazard Analysis) and PSSR (Pre-Startup Safety Review), but not create a new process for every component of a facility.
4-10-02-03-03-03.6.a.viii	General Provisions; Safety Standards: Compliance Audits	Written procedures requiring an audit every three years to verify compliance with the procedures and practices developed under the safety management plan, and procedures requiring correction of any deficiencies identified in audit; operator will make results of audit available to inspector upon request;	A third party PHA-HAZOP certified facilitator, to be engaged by the city, shall coordinate a Hazard and Operability Study with cooperation of the Operator. If any of the findings by the PHA-HAZOP certified facilitator are applicable, this information will be added to the Emergency Response Plan and the local fire departments training. The Operator will provide a letter that the engineer of record has incorporated all applicable PHA-HAZOP recommendations in the design of the applicable well sites.	Currently, neither Adams County nor the operators have the staff to comply with this regulation as its written. Both parties would have to increase staff to include at least 4 more people in order to execute this proposed regulation.
4-10-02-03-03-03.6.a.xiii	General Provisions; Safety Standards: Incident History	List of all incidents that have occurred at the operator's facilities within the last ten years, along with any investigation reports, root cause analysis and operational or process changes that resulted from the investigation of the accident;	List of all incidents that have occurred at the operator's facilities within the last three ten years, along with any investigation reports, root cause analysis and operational or process changes that resulted from the investigation of the accident as required by the COGCC ;	
4-10-02-03-03-03.6.b	General Provisions; Safety Standards: Automatic safety protective systems and surface safety valves	Automatic safety protective systems and surface safety valves. Operator is required to install automated safety system prior to commencement of production. Automated safety system shall include the installation, monitoring and remote control of a subsurface safety valve and shall be able to remotely shut in wells on demand. Subsurface safety valve shall be equipped to operate remotely via the automated safety protective system. Operator shall test automated safety system quarterly to ensure functionality and provide results of testing to County quarterly.	Automatic safety protective systems and surface safety valves. Operator is required to install automated safety system prior to commencement of production. Automated safety system shall include the installation, monitoring and remote control of a surface safety valve and shall be able to remotely shut in wells on demand. Surface safety valve shall be equipped to operate remotely via the automated safety protective system. Operator shall test automated safety system quarterly to ensure functionality and provide results of testing to County quarterly.	There are no subsurface safety valves in this basin.
4-10-02-03-03-03.6.c	General Provisions; Safety Standards: Incident and accident reporting	Incident and accident reporting.	An operator must notify Adams County of reportable safety events at an oil and gas facility. Reportable safety events include: (1) Any accidental fire, explosion, or detonation, or uncontrolled release of pressure; (2) Any accident or natural event that results in a reportable injury as defined by the U.S. Department of Labor, Occupational Safety and Health Administration, at 29 C.F.R. § 1904.39. 29 C.F.R. § 1904.39 may be found at https://www.osha.gov . ; or (3) Any accident or natural event that results in an injury to a member of the general public that requires medical treatment.	
4-10-02-03-03-03.6.c.iv	General Provisions; Safety Standards: Incident and accident reporting	Notification to the County's LGD of all spills of a gallon or more that leaves the facility, all spills of any material on permeable ground at the facility that has a reportable spill quantity under any law and copies of any self-reporting submissions that operator provides to the COGCC.	Notification to the County's LGD of all spills of 1 barrel (bbl.) a-gallon or more that leaves the facility, all spills of any material on permeable ground at the facility that has a reportable spill quantity under any law and copies of any self-reporting submissions that operator provides to the COGCC.	

4-10-02-03-03.7.a.	General Provisions; Chemical Handling and Requirements	The owner or operator of any installation that is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., and regulations promulgated under that Act, shall submit both a material safety data sheet (MSDS) for each such chemical and an annual emergency and hazardous chemical inventory form to the LEPC and the local fire district. A comprehensive and universal listing of all hazardous chemicals shall be organized based on the various phases of operation including test wells and drilling and other construction activities submitted prior to construction and with the necessary building permit applications for a Rig and Move Permit. In addition, operator shall have current MSDS and quantities on site at all times or available upon request.	The owner or operator of any installation that is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., and regulations promulgated under that Act, shall submit both a material safety data sheet (MSDS) for each such chemical and an annual emergency and hazardous chemical inventory form to the LEPC and the local fire district. A comprehensive and universal listing of all hazardous chemicals shall be organized prior to drilling activities-based-on the various phases of operation including test wells and drilling and other construction activities submitted prior to construction and with the necessary building permit applications for a Rig and Move Permit and will be available upon request. In addition, operator shall have current MSDS and quantities on site at all times or available upon request.	Extraction will not know this level of detail this far in advance, this information may change post-submittal.
4-10-02-03-03.7.d.	General Provisions; Chemical Handling and Requirements	Operator shall not use toxic, including orally toxic, chemicals in hydraulic fracturing fluids including, the following: 1. Benzene; 2. Lead; 3. Mercury; 4. Arsenic; 5. Cadmium; 6. Chromium; 7. Ethylbenzene; 8. Xylenesf; 9. 1,3,5-trimethylbenzene; 10. 1,4-dioxane; 11. 1-butanol; 12. 2-butoxyethanol; 13. N,N-dimethylformamide; 14. 2-ethylhexanol; 15. 2 -mercaptoethanol; 16. Benzene, 1,1'-oxybis-, tetrapropylene sulfonated, sodium salts derivatives, 17. Butyl glycidyl ether; 18. Polysorbate 80; 19. Quaternary ammonium compounds, dicocoalkyldimethyl, chlorides; 20. Bis hex amethylenetriaminepentamethylene phosphonic acid; 21. Diethylenetriamine pental; 22. FD&C blue no 1.; 23. Tetrakis (triethanolaminato) zirconimum (IV) (TTZ)	Operator shall not limit its use of toxic, including orally toxic, chemicals in hydraulic fracturing fluids including, the following: 1. Benzene; 2. Lead; 3. Mercury; 4. Arsenic; 5. Cadmium; 6. Chromium; 7. Ethylbenzene; 8. Xylenesf; 9. 1,3,5-trimethylbenzene; 10. 1,4-dioxane; 11. 1-butanol; 12. 2-butoxyethanol; 13. N,N-dimethylformamide; 14. 2-ethylhexanol; 15. 2-mercaptoethanol; 16. Benzene, 1,1'-xybis-, tetrapropylene sulfonated, sodium salts derivatives, 17. Butyl glycidyl ether; 18. Polysorbate 80; 19. Quaternary ammonium compounds, dicocoalkyldimethyl, chlorides; 20. Bis hex amethylenetriaminepentamethylene phosphonic acid; 21. Diethylenetriamine pental; 22. FD&C blue no 1.; 23. Tetrakis (triethanolaminato) zirconimum (IV) (TTZ)	These chemicals are helpful in controlling corrosion and bacteria.
4-10-02-03-03.8.b.v	Emergency Preparedness and Response.	Detailed information identifying access or evacuation routes, zone of influence for each emergency scenario identifying impacted facilities and buildings and health care facilities anticipated to be used.	Detailed information identifying access or evacuation routes , zone of influence for each emergency scenario identifying impacted facilities and buildings and health care facilities anticipated to be used.	Extraction recommends excluding "evacuation routes" from the proposed regulation. The first responders will determine evacuation routes for their district.
4-10-02-03-03.8.b.viii	Emergency Preparedness and Response.	Detailed information that the Applicant has adequate personnel, supplies, and funding to implement the emergency response plan immediately at all times during construction and operations.	Detailed information that the Applicant has adequate personnel, supplies, and funding to implement the emergency response plan immediately at all times during construction and operations. Supplies can include the adsorption boom, granulated materials, and coordination of foam supplies with the local first responders.	
4-10-02-03-03.8.b.x.	General Provisions; Emergency Preparedness and Response	The plan shall include a provision establishing a process by which the Applicant engages with the surrounding neighbors and schools to educate them on the risks and benefits of the on- site operations and to establish a process for surrounding neighbors and schools within a half mile radius, unless determined otherwise by the Director of Community and Economic Development, to communicate with the Applicant.		What exactly is expected in terms of engaging with the neighbors and schools to educate them on the risks and benefits within a half-mile? Should this be included/addressed during the Community Meeting phase?
4-10-02-03-03.8.b.xi.	General Provisions; Emergency Preparedness and Response	Operator shall maintain onsite storage of aqueous film forming foam (which shall not contain PFAS), absorption boom and granulated materials for ready deployment in case of leaks or other emergencies. Operator shall notify first responders of the location of said materials.	Operator shall maintain onsite storage of aqueous film forming foam (which shall not contain PFAS), absorption boom and granulated materials for ready deployment in case of leaks or other emergencies. Operator shall notify first responders of the location of said materials.	Extraction recommends striking this regulation altogether. Details of supplies are requested to be relocated/added to 4-10-02-03-03.8.b.viii
4-10-02-03-03.9.c	General Provisions; Recycle, Reuse, and Disposal of Fluids	Waste must be transported by pipelines unless technically infeasible.		What is included in waste? Produced water? Must be clarified.
4-10-02-03-03.12.b.iv	General Provisions; Well Plugging and Abandonment	Permission from each surface owner who has an abandoned well on the surface owner's property to access the property in order to test the abandoned well. If a surface owner has not provided permission to access after thirty days from receiving notice, the applicant shall not be required to test the abandoned well.	Permission from each surface owner who has an abandoned well on the surface owner's property to access the property in order to test the abandoned well. If a surface owner has not provided permission to access after fifteen days from receiving notice, the applicant shall not be required to test the abandoned well.	
4-10-02-03-03.12.b.vi	General Provisions; Well Plugging and Abandonment	Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well within one year and then every three years after production has commenced.		Every three years is much more than previous agreements. Operators will require any surface landowners that agree to the initial sampling to give operators access to their property for the life of the facility.
4-10-02-03-03.12.c	General Provisions; Well Plugging and Abandonment	Marking of plugged and abandoned wells. The operator shall permanently mark by a brass plaque set in concrete, similar to a permanent bench mark to monument the plugged and abandoned well's existence and location. Such plaque shall contain all information required on a dry hole marker by the COGCC and the County.	Marking of plugged and abandoned wells. The operator shall permanently mark by a brass plaque set in concrete, similar to a permanent bench mark to monument the plugged and abandoned well's existence and location. Such plaque shall contain all information required on a dry hole marker by the COGCC and the County.	
4-10-02-03-03.14.b.ii	General Provisions; Air Emissions: Leak Detection and Repair	If an infrared (IR) camera is used, operator shall retain an infrared image or video of all leaking components before and after repair. Such records shall be maintained for two years and shall be made available to the county upon request.	If an infrared (IR) camera is used, operator shall retain an infrared image or video of all leaking components before and after repair. Such records shall be maintained for two years and shall be made available to the county upon request.	Request to remove- saving videos takes a lot of space and has no bearing on AQ improvement.

4-10-02-03-03-03.14.d.ii	General Provisions; Air Emissions: Combustion Devices	Flaring shall be eliminated other than during emergencies or upset conditions; all flaring shall be reported to the county	Open flaring shall be eliminated other than during emergencies or upset conditions; all open flaring shall be reported to the county.	
4-10-02-03-03-03.14.f.vi	General Provisions; Air Emissions: Combustion Devices	For operators with existing oil and gas facilities in Adams County, demonstration that the facility will not result in any increase of VOCs from operator’s existing and planned development in the County. Operator may include anticipated reductions from plugging and abandoning existing wells located in the County when modeling total VOCs from existing and future development and related activities.	For operators with existing oil and gas facilities in Adams County, demonstration that the facility will not result in any increase of VOCs from operator’s existing and planned development in the County. Operator may include anticipated reductions from plugging and abandoning existing wells located in the County when modeling total VOCs from existing and future development and related activities. Operator shall plug and abandon all of the wells agreed upon by the Operator and the City.	This regulation is a strong no for Extraction. Provide reasons <u>why</u>
4-10-02-03-03-03.14.g.	General Provisions; Air Emissions: Ambient Air Monitoring	Site-specific air quality protection measures. To eliminate or minimize air emissions, the County may require any or all of the following depending on the size, location, and nature of the facility:	Site-specific air quality protection measures. To eliminate or minimize air emissions, the County may require any or all of the following depending on the size, location, technical feasibility , and nature of the facility:	
4-10-02-03-03-03.14.g.i	General Provisions; Air Emissions: Ambient Air Monitoring	Ambient Air Monitoring. An air monitoring plan that describes how the operator will conduct baseline monitoring within 500 feet of a proposed facility prior to construction and conduct monitoring during the drilling, completion and production phases of development. The plan shall include monitoring for all potential emissions, including but not limited to, methane, VOCs, Hazardous Air Pollutants (HAPs), Oxides of Nitrogen (NOx), Particulate Matter (PM), Fine Particulate Matter (PM 2.5), and Carbon Monoxide (CO). Operator shall pay for the baseline and ongoing monitoring. Baseline and continuous monitoring shall be done by a consultant approved of by the County. Any continuous monitoring system shall be able to alert the operator of increases in monitored air pollutant concentrations.	Ambient Air Monitoring. An air monitoring plan that describes how the operator will conduct baseline monitoring within 500 feet of a proposed facility prior to construction and conduct monitoring. The plan may also include how the operator will conduct monitoring during the drilling, completion and production phases of development, if agreed upon with the city. The plan shall include monitoring for all potential emissions, including but not limited to, methane, VOCs, Hazardous Air Pollutants (HAPs), Oxides of Nitrogen (NOx), Particulate Matter (PM), Fine Particulate Matter (PM 2.5), and Carbon Monoxide (CO). the operator’s proposal to monitor total hydrocarbons. Operator shall pay for the baseline and ongoing monitoring. Baseline and continuous operational monitoring shall be done by a consultant approved of by the County. Any continuous monitoring system shall be able to alert the operator of increases in monitored air pollutant concentrations if that technology is available, reliable, and feasible.	
4-10-02-03-03-03.14.g.ii	General Provisions; Air Emissions: Ambient Air Monitoring	The use of electric drill rigs.	The use of electric drill rigs, when feasible.	
4-10-02-03-03-03.14.g.iii	General Provisions; Air Emissions: Ambient Air Monitoring	Tier 4 or better diesel engines, diesel and natural gas co-fired Tier 2 or Tier 3 engines, natural gas fired spark ignition engines, or electric line power for hydraulic fracturing pumps.	Tier 4 or better diesel engines, diesel and natural gas co-fired Tier 2 or Tier 3 engines, natural gas fired spark ignition engines, or electric line power for hydraulic fracturing pumps, when feasible.	
4-10-02-03-03-03.14.g.v	General Provisions; Air Emissions: Ambient Air Monitoring	Implementation of tankless production techniques.	Implementation of tankless production techniques, when feasible.	
4-10-02-03-03-03.15.d.iii	General Provisions; Air Emissions: Ambient Air Monitoring	Enclose shale shaker to contain fumes from exposed mud, where safe and feasible	Enclose shale shaker to contain fumes from exposed mud, where safe and technically feasible	
4-10-02-03-03-05.2.g	RESIDENTIAL CONSTRUCTION Standards; Plugged and Abandoned and Former Oil and Gas Production Sites	No utility lines shall be installed within ten feet of any plugged and abandoned well.	No utility lines shall be installed within ten feet of any plugged and abandoned well.	This is unnecessary.

Section	Title	Draft Regulation	Suggested Language	Additional Comments
4-10-02-03-03-03.5.a.	General Provisions; Safety Standards	Operator shall implement a safety management plan and maintain a safety management system applicable to all covered processes at the facility. The safety management system shall provide for employees and systems to oversee implementation and periodic revision of the plan. The plan shall include the following elements and describe the manner in which each of the following elements will be applied to the covered processes:	Operator shall implement a safety management plan and maintain a safety management system applicable to all covered processes at the facility. Upstream facilities consisting of a standard, repeatable design may be covered with a single safety management plan. The safety management system shall provide for employees and systems to oversee implementation and periodic revision of the plan. The plan shall include the following elements: and describe the manner in which each of the following elements will be applied to the covered processes:	Extraction strongly recommends having <u>one</u> safety management plan that covers all oil and gas facilities, which includes a PHA, SOPs, Hot Work permits, Mechanical Integrity, and Employee Training. Each site would then be required to have site-specific documentation and include Process Flow Diagrams (PFD), Piping & Instrumentation Drawings (P&ID), Electrical Area Classification, MOCs, Emergency Response Plans (ERPs), and Pre-startup Safety Reviews (PSSR). Extraction recognizes and agrees with the need for documents that support safety for upstream oil and gas production facilities. However, it is import to understand that the safety risk and consequence of an incident is low on upstream oil and gas production facilities because the production volumes are low, the processing that is occurring on these facilities is not complex, and the facilities are unmanned. There is a federal threshold for when a PSM program, such as the safety management plan Adams County is proposing, is triggered, and upstream production facilities are far from meeting this safety threshold. Additionally, OSHA and EPA standards dictate how PSM programs are structured. Part 68.115 of the EPA's Risk Management Plan excludes condensate, crude oil, and field gas from the applicability of this rule. The items listed in the safety standards section of Adams County's proposed regulations are pulled from OSHA 1910.119 requirements for Process Safety Management (PSM) facilities, which, for valid reasons, do not apply to upstream oil and gas facilities.
4-10-02-03-03-03.5.a.i	General Provisions; Safety Standards: Process safety information	Compilation of written process safety information needed to conduct process hazard analysis. Process safety information shall include information pertaining to hazards of substances and chemicals used by the process, information pertaining to the technology of the process, information pertaining to the equipment used in the process, and information pertaining to the hazards of the substances or chemicals in the process. Documentation that equipment used in the process complies with recognized and generally accepted good engineering practices;	Process Safety information. Compilation of written process safety information needed to conduct process hazard analysis. Process Safety information shall include information pertaining to hazards of substances and chemicals used by the process , information pertaining to the technology of the process , information pertaining to the equipment used in the process , and information pertaining to the hazards of the substances or chemicals in the process . Documentation that equipment used in the process complies with recognized and generally accepted good engineering practices;	
4-10-02-03-03-03.5.a.ii	General Provisions; Safety Standards: Operating procedures	Written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information, and at least annual review of operating procedures to ensure they reflect current operating practices;	Written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information, and at least annual review of operating procedures to ensure they reflect current operating practices;	
4-10-02-03-03-03.5.a.v	General Provisions; Safety Standards: Mechanical integrity	Written procedures in compliance with COGCC regulations and designed to maintain the on-going integrity of process equipment, ensure employees involved in maintenance are properly trained to ensure the ongoing integrity of process equipment, ensure that process equipment is tested and inspected in accordance with manufacturer specifications, correct deficiencies in equipment in a safe and timely manner, and ensure that new equipment is installed or constructed properly	Written procedures in compliance with COGCC regulations and designed to maintain the on-going integrity of process equipment, ensure employees involved in maintenance are properly trained to ensure the ongoing integrity of process equipment, ensure that process equipment is tested and inspected in accordance with manufacturer specifications, correct deficiencies in equipment in a safe and timely manner, and ensure that new equipment is installed or constructed properly	
4-10-02-03-03-03.5.a.vi	General Provisions; Safety Standards: Management of change	Written procedures to manage changes to covered processes, technologies, equipment and procedures;	Written procedures to manage changes to covered processes , technologies, equipment and procedures;	
4-10-02-03-03-03.5.a.viii	General Provisions; Safety Standards: Compliance Audits	Written procedures requiring an audit every three years to verify compliance with the procedures and practices developed under the safety management plan, and procedures requiring correction of any deficiencies identified in audit; operator will make results of audit available to inspector upon request;	Written procedures requiring an audit every three five years to verify compliance with the procedures and practices developed under the safety management plan, and procedures requiring correction of any deficiencies identified in audit; operator will make results of audit available to inspector upon request;	Currently, neither Adams County nor the operators have the staff to comply with this regulation as its written. Both parties would have to increase staff to include at least 4 more people in order to execute this proposed regulation.
4-10-02-03-03-03.5.a.ix	General Provisions; Safety Standards: Incident investigation	Written procedures requiring investigations of all near-misses and incidents, including root cause analysis of all incidents resulting in fatalities or serious environmental harm, establishing a system to promptly address and resolve the incident, and requiring that all employees and contractors whose job tasks are relevant to the investigation of the near miss or incident review the investigation report.	Written procedures requiring investigations of all near misses and incidents, including root cause analysis of all incidents resulting in fatalities or serious environmental harm, establishing a system to promptly address and resolve the incident, and requiring that all employees and contractors whose job tasks are relevant to the investigation of the near miss or incident review the investigation report.	Redundant. Extraction recommends deleting this proposed regulation as it is already listed in 4-10-02-03-03-03.5.a.xiii "Incident History" below.

4-10-02-03-03-03.5.a.xi	General Provisions; Safety Standards: Contractors	Written procedures describing how operator screens, oversees, shares process safety and emergency response and preparedness information with contractors	Written procedures describing how operator screens, oversees, shares process safety and emergency response and preparedness information with contractors	
4-10-02-03-03-03.5.a.xiii	General Provisions; Safety Standards: Incident History	List of all incidents that have occurred at the operator's facilities within the last ten years, along with any investigation reports, root cause analysis and operational or process changes that resulted from the investigation of the accident;	List of all significant incidents causing fatalities or serious environmental harm that have occurred at the operator's facilities within the last five ten years, along with any investigation reports, root cause analysis and operational or process changes that resulted from the investigation of the accident as required by the COGCC ;	
4-10-02-03-03-03.5.a.xv	General Provisions; Safety Standards: Inherently safer systems analysis	Require analysis at least every 5 years, whenever a change is proposed at the facility that could result in an incident, after an incident if recommended by the investigation report or root cause analysis, and during the design of new processes, equipment or facilities.	Require analysis at least every 5 years, whenever a change is proposed at the facility that could result in an incident, after an incident if recommended by the investigation report or root cause analysis, and during the design of new processes, equipment or facilities.	Redundant. This requirement is already addressed under the Management of Change (MOC) process listed in 4-10-02-03-03-03.5.a.vi above
4-10-02-03-03-03.5.b	General Provisions; Safety Standards: Automatic safety protective systems and surface safety valves	Automatic safety protective systems and surface safety valves. Operator is required to install automated safety system prior to commencement of production. Automated safety system shall include the installation, monitoring and remote control of a subsurface safety valve and shall be able to remotely shut in wells on demand. Subsurface safety valve shall be equipped to operate remotely via the automated safety protective system. Operator shall test automated safety system quarterly to ensure functionality and provide results of testing to County quarterly.	Automatic safety protective systems and surface safety valves. Operator is required to install automated safety system prior to commencement of production. Automated safety system shall include the installation, monitoring and remote control of a surface safety valve and shall be able to remotely shut in wells on demand. Surface safety valve shall be equipped to operate remotely via the automated safety protective system. Operator shall test automated safety system annually quarterly to ensure functionality and document results. provide results of testing to County quarterly.	There are no subsurface safety valves in this basin. Testing automated systems on a quarterly basis is unnecessary because these are industrial pieces of equipment that have low probability of failure if it's installed and tested properly.
4-10-02-03-03-03.5.c.i	General Provisions; Safety Standards: Incidents	Within a week of any reportable safety incident, required to be reported under COGCC rules, operator shall submit to the County all reports provided to COGCC regarding the safety incident to the County including the following to the extent available:	Within a week of any reportable safety incident, required to be reported under COGCC rules, operator shall submit to the County all reports provided to COGCC regarding the safety incident. to the County including the following to the extent available	
4-10-02-03-03-03.5.c.ii	General Provisions; Safety Standards: Incident and accident reporting	Fuel source, location, proximity to residences and other occupied buildings, cause, duration, intensity, volume, specifics and degree of damage to properties, if any beyond the facility, injuries to persons, emergency response, and remedial and preventative measures to be taken within a specified amount of time.	Fuel source, location, proximity to residences and other occupied buildings, cause, duration, intensity, volume, specifics and degree of damage to properties, if any beyond the facility, injuries to persons, emergency response, and remedial and preventative measures to be taken within a specified amount of time.	All incident and accident reporting should be consistent with the reporting requirements under COGCC regulations to avoid duplicative reporting. Further, “Safety incident” needs to be defined to avoid a strict application where an operator is reporting a sprained ankle or bee sting. Extraction recommends defining safety incident to include (1) Any accidental fire, explosion, or detonation, or uncontrolled release of pressure; (2) Any accident or natural event that results in a reportable injury as defined by the U.S. Department of Labor, Occupational Safety and Health Administration, at 29 C.F.R. § 1904.39. 29 C.F.R. § 1904.39 may be found at https://www.osha.gov . ; or (3) Any accident or natural event that results in an injury to a member of the general public that requires hospitalization or professional medical treatment.
4-10-02-03-03-03.5.c.iii	General Provisions; Safety Standards: Incident and accident reporting	County may require operator to conduct root cause analysis of any incidents causing fatality, serious injury or serious environmental harm or Grade 1 gas leaks, as defined by the COGCC.	County may require operator to conduct root cause analysis of any incidents causing fatality, serious injury or serious environmental harm or Grade 1 gas leaks, as defined by the COGCC.	Redundant. This requirement is already covered under 4-10-02-03-03-03.5.a.xiii
4-10-02-03-03-03.5.c.iv	General Provisions; Safety Standards: Incident and accident reporting	Operator shall keep a daily incident log that shall be made available to Adams County upon request. Any spill or release that is reportable to the COGCC shall be simultaneously reported to the County’s LGD and applicable fire district.	Operator shall keep a daily incident log that shall be made available to Adams County upon request. Any spill or release that is reportable to the COGCC shall be simultaneously reported to the County’s LGD and applicable fire district.	Redundant. This requirement is already addressed under Section 4-10-02-03-03-03.5.a.xii Incident History
4-10-02-03-03-03.5.c.iv	General Provisions; Safety Standards: Incident and accident reporting	Notification to the County’s LGD of all spills of a gallon or more that leaves the facility, all spills of any material on permeable ground at the facility that has a reportable spill quantity under any law and copies of any self-reporting submissions that operator provides to the COGCC.	Notification to the County’s LGD of all spills of 1 barrel (bbl.) a gallon or more that leaves the facility, all spills of any material on permeable ground at the facility that has a reportable spill quantity under any law and copies of any self-reporting submissions that operator provides to the COGCC.	

Items of concern in Adams County proposed regulations

- 1) VOCs cannot increase
 - a. Language is too vague. Calculations are way too complex
 - b. Why only existing operators? What if there is a sale or transfer? What if there are undeveloped leases?
 - c. If one industry can't bring new VOC sources into Adams without offsetting, then all industries should follow that (not just oil and gas)
 - i. For
reference: http://www.webdocs.dphe.state.co.us/APCD/PermitStatus/CNTY_001.html
 - d. If existing operators have to offset VOC sources, so should new operators.
 - e. VOCs aren't determined by modeling so this is not relevant (we use an emission inventory and emission factor)
 - f. "Related activities" (Scope 2 and Scope 3 emissions) are never considered in VOC emissions calculations.
 - g. Old facilities decline. Therefore, removal of old facilities do not have as much impact on emissions as you may think; therefore, there is not much room for an existing operator to grow new development.
- 2) Alternative site analysis
 - a. Private landowner negotiations that will be forced at the request of the county, so landowner has major leverage over the operator. Also opportunity for elected officials/County to appoint winners and losers in the community.
 - b. There is no need to get the adjacent property owners worked up about oil and gas and providing comment when there is no need. Also could cause angst between neighbors.
- 3) Safety Standards
 - a. No wellsite facility in the entire US falls under PSM as far as we are aware. 10,000lbs of fluid storage including separators, tanks, pipe, etc. On all our upstream facilities, we only produce the oil and gas feedstock. This is unrefined product that under current operations do not require the conforming of the PSM stringent requirements.
 - b. PSM is meant for large storage facilities and chemical plants
 - c. <https://www.osha.gov/laws-regs/standardinterpretations/2000-04-11-1>
 - d. A potential response to Adams County could be that we have already performed an internal audit to the process. With that assessment we have already implemented portions of the program that provide value to our systems. We suggest instead of casting a net from an industry standard that is not applicable to our portion to the industry to do similar assessment and we would be at the table to provide input and clarification on an upstream process.
 - e. Also provide to Adams County as well as the COGCC any Form 22 incidents that occur at our locations. There are too many issues (legal, contractual, and otherwise) in providing full incident reports for the last 10 years.
- 4) Enclosed shale shakers
 - a. Not technically possible. Causes unsafe situations for workers on the rig.
- 5) Buffer distances

- a. 50% of our acreage is now off limits for development or would require a waiver from BOCC
 - b. What does environmentally sensitive area mean?
- 6) Ambient Air Monitoring
 - a. This would require a CAMML trailer be at every location. Those are incredibly expensive (\$500k) and were specially made for the CDPHE.
 - b. Propose pairing down the language to technology that is available, reliable, and feasible
- 7) Tier 4 engines issues
 - a. There is only one fleet in the entire country available. It is also not significantly better than our retro fitted Tier 2 engines.
- 8) Flaring shall be eliminated
 - a. Re-write to say 'open flares' because we control tanks with "flares" (i.e. enclosed combustion devices)

Items of concern in Adams County proposed regulations

- 1) VOCs cannot increase
 - a. Language is too vague. Calculations are way too complex
 - b. Why only existing operators? What if there is a sale or transfer? What if there are undeveloped leases?
 - c. If one industry can't bring new VOC sources into Adams without offsetting, then all industries should follow that (not just oil and gas)
 - i. For
reference: http://www.webdocs.dphe.state.co.us/APCD/PermitStatus/CNTY_001.html
 - d. If existing operators have to offset VOC sources, so should new operators.
 - e. VOCs aren't determined by modeling so this is not relevant (we use an emission inventory and emission factor)
 - f. "Related activities" (Scope 2 and Scope 3 emissions) are never considered in VOC emissions calculations.
 - g. Old facilities decline. Therefore, removal of old facilities do not have as much impact on emissions as you may think; therefore, there is not much room for an existing operator to grow new development.
- 2) Alternative site analysis
 - a. Private landowner negotiations that will be forced at the request of the county, so landowner has major leverage over the operator. Also opportunity for elected officials/County to appoint winners and losers in the community.
 - b. There is no need to get the adjacent property owners worked up about oil and gas and providing comment when there is no need. Also could cause angst between neighbors.
- 3) Safety Standards
 - a. No wellsite facility in the entire US falls under PSM as far as we are aware. 10,000lbs of fluid storage including separators, tanks, pipe, etc. On all our upstream facilities, we only produce the oil and gas feedstock. This is unrefined product that under current operations do not require the conforming of the PSM stringent requirements.
 - b. PSM is meant for large storage facilities and chemical plants
 - c. <https://www.osha.gov/laws-regs/standardinterpretations/2000-04-11-1>
 - d. A potential response to Adams County could be that we have already performed an internal audit to the process. With that assessment we have already implemented portions of the program that provide value to our systems. We suggest instead of casting a net from an industry standard that is not applicable to our portion to the industry to do similar assessment and we would be at the table to provide input and clarification on an upstream process.
 - e. Also provide to Adams County as well as the COGCC any Form 22 incidents that occur at our locations. There are too many issues (legal, contractual, and otherwise) in providing full incident reports for the last 10 years.
- 4) Enclosed shale shakers
 - a. Not technically possible. Causes unsafe situations for workers on the rig.
- 5) Buffer distances

- a. 50% of our acreage is now off limits for development or would require a waiver from BOCC
 - b. What does environmentally sensitive area mean?
- 6) Ambient Air Monitoring
 - a. This would require a CAMML trailer be at every location. Those are incredibly expensive (\$500k) and were specially made for the CDPHE.
 - b. Propose pairing down the language to technology that is available, reliable, and feasible
- 7) Tier 4 engines issues
 - a. There is only one fleet in the entire country available. It is also not significantly better than our retro fitted Tier 2 engines.
- 8) Flaring shall be eliminated
 - a. Re-write to say 'open flares' because we control tanks with "flares" (i.e. enclosed combustion devices)

August 12, 2019

VIA EMAIL – NO ORIGINAL TO FOLLOW

Adams County Planning Department
Adams County Planning Commission
Adams County Board of County Commissioners
4430 S Adams County Pkwy
Brighton, Colorado 80601

RE: Great Western Operating Company, LLC Initial Comments to Adams County
Draft Oil and Gas Regulations Amendments

Dear Adams County Planning Commissioners and Staff,

Great Western Operating Company, LLC (“Great Western”) respectfully submits comments to Adams County’s Draft Oil and Gas Regulations Amendments (“Amendments”). Great Western is a Colorado oil and gas operator with a majority of its leasehold assets in Adams County. Our representatives have been working in cooperation and collaboration with Adams County on Great Western’s existing and future oil and gas projects for several years. Great Western appreciates the ability to participate in this stakeholder process and looks forward to engaging with you in meaningful way as this process continues.

With the enactment of Senate Bill 19-181 (“SB 181”) and numerous upcoming Colorado Oil and Gas Conservation Commission (“COGCC”) and Colorado Department of Public Health and Environment (“CDPHE”) rulemakings to implement SB 181, many local governments, citizens, operators, surface owners, and mineral interest owners alike are all trying to navigate SB 19-181’s new dynamic. Such navigation includes regulating for the protection of public health, safety, welfare and environment, and wildlife, along with the protection of real property rights, with the allowance of responsible and efficient oil and gas development. Great Western understands that this is not a simple task for anyone and is grateful for the efforts put forth by Adams County with the current attempts to modify the existing Oil and Gas Regulations.

Great Western has undertaken a substantial and thorough review of the proposed Amendments and believes that it is important to provide individual operator feedback as one of the primary operators within the Adams County boundaries. As such, we have set forth general comments below and have attached a detailed redline for your consideration. The attached redline, with extensive comments included in the body of the document, has also been submitted for consideration by the Colorado Oil & Gas Association. Great Western played a large role in crafting the COGA redline and fully adopts it herein as its own. Importantly, Great Western does have serious concerns with the regulations as proposed by Adams County and believes that a much more narrow and simple regulation would ensure that Adams County meets its goals while ensuring that operators, like Great Western, can pursue their property interests.

General Comments:

1. Under the County's proposed waiver regulations, Great Western would be required to proceed under the waiver process for each and every one of its upcoming Oil and Gas Facilities located within the County boundaries. This is highly concerning to Great Western as the waiver process (as drafted) is lengthy, uncertain and inefficient for purposes of allowing for responsible oil and gas development and production of Great Western's assets in Adams County. Great Western's upcoming four to six Oil and Gas Locations would result in the current Great Western and Adams County Memorandum of Understanding (MOU) being ignored, lengthy and unnecessary hearings by the Board of County Commissioners, and unknown delays on development. Great Western maintains that the waiver process must have certain boundaries or other limitations applied at the outset of an OGF permit discussion with the County. Great Western has provided comments to such process in the attached redline.
2. The OGF Permit process, while thoughtful, presents substantial concerns as to how it will affect Great Western's existing MOU with Adams County. Great Western would like Staff to provide guidance as to how Adams County will treat Oil and Gas Locations that are governed by an effective, pre-existing MOU but need to be modified in order to allow for additional wells or to include additional protections of public health, safety, welfare and environment, and wildlife that may be required by the COGCC. While the legal argument supporting any retroactive application of the Amendments is outside the scope of this submission, Great Western believes that the interplay of an existing, valid contractual agreements and any final adopted Amendments, must be considered in Adams County's legal and fiscal analysis.
3. There are numerous sections and provisions of the Amendments that either (a) reference a specific COGCC or CDPHE regulation, or (b) insert a portion of a specific COGCC or CDPHE regulation. In order to ensure that Adams County is maintaining and abiding by SB 181's mandate that local governments regulate land use surface impacts of oil and gas operations and the COGCC regulates the development and production of oil and gas operations, there should be clear and concise cross-references to existing COGCC regulations pertaining to development and production, which includes but is not limited to any downhole aspect of oil and gas operations. This clarification will not only provide greater certainty to those entities governed by the Amendments, but will also recognize the intent of SB 181 and the separation of authority over oil and gas operations. Great Western recognizes that the COGCC's rules will undoubtedly change over time, but Adams County can maintain that the COGCC references relate to the COGCC regulations in effect at the time an OGF permit is filed.
4. The "Legal Non-Conforming" grandfathering language of the proposed Amendment causes Great Western concern as there are no limitations or sidewalls as to when oil and gas operations, *not* the actual Oil and Gas Location, is considered "extended, expanded or altered in a manner that changes and/or alters the nature, character, or extent of the previously approved permit." See Sec. 4-10-02-03-03-04. This language provides a

subjective standard that could be easily abused if Adams County intended future oil and gas development to be precluded at certain Oil and Gas Locations. Great Western requests that Adams County consider expanding the broad language of this section to either an expansion of the disturbed acreage, a specific % of modifications made to the Oil and Gas Location, or something similar in order to provide a form of stability to operators that a minor modification will not result in the requirement of an OGF Permit for an existing location. Further, the language of this section stating that the grandfathering is only for those “oil and gas operations that were legally established prior to the effective date of these regulations” is concerning because this language implies that the Oil and Gas Location must be constructed, developed and operational, not just merely approved by Adams County. This section should be expanded to include any approved Oil and Gas Location either by MOU, AUSR, or USR process prior to the effective date of any final Amendments.

5. Several regulations seemingly allow for surface owners to make a final determination on whether or not an OGF Permit may be approved by Adams County. Great Western recognizes that surface owner input, desires and mandates are primary considerations in an operator’s and the County’s siting analysis, however, a surface owner should not be the ultimate decision-maker this regulatory process. Real property rights held by surface owners, mineral interest owners and oil and gas operators are all subject to this process and Adams County must retain the right to approve or deny an OGF Permit based on the weight of the evidence and compliance with the Adams County regulations, not based on a surface owners unilateral decision on a location. If an individual surface owner was provided this power, then Adams County will have delegated the very authority it desired and requested from the Colorado legislature to surface owners in the blink of an eye. Surface owner input is necessary and critical to the Amendments, but such input should not result in an immediate and authoritative denial of an OGF Permit.
6. The Amendments provide that Adams County “review all proposed locations in order to determine which location(s) best protects public health, safety, welfare and the environment and will chose the location that best satisfies this goal.” *See Section 2-02-14-05(1)(a)(5)*. This mandate that Adams County is the ultimate arbiter of an oil and gas location ignores the numerous considerations that come into play when an operator analyzes potential oil and gas locations in any given area. In addition to the multitude of considerations for the protection of public health, safety, welfare and environment when an operator assesses the area for an oil and gas location, there considerations relating to surface owner desires, surface rights, surface access, proximity to pipeline infrastructure, compressors and processing plants, mineral rights, leasehold rights, geologic characteristics of the underlying reservoirs, and technical engineering allowances for efficient subsurface development and operations, among other things. The language allowing Adams County sole discretion to determine the ultimate oil and gas location for any given project could easily result in (i) a violation of existing contractual rights, (ii) an immediate impact to mineral and leasehold owner’s real property rights, (iii) an immediate and express prohibition on development in a given area that would turn otherwise developable lands and minerals into *undevelopable* lands and minerals with a significant

(if not total) decrease of the valuation of such real property, and (iv) regulatory takings claims against Adams County due to the harm and damages associated with such prohibition on development¹.

7. The blanket adoption of the Commission's Rule 523 Penalty and Enforcement Fee Schedule is concerning as Adams County has provided no basis for how the penalty schedule will be utilized, how violations will be classified, or how or when Adams County would enforce such alleged violations. The sweeping application of the penalty and fee table included in Section 4 of the Amendments puts an operator at risk of double jeopardy and immediate conflicts between Adams County and the Commission in any enforcement action against an operator. Further, Adams County's authority to enforce against an operator is limited to its land use authority over surface impacts of oil and gas operations, but not over the Commission's authority the development and production of oil and gas operations. *See C.R.S. § 29-20-104(h) and C.R.S. § 34-60-102(1)(a)(I)*. As drafted, Section 4-10-02-03-04(4) applies to all aspects of oil and gas operations in Adams County and ignores the separation of authority required by SB 181. If Adams County adopts this section as currently drafted, it would be direct contravention of Colorado law. Additionally, the Amendments allow Adams County to pursue criminal penalties against an operator which, again under SB 181, could *only* be applied to an operator if the alleged violation was in the context of Adams County's land use authority over surface impacts of oil and gas operations.
8. A review of the Amendments indicate that Adams County utilized voluntary operator agreements from Broomfield and Aurora as the basis for its Amendments. Great Western contends that it is inappropriate to adopt, in whole or in part, a voluntary agreement between an operator and a local government as the foundation for a local government's regulatory authority under SB 181. There are numerous reasons for this, including but not limited to the following considerations. Agreements between a local government and an operator are narrowly tailored to issues relating to that specific operator (one stakeholder) and the activities the local government wishes to regulate (the other stakeholder). Relatedly, the only interests considered in such agreements are those between the single operator and the local government—there is little need in negotiating for either party to consider farther-reaching implications of a deal struck or other stakeholders' concerns. In contrast, the Amendments are all encompassing and will become law unless and until changed. The Amendments will impact all operators (current and future) in Adams County and may be difficult to change—even if certain of the requirements are deemed difficult to implement, unwise, or unwarranted. Unlike voluntary operator agreements, which can be modified through the mutual agreement of the parties at issue, regulatory changes require a significant undertaking with the involvement of numerous stakeholders and parties. In fact, there are unique circumstances that will arise with each different type of individual company engaged in oil and gas drilling, and simply adopting regulations that fit one operator will not fit the individual circumstances of other operators. And most importantly,

¹ This concern also arises in Adams County's attempt to zone out development of oil and gas in residential areas of unincorporated Adams County.



local governments are constrained by their legal authority in the development and adoption of regulations. While operators may voluntarily agree to something over which the local government has no jurisdiction (e.g., downhole considerations), the local government's legal authority to mandate the same requirements for all operators may not exist or may be significantly constrained.

9. Adams County has proposed extensive, comprehensive and in many cases technically and economically infeasible regulations related to public health, safety, welfare and the environment. Great Western has worked with the County historically to ensure the protection of public health, safety, welfare and the environment as part of its MOU and through its communications and cooperation with the County. Great Western has every intention of continuing to do so. However, the Amendments establish many mandatory requirements or potentially mandatory requirements that in many cases have not been established to be: commercially available, technically feasible, economically feasible, or designed to achieved reduction in impacts on public health, safety, welfare and the environment. Great Western worked with COGA to provide substantial comments on many of these provisions and those comments are reflected in the redline submitted by COGA that Great Western has attached here for reference.

We appreciate your consideration of each of the comments set forth herein, as well as on all attachments submitted with this letter, and look forward to discussing these in greater detail in the near future.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Conger", written over a horizontal line.

Jeremy G. Conger
Senior Vice-President of Operations

cc: Jamie L. Jost – Jost Energy Law, P.C.
Jennifer Biever - Lewis Bess Williams & Weese

Enclosure – Redline to Adams County Proposed Regulations

2-02-12-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all requirements of the Director of Community and Economic Development, the Director of Community and Economic Development shall issue a temporary use permit. The temporary use permit shall describe in detail the temporary use allowed by the permit, include all specific conditions applied by the permit issuing authority, and be accompanied by an official site plan modified by the applicant to reflect the conditions of the permit.

2-02-12-08 EFFECT OF APPROVAL

Issuance of a temporary use permit shall be deemed to authorize only the particular use and activity for which it is issued. The temporary use permit is nontransferable. The applicant shall be subject to all other permits required by these standards and regulations to use the land in accordance with the temporary use permit.

2-02-14 OIL AND GAS FACILITY (OGF) PERMIT

Comment: Any avenue for operator agreements to supplant permits? COGA additions/deletions are in track changes and highlighted. To the extent the County is considering or has already considered modifications consistent with COGA's proposed changes, COGA thanks the County in advance.

2-02-14-01 PURPOSE

The purpose of the oil and gas facility regulation is to allow for reasonable development of oil and gas in unincorporated Adams County while ensuring that facilities are sited in appropriate areas and utilize best practices to protect the health, safety, and welfare of our residents.

The purpose of an OGF Permit is to regulate the surface ~~impacts land use~~ of oil and gas ~~production operations~~ in order to protect the public safety, health, welfare and the environment of Adams County and its residents by ensuring that Oil and Gas Facilities are constructed and operated in accordance with best practices, to provide for sound environmental practices to protect the County's natural resources, to provide for the orderly siting ~~and development~~ of oil and gas operations, as well as to prevent damage to County roads and bridges.

The Colorado Oil and Gas Conservation Commission (COGCC) and the federal government have authority to regulate certain aspects of oil and gas mineral extraction, including but not limited to the development and production of oil and gas. Requirements contained in this section shall not exempt the owner or operator of an Oil and Gas Facility from compliance with the requirements of the COGCC or any other regulatory authority.

The provisions of these standards and regulations shall apply to the construction, installation, alteration, repair, erection, location, maintenance, and abandonment of all new or substantially modified **Oil and Gas Facilities** within the unincorporated areas of the County.

Comment: The above revision ensures consistency with changes to article 4.

2-02-14-02 APPLICABILITY

All uses that require an OGF must be processed in accordance with this Section. The Director of Community and Economic Development is the permit issuing authority for OGF Permits that do not require any waiver from approval criteria or performance standards. OGF Permits requiring waivers from approval criteria or performance standards must be approved by the Board of County Commissioners **or Director of Community and Economic Development, as appropriate,** through the designated Waiver process.

Comment: OGF permits with waivers require approval from BOCC and such process must have a reasonable timing component associated with the BOCC's review and hearing process. The County should not waste its time reviewing and analyzing and operators should not waste their time analyzing and planning applications that are dead because a waiver or modification is necessary for the permit to be approved.

2-02-14-03 WHO CAN INITIATE AN OGF PERMIT

An OGF Permit may be requested, without limitation, by any owner of, or person demonstrating a legal interest in property on which the OGF use is proposed to be located. The applicant has the burden of proof to demonstrate the use fully complies with these standards and regulations and meets the criteria for approval.

2-02-14-04 OGF PERMIT REVIEW PROCEDURES

An OGF Permit may be approved by the Director of Community and Economic Development if the application does not require waiver or modification from any approval criteria or performance standards. An OGF Permit requiring a waiver or modification from any of the approval criteria or performance standards must be approved by the Board of County Commissioners **and requires a public hearing or Director of Community and Economic Development, as appropriate.** The Director of Community and Economic Development or the Board of County Commissioners shall approve, approve with conditions, or deny the OGF Permit based on consideration of the staff report, the evidence from the public hearing (if applicable), and compliance with the criteria for approval.

Comment: COGA's membership has advised that given the prescribed standards and setbacks of these draft regulations, every one of their OGF Permit applications would require a waiver. This would be an enormous administrative burden on County resources and particularly unnecessary where a proposed

location is relatively uncontroversial. Where an operator seeks a minor modification, partial waiver or full waiver of approval criteria or performance standards and proposes alternative or substitute protective of public health, safety, welfare and the environment (“PHSWE”) Best Management Practices (“BMPs”), the operator should still be afforded an administrative path to approval. At the least, the County should consider adding limitations to the waiver process or building in exceptions to the waiver process to ensure that not every OGF Permit application requires a public hearing. COGA suggests conforming changes below whereby the Director of Community and Economic Development may administratively approve waivers or modifications of approval criteria and performance standards at non-controversial locations or where impacts are appropriately mitigated or avoided by means other than those specified by these rules.

2-02-14-05 OGF PERMIT REVIEW STEPS

The processing of a proposed OGF permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures (although not necessarily conducted in the following order) as follows:

Comment: COGA urges the County order these steps such that the conceptual review and alternative siting analysis occur before any other step. The Development Application submittal should only be required for the site among the alternative sites proposed that the County approves as a potentially eligible candidate for permit approval. It is a waste of County resources, as well as operators’, for the County to review and operators to prepare development applications for sites rejected through the alternative siting analysis process.

1. Conceptual review. Operator shall identify at least two-three proposed locations for the Oil and Gas Facility for the Alternative Site Analysis process outlined below. For each location, operator shall identify, and visually depict the same on a map, the following items that are located within a half-mile radius of the parcel boundary of the proposed OGF facility: existing or platted residences, occupied buildings, parks, open space, schools, state licensed daycares, known areas of environmental contamination such as superfund sites, hospitals, water bodies, floodplains, floodways, existing active and decommissioned wells, and roadways. Proposed access routes to the site should also be provided. This information must be submitted to Community and Economic Development for review. Following that, a conceptual review meeting shall be held with the operator. Operators are encouraged to schedule a conceptual review prior to entering into any surface use agreements.

Comment: When is a permit application considered submitted, given all of the steps for conceptual review? Currently if an operator’s proposed location is in conceptual review and the

operator has not submitted a final AUSR, its permit is not considered “submitted,” meaning that if a moratorium is enacted, any locations that are in conceptual review cannot move forward. The official permit submittal should be considered to occur when the conceptual review application is submitted. This will also help timing of competing operator submittals.

Further, COGA’s members have concerns about the need to identify at least three (or two) sites and whether this requirement is mandated for all development of real property in the County. After an operator considers access to minerals, applicable setbacks and other concerns, finding three (or even two in many instances) surface locations can be extremely difficult. In targeting particular minerals, often there will be no or perhaps one available alternative site that is feasible for consideration. Providing three potential locations will often be a difficult, and sometimes, impossible threshold for an operator to meet, depending on the topography of the location, surrounding land uses, surface use agreement requirements, and multiple other considerations. There must be an option for less than 3 alternative locations to be provided for review in order for the OGF permit process to function appropriately. There needs to be a way that a waiver can be applied for if there are less than three (or two) alternative sites available for use prior to the conceptual review. For example, there could be surface owner requirements that prohibit an operator from presenting three (or two) alternative locations.

Further, Adams County recommends that there should be no execution of a Surface Use Agreement prior to meeting with the County, but how can operators identify proposed locations if they have no idea if they’re viable because there is no Surface Use Agreement? The County’s recommended practice could have a detrimental effect on existing, valid Surface Use Agreements as well as negotiations for new Surface Use Agreements.

The alternative locations analysis is an incredibly extensive process that should be discussed in more detail with operators prior to enactment of these regulations and during the processing of each particular application.

- a. **Alternative Site Analysis:** ~~Prior to submittal of any spacing application or Form 2 or 2A to the COGCC and during the conceptual review, The~~ applicant must consult with the County on an Alternative Site Analysis as outlined below:

Comment: COGA requests that the County allow the state and the local permitting and spacing processes to run concurrently.

1. In General. The County seeks to site OGFs in areas that have the least off-site impact possible in order to protect the health, safety, and welfare of its residents and to protect the environment and wildlife. In order to determine whether proposed siting is appropriate, CED staff must evaluate alternative sites.
2. Description of potential sites. Applicant must submit descriptions of at least ~~two~~ ~~three~~ **(23)** potential sites for the OGF that were considered by applicant. Description must

include description of site locations considered, whether mineral extraction is possible and reasonable from those sites, the off-site impacts associated with those sites, and why a particular site is proposed, if any.

3. Evaluation materials. CED staff will evaluate the potential sites to determine which site is likely to have the least off-site impacts. The CED Director will determine whether applicant is required to provide traffic impact studies, engineering studies, ~~Environmental Impact Analysis as defined in these standards and regulations,~~ or other evaluation tools in order to adequately evaluate site options. If not required by CED Director as part of alternative site analysis, these site-specific evaluation tools can be submitted by applicant after site selection has occurred.

Comment: The above Proposed Regulation states, “Environmental Impact Analysis as defined in these standards and regulations.” The Proposed Regulations do not, however, define “Environmental Impact Analysis.”

4. Evaluation criteria. In determining which sites are likely to have the least off-site impact, CED may consider the following:
 - i. Distance from existing or platted residences, schools, state licensed daycares, occupied buildings, active open spaces, environmentally sensitive areas, or other areas likely to be adversely impacted;

Comment: Please provide definitions for “active open space” and “environmentally sensitive areas.” Definitions for each of these: residences and occupied buildings and environmental sensitive areas, as well, unless the COGCC definitions are intended to govern, which COGA submits they should.

- ii. Traffic impacts and impact to roads, bridges, and other infrastructure;
 - iii. Access to water and other operational necessities;
 - iv. Whether the site allows for utilization of impact mitigation, such as use of proximate pipelines;
 - v. Noise impacts;
 - vi. The impact on the surrounding land;
 - vii. The impact on wildlife; and

viii. Impact on nearby environmental resources such as water bodies.

5. Site Selection. The county shall review all proposed locations in order to determine which location that allows access to mineral (s) best protects public health, safety, welfare, and the environment and will work cooperatively with Applicant to determine jointly choose the location that best satisfies this goal. ~~The Director of Community and Economic Development will determine if any proposed sites meet this goal. If no location satisfies this goal, Operator shall submit three new proposed locations. Alternatively, the County may suggest alternative location(s) or may recommend denial of the OGF Permit if it does not believe that any of the proposed sites meet the siting goal.~~

*Comment: First, the site should be determined jointly by the County and Applicant to ensure that real property rights are acknowledged in the discussions and analysis and only one site should be selected, unless at issue is an operator's proposal for multiple sites accessing different minerals. Second, if the three additional sites end up being required, what is the purpose of proposing an additional **three** sites? The sites are being compared against each other so if an operator proposes one new site, the analysis covers four sites. If the original three do not work, an operator should not have to submit six sites total.*

Additionally, in the event the Director determines that none of an operator's original sites are appropriate and an operator proposes new site(s), please clarify whether an operator would propose yet more sites if the additionally proposed site(s) was also deemed inappropriate. The concern is that this could become an infinite loop of an operator proposing sites and the County rejecting them. Additionally, by what criteria would the County suggest alternative locations? The County cannot require a surface owner to enter into a surface use agreement, and is unlikely to have the geological and other technical expertise to propose suitable locations.

As mentioned above, COGA urges the County to order these steps such that the conceptual review and alternative siting analysis occur before any other step. The Development Application submittal should only be for the site among the alternative sites proposed that the County approves as a potentially eligible candidate for permit approval. It is a waste of County resources, as well as operators', for the County to review and operators to prepare development applications for sites rejected through the alternative siting analysis process.

2. Neighborhood Meeting: Applicable for the site proposed by the operator and agreed to by the County as the site that meets the County's siting goal, unless waived by the Director of Community and Economic Development. ~~Director of Community and Economic Development will determine whether neighborhood meetings are required for all or some of the proposed alternative sites.~~ At the neighborhood meeting, the applicant shall provide an overview of its

proposed oil and gas operation and allow those in attendance to provide constructive input as to the proposed operation, including, but not limited to, issues that arise from application of these regulations to the proposed operation, and suggested mitigation to adequately ensure compliance with these regulations.

Comment: COGA submits that it does not make sense to have a neighborhood meeting for a site that the County does not think is suitable. As well, the time of residents is wasted by attending an irrelevant meeting for a site that is not the site that may be eligible for a permit. This provision could easily confuse residents about where a site might be going and create hostility among residents themselves.

3. Development Application Submittal: Community and Economic Development has developed a check list of required submittals for OGF Permits that may change from time to time. At a minimum, the following items are required as part of an OGF application submittal:

- a. **Application Form**: a completed OGF Permit application form.
- b. **Application Fee**: OGF application fee
- c. **Operations Plan**:

- 1. **Plan Format**: Two hard copies of all plans shall be provided and one copy of the plans shall be provided in digital format, on either a thumb drive or CD or some other acceptable means. No plans shall contain copyright restrictions or public use restrictions.
- 2. **Cover Sheet**: The cover sheet shall have a title block with the reference to an Administrative Use by Special Review, project name, and location by section, township and range. The cover sheet shall also include a legal description of the area, date of the drawing, existing zoning of the site, a sheet key, a vicinity map with north arrow (scale of 1" = 2,000' preferred) with an emphasis on the major roadway network within two (2) miles of the proposal, and all applicable County notes, an approval signature block and a block to insert the COGCC Permit number when approved. Upon approval, the first sheet will be signed by the Director.
- 3. **Impact Area Map**: The second sheet shall contain an Impact Area Map that shows the proposed location of the Oil and Gas Facility, locations of all existing oil and gas wells within the one-half (0.5) mile impact area, locations of all producing, closed, abandoned, and shut-in wells and other oil and gas operations within one- half (0.5) ~~(+)~~ mile

of the site, locations of all **known** water wells within **.51/2** mile of the proposed Oil and Gas Operation, Existing improvements within 1,500 feet of the location on which the operation is proposed, and all existing and proposed roads within the one-mile impact area.

Comment: It is confusing to have different distances for Impact Area Map requirements. COGA submits it is more straight-forward to use one distance for all Impact Area Map requirements.

4. Drilling Operations Plan: The third sheet shall provide a site plan of drilling operations with drilling equipment with existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County. The applicant shall verify current information regarding what datum is acceptable to the County, prior to submitting the application for the Administrative Use by Special Review. The layout of the drilling equipment may be shown as a typical plan, if the County deems it appropriate for the extent of development of the proposed Oil and Gas Facility.
5. Production Plan: The fourth sheet shall provide a site plan of production operations with production equipment such as tanks and compressor stations with existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County. ~~The production plan shall also identify proposed drilling and completion schedules.~~ A seed mix shall be provided for reseeding the well pad. Equipment layout may be a typical plan appropriate to the degree of development for the Oil and Gas Facility, if the County deems it appropriate for the extent of development of the proposed Oil and Gas Facility.

Comment: While there may be reasons to provide certain operational plans, COGA members have safety concerns related to the mandated submission of drilling and completion. Additionally, even were there not safety concerns precluding the sharing of a schedule, it needs to be understood that any proposed schedule would be tentative. At the planning phase, operators are simply unable to commit to drilling and completion schedules. Schedules are often dictated and impacted by factors outside of an operator's control, such as rig availability and market conditions.

6. Signage Plan/Sign Detail: A dimensioned Signage Plan or Sign Detail shall be included on one of the sheets describing and illustrating the appearance, size, location, type, color, material, and illumination of all signs. Directional signs for emergency responders and inspectors

shall be included, along with a 24-hour, 7-days per week contact information to deal with all noise complaints.

7. **Final Plan:** Once the review process is complete and staff has determined that all outstanding issues have been resolved, staff will request a final copy of the Oil and Gas Operations Plan. The final copy of the Plan shall be paper. The final Oil and Gas Operations Plan shall contain the information listed above unless otherwise specified by the County staff.
- d. **Emergency Preparedness and Response:** in accordance with the Emergency Preparedness and Response requirements in Section 4-10-02-03-03(8).
1. **Emergency Service Providers:** The applicant must provide a commitment to serve (“will serve”) letter from the authority having jurisdiction for providing emergency services (fire protection and emergency medical services) for that facility, or, where no authority has jurisdiction, from an emergency services provider with the ability to provide such emergency services.
- e. **Engineering Documents:** The following technical Engineering documents are required by the CED staff unless otherwise waived:
1. **Construction Plans:** If applicable, Construction Plans for the proposed Oil and Gas Operation’s public improvements including road plan and profile sheets, storm drainage improvements plans and other public improvements, prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter 9).
 2. **Pavement Design Report:** If applicable, a Pavement Design Report prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter 7).
 3. **Grading Erosion and Sediment Control:** If applicable, a Grading, Erosion, Sediment Control Report and Plan as defined in the latest version of the Adams County Development Standards and Regulations (Chapter 9).
 4. **Transportation, roads, access standards, and fees:**

- a. The applicant's transportation plan must be designed and implemented to ensure public safety and maintain quality of life for other users of the county transportation system, adjacent residents, and affected property owners.
- b. Where available, existing private roads shall be used to minimize land disturbance unless traffic safety, visual or noise concerns, or other adverse surface impacts clearly dictate otherwise.
- c. Access roads on the site and access points to public roads as identified in the application materials shall be reviewed by the CED department and shall be built and maintained in accordance with the engineering specifications and access road standards defined in the Adams County Development Standards and Regulations (Chapter 8).

~~d. All applicable transportation fees shall be paid prior to issuance of a development plan review construction permit, including without limitation:~~

~~i. Access permit fees~~

~~ii. Oversize/overweight permit fees~~

~~iii. Right of way construction permit fees; and~~

~~iv.i. Traffic impact and road maintenance fees.~~

Comment: Requiring operators to obtain legally valid and applicable oversize and/or overweight moving permit from the County's Public Works Department for all vehicles that exceed legal vehicle dimensions or weights, as specified by the Colorado Department of Transportation and the County's Development Standards and Regulations, during the application process is premature and unnecessary. Industry requests this documentation be provided later in the application process. Indeed, often operators won't know the dimensions and weight of the specific rig drilling their wells during the application process. Additionally, the number of vendors that would be required to submit route info for access permits would be onerous and burdensome on operators, vendors, and the County.

- ~~e.d.~~ Oil and gas operations must minimize impacts to the physical infrastructure of the county

transportation system. Any costs to improve county transportation system infrastructure necessitated by the proposed oil and gas operation shall be the responsibility of the Applicant. All transportation system infrastructure improvements and associated costs shall be determined by the CED department. The County shall perform the work or arrange for it to be performed. If the Applicant disagrees with the infrastructure improvements or associated costs as assessed by CED, it may request that the department approve a different route for its proposed oil and gas operation that avoids the need for such improvements. Alternatively, the Applicant may engage a licensed civil engineering firm to perform a traffic impact study in accordance with Chapter 8 of the Development Standards and Regulations to independently evaluate county transportation system infrastructure improvements necessitated by the proposed oil and gas operation.

f.e. Drainage study/technical drainage letter/plan: If applicable, a Drainage Study/Technical Drainage Letter/Plan prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter 9).

g.f. Floodplain Use Permit: The applicant must obtain a Floodplain Use Permit, in accordance with the latest version of the Adams County Development Standards and Regulations, if the proposed Oil and Gas construction disturbance or operation encroaches into the 100-year floodplain, or the access is crossing a major drainage way, as defined by the latest version of the Adams County Development Standards and Regulations (Chapter 9).

Comment: Similar to the comment immediately above, COGA submits that this permit should only be acquired upon approval of the OGF permit.

~~f. **Water Supply:** the applicant must provide proof of adequate water supply. Operator shall identify a water resource lawfully available for industrial use, including oil and gas development,~~

~~close to the facility location, to be utilized by Operator and its suppliers.~~

Comment: This is better as a condition of approval. Indeed, an operator may not know the best source of water so far in advance, and it may be that a source even closer to the location becomes available after the permit is granted.

g.f. Surface Owner Documentation: Documentation as to whether the surface owner and others with interest in the property have authorized the proposed OGF.

h.g. Additional Information: Community and Economic Development will develop an application check list that may require additional information to process an OGF Permit application. In addition to the items required on the check list, the Director of Community and Economic Development may require additional information deemed necessary to evaluate particular applications.

Comment: When will the application check list be available? What is the process for requiring additional information? Relatedly, what is the timeline for the County deeming an application complete?

4. Determination of Sufficiency: Applicable. No application shall be processed if taxes due on the requested property(ies) are not paid, if inspection fees are not paid, or if fines assessed against the applicant have not been paid.
5. Staff Report: Applicable.
 - a. Concurrent Referral and Review. County staff may refer the complete application for review by the various County Departments and the County Attorney's Office, as deemed appropriate. An application may require review by outside experts or agencies such as the U.S. Army Corps of Engineers, if the project impacts a floodplain, life-safety providers, adjacent jurisdictions, local public health departments, and others as may be deemed appropriate. Operator shall reimburse the County for reasonable costs incurred in connection with the use of third-party expert reviewers.
6. Notice: Applicable, except notice shall be sent by the applicant to all property owners and current residents within a half mile at a minimum, or greater, as determined by the Director of Community and Economic Development. The Notice shall meet the format prescribed by the County. The notice shall contain a statement informing the recipients of the notice that they may request written notification by the

Applicant of the commencement of construction and commencement of drilling operations. The applicant shall provide written notification by U.S. Mail, which shall include an offer to consult, to any municipality or county whose boundaries are within 1/2 mile of the proposed parcel where an application for an Oil and Gas Facility has been filed with the County location.

Comment: Applicant will not know if the property owner has a tenant. It should be the property owner's responsibility to notify anyone living on the property.

7. Public Hearing. Where a public hearing is required on an OGF Permit application, it shall be held in front of the Board of County Commissioners.

Comment: As mentioned above, if the Proposed Regulations do not change significantly from their draft form, this paragraph is essentially superfluous because every OGF permit application will require a waiver. COGA emphasizes this would be an enormous administrative burden on County resources and particularly unnecessary where a proposed location is relatively uncontroversial. Where an operator seeks a minor modification, partial waiver or full waiver of approval criteria or performance standards, and proposes alternative or substitute measures protective of public health, safety, welfare and the environment ("PHSWE"), the operator should be afforded an administrative path to approval. At the least, the County should consider adding limitations to the waiver process or building in exceptions to the waiver process to ensure that not every OGF Permit application requires a public hearing

8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Director of Community and Economic Development in approving a permit for an OGF may attach any technologically and economically feasible conditions necessary to implement the Adams County Comprehensive Plan and to ensure the compatibility with adjacent uses. Conditions may include a requirement of an Access Permit or Oversize Load Permit prior to development of the Oil and Gas Facility, a Floodplain Use Permit prior to any work within the floodplain, or a building permit prior to construction of certain structures within the Oil and Gas Facility. In addition, the approving authority shall specify the term of the OGF Permit. An OGF Permit may be renewed following the same procedure used in granting the initial permit.

10. Amendments. Applicable.

2-02-14-06 CRITERIA FOR APPROVAL

The Board of County Commissioners or Director of Community and Economic Development, in approving an OGF Permit, shall consider:

1. The OGF is consistent with the purposes of these standards and regulations.

Comment: “Consistent with the purposes of these standards and regulations” is subjective and leaves an open door for any or no reason to serve as the basis to deny an application.

2. The OGF will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards, unless specifically waived or modified by the Director of Community and Economic Development or the Board of County Commissioners. If the waiver or modification is required to be approved by the Board of County Commissioners, such approval must come-after public hearing.

Comment: These proposed changes are conforming changes to COGA’s comments regarding the fact that, as drafted, all OGF Permit applications would require waiver or modification.

3. The siting of the OGF, after evaluation of alternative sites, is the most compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, welfare, the environment and wildlife of the County.

Comment: Operators are concerned that “harmonious” and “compatible” are subjective, giving operators, as well as the general public, little guidance and could be used to arbitrarily and capriciously deny a permit application.

4. The siting of the OGF does not create any site specific conditions that present significant or material impacts to nearby land uses that cannot be mitigated or minimized.
5. The OGF has addressed off-site impacts and complies with all applicable performance standards, unless specifically waived or modified by the Director of Community and Economic Development or the Board of County Commissioners. after public hearing.

Comment: These proposed changes are conforming changes to COGA’s comments regarding the fact that, as drafted, nearly all OGF Permit applications would require waiver or modification. COGA requests the County create limitations or exceptions for the waiver/modification process that allow, where appropriate, the Director of Community and Economic Development to approve the waiver/modification without a public hearing . If the waiver or modification is one that the Board must here, it would continue to be after a public hearing.

6. The site is suitable for the use, including adequate usable space, adequate access, or ability construct adequate access, and adherence of environmental and wildlife stipulations~~absence of environmental constraints~~.
7. The site plan for the proposed use will provide adequate parking, traffic circulation, fencing, and screening, and landscaping.

Comment: Landscaping may or may not be appropriate for the surrounding uses, and other visual mitigations may be more compatible with surrounding uses. COGA suggests aligning this with the visual mitigations already in place for the zone where the development will be located; if the zone concept is left in these rules.

8. Sewer, water, storm water drainage, fire protection, police protection, and roads are available and adequate to serve the needs of the OGF as designed and proposed.
9. Cultural and Historical Resources: the OGF does not cause significant degradation of adverse impact to cultural, historic, or archaeological sites eligible for County landmarking, or the National Historic Register.
10. Water Bodies and Water Quality: the OGF does not cause adverse impacts to surface or ground waters within Adams County. The operator shall comply with all applicable water quality standards.
11. Emergency Preparedness and Response: the oil and gas facility does not cause unreasonable risks of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, and hazardous material vehicle accidents or spills.
12. Air Quality: The OGF does not cause significant degradation impacts to air quality.

2-02-14-07 OIL AND GAS FACILITY PERMIT WAIVER

2-02-14-07-01 PURPOSE

The purpose of this section is to establish criteria and detail the steps whereby the Board of County Commissioners, at public meeting, or the Director of Community and Economic Development administratively, may grant waivers or modifications from approval criteria or performance standards normally required for OGF Permits, allow the OGF use in an area not zoned for OGFs, or allow applicant to develop an OGF site not selected by Community and Economic Development.

Comment: As detailed in several comments above, COGA submits this process should be changed to allow the Director of Community and Economic Development to approve waivers or modifications of approval criteria and performance standards where impacts are appropriately mitigated or avoided by means other than those specified by these rules. Also, there should be exceptions to the waiver process. For example, if the surface owner and close residents of a proposed location in an A-1 Zone do not object to the siting of the proposed location, the applicant should not have to request a waiver because the criteria is an area not zoned for OGFs.

More fundamentally, COGA does not see the purpose of zoning for oil and gas locations given that there is an alternative siting analysis process that must occur under these draft regulations. The unique and individual nature of the proposed site itself, as determined by the site approval process, should govern over an arbitrary zone designation.

2-02-14-07-02 APPLICABILITY

If the OGF permit application is denied based on noncompliance with the approval criteria or performance standards, or if the applicant seeks to develop in an area not zoned for OGF development, or if an applicant seeks to develop on a site not approved by CED staff, or if the applicant does not fall in an exception exempting it from noncompliance with certain approval criteria or performance standards, an applicant may apply for an Oil and Gas Facility Permit Waiver.

2-02-14-07-03 WHO CAN INITIATE A WAIVER

A waiver may be proposed by any applicant that may apply for an OGF.

The applicant has the burden of proof to demonstrate that the waiver or proposed site selection meets the criteria for waiver approval.

2-02-14-07-04 WAIVER REVIEW PROCEDURES

Comment: COGA reiterates that there needs to be a path for applicants to seek a waiver before and during the conceptual review and at any time throughout the OGF permit process. Operators need to be able to request waivers early in the permit process. The County should not waste its time reviewing and analyzing and operators should not waste their time analyzing and planning applications that are dead because a waiver or modification is necessary for the permit to be approved

Any waiver shall be processed through a public hearing before the Board of County Commissioners (See Steps 1 through 10 below) or by the Director of Community and Economic Development administratively. Waiver applications will be heard by the Board of County Commissioners at a public hearing. At such public hearing, the Board of County Commissioners may waive or modify specific regulations or standards requested by the applicant and approve the application, may approve with conditions, or may deny the application.

Applicants may only seek a waiver after submitting a complete application for an OGF Permit and participating in a conceptual review meeting with Community and Economic Development staff or sooner, if the operator knows it will only pursue the permit application if a waiver is possible. If applicant is unable to meet all approval criteria and comply with all performance standards required for an OGF Permit and an exception exempting the operator from compliance does not apply, applicant may choose to seek a waiver from either the Board of County Commissioners or the Director of Community and Economic Development as appropriate under these regulations. The processing of a waiver shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Must be completed prior to application for waiver as part of OGF Permit process.
2. Neighborhood Meeting: Director of Community and Economic Development will determine whether neighborhood meetings are required after evaluating steps taken as part of OGF process.

Comment: If the County believes the waiver request is a non-starter, it does not make sense to waste residents, the County's or an operator's time with a neighborhood meeting.

3. Development Application Submittal: In addition to all requirements for an OGF Permit, applicant must provide a request for waiver that articulates the specific waivers sought and explains why waivers are necessary.

Comment: This requirement should be modified so that an operator does not go through the steps of obtaining permits and approvals (such as an overweight vehicle permit) for a site that may not be viable. The waiver process should be conducted early in the permitting process.

4. Determination of Sufficiency: Applicable. No application shall be processed if taxes due on the requested property(ies) are not paid, if inspection fees are not paid, or if fines assessed against the applicant have not been paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. If a A public hearing is required on a waiver or modification request, it shall be held before the Board of County Commissioners. Any requested waiver that must be heard by the Board of County Commissioners shall be reviewed and acted upon by the Board of County Commissioners prior to issuance of an OGF Permit. The Board of County Commissioners may take testimony from the public at the public meeting.

8. Standards: Applicable.

Conditions of Approval: Applicable. The Board of County Commissioners or the Director of Community and Economic Development, as appropriate, in approving a waiver for an OGF Permit, may attach any technically and economically feasible conditions necessary to implement the Adams County Comprehensive Plan and to ensure the compatibility with adjacent uses.

9. Amendments: Applicable.

2-02-14-07-05 CRITERIA FOR WAIVER APPROVAL

The Board of County Commissioners or the Director of Community and Economic Development, as appropriate, in approving a waiver, shall find:

1. Practical difficulties or significant hardships ~~Extraordinary hardships or practical difficulties~~ result from strict compliance with these standards and regulations

~~2. The purpose of these standards and regulations are served to a greater extent by the alternative proposal.~~

~~3.2.~~ The waiver does not have the effect of nullifying the purpose of these standards and regulations.

Comment: "Extraordinary" implies unusual but COGA believes the intent of this provision is to capture the idea that the hardship is significant. The second criteria is stricken because interpreting purpose is too subjective and could be applied to never allow a waiver where it results in something being slightly less protective than the standard sought to be waived, even where the OGF will still be protective and safe or where the standard sought to be waived is irrelevant given site-specific circumstances.

2-02-14-07-06 ADDITIONAL CRITERIA FOR A ZONE DISTRICT WAIVER

The Board of County Commissioners, in approving zone district waiver, in addition to the criteria outlined above, shall find:

1. The proposed Oil and Gas Facility is consistent with the Adams County Comprehensive Plan.

2. The proposed Oil and Gas Facility ~~is compatible with the surrounding area, harmonious with the character of the neighborhood, and not detrimental to the immediate area, not detrimental to the~~ does not prohibit future development of the area, and is not ~~unreasonably~~ detrimental to the health, safety, welfare or the environment of the inhabitants of the area and the County.

**2-02-15 AMENDMENT TO TEXT OF THE STANDARDS AND REGULATIONS
AND/OR ZONING MAP (REZONING) AND/OR COMPREHENSIVE
PLAN**

2-02-15-01 PURPOSE

The purpose of this section is to detail the steps to follow for changing the text of these standards and regulations, or the boundaries of the zone districts shown on the Zoning Map (Rezoning), or the Comprehensive Plan.

- d. Truck Washing: All trucks shall be washed at least once a week with a detergent and disinfectant to minimize nuisance conditions, unless spills or leaks are detected which must be disinfected immediately. All wash water shall be properly controlled to prevent runoff.
 - e. Waste Incineration: Infectious waste incineration facilities shall be permitted to burn infectious waste only. Incineration of waste paper, contraband, or other materials is not permitted unless specifically approved as part of the wastestream.
7. *Hazardous Waste Disposal Site and Facility Standards:* All hazardous waste disposal sites and facilities shall meet the standards established by State and Federal regulatory requirements.

4-10-02-03-03 *OIL AND GAS FACILITY*

4-10-02-03-03-01 *Purpose*

This Section is enacted to protect and promote the health, safety, values, convenience, order, prosperity and general welfare of the current and future residents of the County. It is the County's intent by enacting this Section to facilitate the development of oil and gas resources within the unincorporated area of the County while avoiding or mitigating potential land use conflicts between such development and existing, as well as planned, land uses. It is recognized that under state law the surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Owners of subsurface mineral interests have certain legal rights and privileges, including the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests ~~from a consenting surface owner~~, subject to compliance with the provisions of this Section and any other applicable statutory and regulatory requirements. Similarly, owners of the surface estate have certain legal rights and privileges, including the right to have the mineral estate developed in a reasonable manner and to have adverse impacts upon their property, associated with the development of the mineral estate, avoided or mitigated through compliance with this Section.

Comment: COGA suggests deleting the term "consenting surface owner." Operators and surface owners are, of course, free to enter into mutually agreed upon contractual agreements that detail each party's respective obligations. But under Colorado law, mineral owners have the right, regardless of a surface owner's consent, to develop their minerals subject to Colorado's reasonable accommodation statute, C.R.S. § 34-60-127.

4-10-02-03-03-02 DefinitionsOil and Gas Facilities (OGFs):

1. ~~The site and associated equipment used for the production, treatment, and/or storage of oil and gas and waste products; New w~~Production facility: All equipment at a single stationary source directly associated with one or more oil wells or gas wells. This equipment includes, but is not limited to, equipment used for storage, separation, treating, dehydration, artificial lift, combustion, compression, pumping, metering, monitoring, and flowline.
- Comment: This definition needs to be modified so it is clear that midstream or other downstream operations and facilities are excluded.*
2. An individual well pad built with one or more wells and operated to produce liquid petroleum and/or natural gas, including associated equipment required for such production; or
3. Temporary storage and construction staging of oil and gas; or
4. ~~Any other oil and gas operation which may cause significant degradation.~~Existing well production facility that will undergo substantial modification. Substantial modification: The existing OGF is extended or expanded by 50% of its disturbed surface area.

For any other definition not listed in this section, the definitions listed in Chapter 11 of the Adams County Development Standards and Regulations and the Colorado Oil and Gas Conservation Commission's regulations shall govern. If there is a conflict between the definitions in Chapter 11 and the COGCC's definitions, the COGCC's definitions shall prevail. If the term is not found in the COGCC's definitions or in Chapter 11, the term shall have its common meaning along with the spirit and intent of the Development Standards and Regulations and may be subject to interpretation by the Director of Community and Economic Development or his or her designee.

Comment: We have made changes here to reflect our understanding that the County only intends to regulate oil and gas production operations pursuant to these regulations.

4-10-02-03-03-03 General Provisions

Comment: The following should be subject to Adams County variance procedures as necessary, should unforeseen circumstances arise. For example, there may be reasons under which an operator would need to request to flare beyond those expressly enumerated below.

Some degree of operational flexibility is needed both for extenuating circumstances and safety reasons.

1. Access: ~~Oil and gas well installation~~OGFs shall be located to provide convenient access, shall accommodate the traffic and equipment related to the ~~oil and gas operations~~OGF and emergency vehicles, and shall comply with COGCC rules and Adams County Development Standards and Regulations. ~~OGFsOil and gas operations~~ must avoid or minimize impacts to the physical infrastructure of the county transportation system.

Comment: In multiple places throughout the regulations terms other than OGF are used. We recommend defining the term OGF and consistently using it throughout the regulations, instead of inserting unclear terms such as “wells,” “oil and gas development,” etc. Oil and gas well installation” should be referenced as Oil and Gas Facility

2. Building Permit Required: For all ~~new or substantially modified wells~~OGFs, a building permit is required for the installation of permanent electrical, pumps, tank batteries, and all other above-ground structures as well as any other applicable permits including, but not limited to, culvert permits, oversized-load permits, and floodplain use permit.

Comment: See comment immediately above.

3. Setbacks: Oil and Gas Facilities shall be at least _____ feet from ~~the property line of~~any existing or ~~approved~~platted residences, schools, state licensed daycares, or ~~Building Unitsoccupied buildings~~.

*Comment: We understand the County proposes that the blank be filled in with 1000. This is a de facto ban cloaked as regulation. The County is proposing a 1,000' setback from **the property line** of a residence to an OGF, which can encompass the entire disturbed area of a well pad. The proposed setback is accordingly not double the existing state law setback (which would still be a **significant** increase), but much greater because state setbacks are measured (1) from the Building Unit, not the property line of a Building Unit (2) to a well or production facility, not the oil and gas location. Given (1) and (2), this setback will be as large or larger than the one Colorado voters, including 59% of Adams County residents, soundly defeated when rejecting Proposition 112. Given the County's geology and existing development, operators do not believe virtually any OGFs can meet this setback.*

Based on recent conversations with Adams County Commissioners, we understand that they would be open to an administrative waiver for setbacks. This waiver would be similar to COGCC LUMA regulations in 303.b and 305A. Please add a specific exemption or waiver process for the setbacks. For example, the surface owner may desire the OGF to be closer than the setback because of his land use plans. The County should respect the surface owner's wishes. Also, setbacks from platted residences (did the County mean platted residential lots?) may conflict with the plat if the oil and gas operations area is identified on the plat.

4. Fees and Permits: All applicable County fees adopted by the County, including postage fees and inspection fees, but excluding oil and gas impact and maintenance fees, must be paid at time of application and prior to issuance of a building permit, including for all applicable permits required by the Adams County Development Standards and Regulations.

Comment: The above change is necessary to avoid inconsistency between paragraphs four and five of this section.

5. Oil and Gas Road Impact and Maintenance Fees:
 - a. Operators must pay oil and gas road impact and maintenance fees, as approved by the Board of County Commissioners, for all proposed OGFsoil and gas wells and pads. This fee shall be paid at the time of issuance of an Oil and Gas Facilities Permit, unless otherwise agreed to by Adams County and the operator. Any person or entity required to pay the oil and gas road impact fee may elect to submit an independent study and fee calculation to demonstrate that the nature, timing, or location of the proposed oil and gas development-OGF is likely to generate impacts costing less to mitigate than the amount of the fee that would be generated by the use of the fee schedule. Any independent fee study for oil and gas developmentOGFs shall generally follow the methodology established in the Adams County Oil & Gas Traffic Impact Study.

Comment: There must be some flexibility here depending upon the amount of the fee. In the past, there have been some discussions about payment of the road impact fee at the time of drilling of the wells, or spread out over the course of several years depending on an operator's drilling schedule. Also, is the County going to revamp their road impact and maintenance fee calculation as a whole?

Additionally, the independent study and methodology established in the existing Adams County Oil and Gas Traffic Impact Study is not clear. When an operator has requested more information from staff before ordering an independent study, no guidance has been provided.

- i. The preparation of the independent fee calculation study shall be the sole responsibility of the electing party.
 - ii. Any person or entity who requests to perform an independent fee calculation study shall pay ~~an application~~ a reasonable fee for administrative review. An administrative decision related to the independent study may be appealed to the Board of County Commissioners. The appeal shall be filed within 14 days of staff decision and shall follow the appeal process established for OGF Permit Waivers .
5. Safety Standards:
- a. Operator shall implement a safety management plan and maintain a safety management system applicable to all covered processes ~~at the facility.~~ Upstream facilities consisting of a standard, repeatable design may be covered with a single safety management plan. The safety management system shall provide for employees and systems to oversee implementation and periodic revision of the plan. The plan shall include the following ~~elements ;and describe the manner in which each of the following elements will be applied to the covered processes:~~

Comment: The items listed in this section duplicate OSHA 1910.119 requirements for Process Safety Management (PSM) facilities. Part 68.115 of the EPA's Risk Management Plan, however, expressly excludes condensate, crude oil, and field gas from OSHA 1910.119 requirements for Process Safety Management. COGA agrees with the EPA that these regulations are inappropriate, unreasonable and not necessary for oil and gas facilities.

- i. ~~Safety~~ Process safety information. Compilation of written ~~process~~ process safety information needed to conduct process hazard analysis. ~~S~~ Process ~~safety~~ information shall include information pertaining to hazards of substances and chemicals used ~~by the process,~~ information pertaining to the technology ~~of the process,~~ information pertaining to the equipment used

~~in the process~~, and information pertaining to the hazards of the substances or chemicals ~~in the process~~. Documentation that equipment used ~~in the process~~ complies with recognized and generally accepted good engineering practices;

- i. Operating procedures. Written operating procedures that provide clear instructions for safely conducting activities ~~involved in each covered process~~ consistent with the ~~process~~ safety information, and at least annual review of operating procedures to ensure they reflect current operating practices;
- ii. Employee participation. Plan for ensuring employee participation in conduct and development of ~~process~~ hazards analysis and access to ~~process~~ hazards analysis;
- iii. Training. Written procedures detailing initial and refresher employee training requirements and documentation of employee training;
- iv. Mechanical integrity. Written procedures ~~in compliance with COGCC regulations and~~ designed to maintain the on-going integrity of ~~process~~ equipment, ensure employees involved in maintenance are properly trained to ensure the ongoing integrity of ~~process~~ equipment, ensure that ~~process~~ equipment is tested and inspected in accordance with manufacturer specifications, correct deficiencies in equipment in a safe and timely manner, and ensure that new equipment is installed or constructed properly;
- v. Management of change. Written procedures to manage changes ~~to covered processes~~, technologies, equipment and procedures;
- vi. Pre-startup reviews. Written procedures regarding pre-startup safety reviews;
- vii. Compliance audits. Written procedures requiring an audit every ~~three-five~~ years to verify compliance with the procedures and practices developed under the safety management plan, and procedures requiring correction of any deficiencies identified in audit; operator will make results of audit available to inspector upon request;

~~viii. Incident investigation. Written procedures requiring investigations of all near misses and incidents, including root cause analysis of all incidents resulting in fatalities or serious environmental harm, establishing a system to promptly address and resolve the incident, and requiring that all employees and contractors whose job tasks are relevant to the investigation of the near miss or incident review the investigation report.~~

Comment: This requirement is already listed in "Incident History" below. "Near miss" is also unreasonable: what does that mean and if missed, than the safety processes worked.

~~ix.viii.~~ Hot work. The operator of the OGF facility shall ensure that all hot work complies with city and state fire prevention and protection requirements.

~~x.ix.~~ Contractors. Written procedures describing how operator screens, oversees, shares process safety and emergency response and preparedness information with contractors;

~~xi.x.~~ HProcess hazard analysis. Process hazard analysis for each covered taskprocess;

~~xii.xi.~~ Incident history. List of all significant incidents causing fatalities or serious environmental harm that have occurred at the operator's Colorado facilities within the last fiveten years, along with any investigation reports, root cause analysis and operational or process changes that resulted from the investigation of the accident;

Comment: It is uncertain if ten years is feasible in certain situations, given that most records are required for seven years. Also, the term " incidents" is far too broad and would include irrelevant information such as a sprained ankle.

~~xiii.xii.~~ Safety culture assessment. Written procedures requiring operator periodically review safety culture, and at a minimum conduct such review after each major accident; and

~~xiv.~~ Inherently safer systems analysis. Require analysis at least every 5 years, whenever a change is proposed at the facility that could result in an incident, after an incident if recommended by the investigation report or

~~root cause analysis, and during the design of new processes, equipment or facilities.~~

Comment: This requirement is addressed under the Management of Change (MOC) process listed in Section 5.a.vii above and should be deleted.

~~xv.xiii.~~ Operator shall make available safety management plan to Adams County at the County's request. Adams County may retain outside consultants to review safety management plan and may request modifications to safety management plan based on its review. Operator must reimburse County for ~~any reasonable~~ costs associated with retaining outside consultants.

- b. Automatic safety protective systems and surface safety valves. Operator is required to install automated safety system prior to commencement of production. Automated safety system shall include the installation, monitoring and remote control of a ~~sub~~surface safety valve and shall be able to remotely shut in wells on demand. ~~The s~~Subsurface safety valve shall be equipped to operate remotely via the automated safety protective system. Operator shall test automated safety system ~~annually quarterly~~ to ensure functionality and ~~provide results of testing to County quarterly document results.~~

Comment: The proposed rule exceeds existing requirements. COGA requests that Adams County provide an explanation on the technological and economic feasibility of the proposed requirement. Additionally, subsurface safety valves are not used and do not apply in the basin accessed by Adams County surface locations.

- c. Incident and accident reporting.

~~i.~~ Incidents. Within a week of any ~~reportable~~ safety incident, ~~required to be reported under COGCC rules,~~ operator shall submit ~~to the County~~ all reports ~~provided to COGCC regarding the safety incident. to the County including the following to the extent available:~~

~~ii.i.~~ Fuel source, location, proximity to residences and other occupied buildings, cause, duration, intensity, volume, specifics and degree of damage to properties, if any beyond the facility, injuries to persons,

~~emergency response, and remedial and preventative measures to be taken within a specified amount of time.~~

Comment: All incident and accident reporting should be consistent with the reporting requirements under COGCC regulations to avoid duplicative reporting. Further, the term "safety incident" needs to be defined to avoid a strict application where an operator is reporting a sprained ankle or bee sting. COGA recommends defining "safety incident" to include (1) Any accidental fire, explosion, or detonation, or uncontrolled release of pressure; (2) Any accident or natural event that results in a reportable injury as defined by the U.S. Department of Labor, Occupational Safety and Health Administration, at 29 C.F.R. § 1904.39. 29 C.F.R. § 1904.39 may be found at <https://www.osha.gov>. ; or (3) Any accident or natural event that results in an injury to a member of the general public that requires hospitalization or professional medical treatment.

~~iii.ii. County may require operator to conduct root cause analysis of any incidents or Grade 1 gas leaks, as defined by the COGCC.~~

Comment: This requirement is already covered under Section 5.a.xii

~~iv. Operator shall keep an daily incident log that shall be made available to Adams County upon request. Any spill or release that is reportable to the COGCC shall be simultaneously reported to the County's LGD and applicable fire district.~~

Comment: This requirement is already addressed under Section 5.a.xii Incident History. Too, the requirement to keep a "daily" log is unnecessary. Any incident that leads to fatality, serious injury, serious environmental harm, a Grade 1 gas leak or reportable spill will already be reported to the County under other provisions.

~~v.iii. Notification to the County's LGD of all spills of a one barrel (bbl) gallon or more that leaves the OGF facility, all spills of any material on permeable ground at the OGF facility that has a reportable spill quantity under any applicable COGCC, CDPHE, or EPA requirement law and copies of any self-reporting submissions that operator provides to the COGCC.~~

~~vi-iv.~~ Notification of the surface owner or the surface owner's tenant of spills and releases in conformance with COGCC Rules.

6. Spill Prevention and Containment. ~~Oil and gas operations~~ OGFs shall be in compliance with COGCC safety and spill and release requirements.
- a. Requirements for reporting of spills and releases and rules to minimize liquid spills and releases include the following:
- i. Berms or other secondary containment devices around crude oil, condensate, and produced water storage tanks enclosing an area sufficient to contain and provide secondary containment for 150% of the largest single tank as required by COGCC.

Comment: The proposed rule (i) requiring that berms provide secondary containment for 150% of the largest single tank, as well as the provision below in (v) imposing a prohibition on the storage of ignition sources inside the secondary containment area unless the containment area encloses a fired vessel, are required only for facilities built within COGCC designated setback areas. In adopting those rules, COGCC applied those additional mitigation measures intended to eliminate, minimize or mitigate impacts to building unit owners or occupants as well as the general public. Applying these mitigations even where building unit owners and occupants or the general public are not located nearby is not appropriate or necessary. COGA requests that Adams County provide the justification for broadening the requirements to sources in other areas and an explanation as to why these are reasonable and necessary.

- ii. Berms or other secondary containment devices shall be sufficiently impervious to contain any spilled or released material.
- iii. Inspection of all berms and secondary containment devices at regular intervals, but not less than monthly. Berms shall be inspected within forty-eight (48) hours of a precipitation event of 1.0" or more, and Operator shall make or begin to make necessary repairs as soon as possible, but not more than seventy-two (72) hours after the event.

Comment: Operators can comply with the 48 hour obligation to inspect following a 1" precipitation event, but having an obligation to then make necessary repairs within 72 hours of the event (which may be only 24 hours after the inspection) is not always feasible and there may be

additional impediments due to wet ground. There is no identified need for ensuring that repairs are made within 72 hours of the event. Further, certain weather events may make it impossible to try a repair immediately or the attempt to immediately repair could even cause further damage because the ground is too wet or other circumstances.

- iv. Maintenance of all berms and secondary containment devices in good condition.
- v. A prohibition on the storage of ignition sources inside the secondary containment area unless the containment area encloses a fired vessel.

Comment: COGA does not understand the need for this requirement given the requirement is in the COGCC regulations. COGA does not think it is necessary for the County to promulgate rules that are wholly duplicative of existing state regulations. Indeed, this comment applies to several proposed regulations and is particularly relevant to COGA's concerns with the proposed penalty scheme.

- vi. Within a floodplain, or within an exception zone setback as designated by COGCC, ~~E~~construction of containment berms using steel rings or another engineered technology that provides equivalent protection, designed and installed to protect from floodwaters and debris event leakage and resist degradation from erosion or routine operation.

Comment: COGCC only requires this level of construction in statewide floodplain areas or within an exception zone setback as designated by COGCC. Floodplains have substantially greater chances of having discharges during a flood or unexpected storm event and the exception zone setback represents an unusual circumstance. COGA requests that Adams County provide a basis for requiring steel rings outside of floodplains or as otherwise required by COGA in exception zone setbacks. The cost and expense of this is simply not warranted. We have revised this provision to be consistent with COGCC's provision. Importantly we have eliminated the phrase "designed and installed to prevent leakage." Other provisions require containment berms to be impervious – which by its nature is a feature that prevents leakage.

- vii. Within a floodplain or other designated area as required pursuant to COGCC regulation, ~~E~~construction of secondary containment areas with a synthetic or engineered liner that contains all primary containment vessels and

flowlines and is mechanically connected to the steel ring to prevent leakage.

Comment: COGCC only requires this level of construction in statewide floodplain areas and other specially designated areas. Floodplains have substantially greater chances of having discharges during a flood or unexpected storm event. COGA requests that Adams County provide the basis for requiring steel rings outside of floodplains. The cost and expense of this is simply not warranted. Furthermore, flowlines are not contained within the secondary containment area. Separate rules at COGCC govern flowlines and those should not be confused with obligations or requirements to complete and maintain secondary containment.

~~viii. A prohibition on more than two crude oil or condensate storage tanks within a single berm.~~

Comment: This is currently only mandatory for sites located within the “Urban Mitigation Area Exception Zone Setback” per COGCC Rules. There is no justification for imposing these requirements on other sources and the County has provided no explanation as to why the expansion of these requirements is necessary and reasonable to protect public health or the environment. To achieve the 150% secondary containment requirement for each berm, operators would need multiple (if not dozens) of berms. As a result, it would require more space, more cost and larger locations. In fact, it would almost double the current footprint of some facilities. COGA does not believe that will bring any benefit or added protection from spills and this provision is neither reasonable nor necessary to achieve any environmental protection.

ix. For locations within 500 feet and upgradient of a surface water body, tertiary containment, such as an earthen berm, around **oil and gas facilities OGFs**.

Comment: This is currently only mandatory for sites located within the “Exception Zone Setback” per COGCC Rules.

x. **Loadout/Discharge** valves shall be secured **, inaccessible to the public** and located within the secondary containment area. Open-ended discharge valves shall be placed within the interior of the tank secondary containment.

Comment: COGA does not understand what Adams County is intending to refer to here through the use of the term “discharge valves.” If it is intended to refer to the loadout point for crude, condensate and produced water tanks, then the term should be clarified. In addition, inaccessibility to

the public is not appropriate in this section. Other sections deal with fencing and related requirements.

- b. Anchoring. Anchoring is required within floodplain or geological hazard areas, as needed to resist flotation, collapse, lateral movement, sinking, or subsidence, and in compliance with Federal Emergency Management Agency (FEMA). All guy line anchors left buried for future use shall be identified by a marker of bright color not less than four feet in height and not greater than one foot east of the guy line anchor.

7. Chemical Handling and Requirements

- a. The owner or operator of any installation that is required to prepare or have available a **material** safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., and regulations promulgated under that Act, shall submit both a safety data sheet (SDS) for each such chemical and an annual emergency and hazardous chemical inventory form to the LEPC and the local fire district. A comprehensive and universal listing of all **anticipated** hazardous chemicals shall be organized based on the various phases of operation including test wells and drilling and other construction activities submitted prior to construction and with the necessary building permit applications for a Rig and Move Permit. In addition, operator shall have current SDS and quantities on site at all times or available upon request.

Comment: Operators have concerns about the potential timing of this requirement. Operators will not know this level of detail this far in advance. As well, please clarify during what process to submit this information so operators only submit one, and operators can notify County of any major changes.

- b. Operator shall not store **any used hazardous chemicals (referenced in 7.a above), which cannot be recycled,** onsite **waste** in excess of thirty days.

Comment: As proposed, the term “waste” is general and overly broad. This requirement should be limited to the hazardous chemicals that are the subject of 7.a above. Further, 30 days from when?

- c. Drilling and completion chemicals shall be removed at most sixty days after **all drilling and** completion **activities are completed.**

Comment: This should make clear the term “completion” refers to the end of all drilling and completion activities on site. COGA recommends combining sections b. and c.

d. ~~Operator shall limit its use of~~not use toxic, including orally toxic, chemicals in hydraulic fracturing fluids including the following:

1. ~~Benzene~~
2. ~~Lead~~
3. ~~Mercury~~
4. ~~Arsenic~~
5. ~~Cadmium~~
6. ~~Chromium~~
7. ~~Ethylbenzene~~
8. ~~Xylenes~~
9. ~~1,3,5 trimethylbenzene~~
10. ~~1,4 dioxane~~
11. ~~1 butanol~~
12. ~~2 butoxyethanol~~
13. ~~N,N dimethylformamide~~
14. ~~2 ethylhexanol~~
15. ~~2 mercaptoethanol~~
16. ~~Benzene, 1, 1'-oxybis-,tetrapropylene derivatives, sulfonated, sodium salts~~
17. ~~Butyl glycidyl ether~~
18. ~~Polysorbate 80~~
19. ~~Quaternary ammonium compounds, dioctyl dimethyl, chlorides~~

Comment: Chloride is a very broad term.

20. ~~Bis-hexamethylene-triamine-penta-~~
~~methylene phosphonic acid~~

21. ~~Diethylenetriamine penta~~

22. ~~FD&C blue no 1.~~

23. ~~Tetrakis (triethanolaminate) zirconium~~
~~(IV) (TTZ)~~

Comment: As described in detail elsewhere in the comments, the revisions to the Colorado Oil and Gas Conservation Act and the Land Use Control Enabling Act provided in Senate Bill 19-181 limit local government authority over oil and gas operation to the regulation of land use and surface impacts. SB 19-181 did not provide local governments with the authority to regulate the technical and expertise-driven aspects of oil and gas operations, including downhole operations. For this reason, the proposed regulation of hydraulic fracturing fluids exceeds the scope of Adams County's legal authority.

8. Emergency Preparedness and Response

Comment: COGA submits that instead of prescribing required elements for the Emergency Preparedness and Response plan, it makes more sense to have this plan created by the operator in collaboration with the responding fire department and to include whatever the fire department in its expertise believes is best. For example, in provision 4-10-02-03-03.8.b.v below, it is requested that an operator provide information identifying "excavation routes," but the first responders will determine evacuation routes for their district.

- a. In General. ~~Oil and gas operations~~OGEs shall not cause unreasonable risks of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, and hazardous material vehicle accidents or spills.
- b. Emergency Preparedness Plan. Each Applicant with an operation in the County is required to implement an emergency preparedness plan for each specific ~~oil and gas facility~~OGE. The plan shall be referred to by the Office of Emergency Management, and the applicable fire district and filed with the County and updated on an annual basis or as conditions change (responsible field personnel change, ownership changes, etc.). The emergency preparedness plan shall consist of at least the following information:

- i. Name, address and phone number, including 24-hour emergency numbers for at least two persons located in or near Adams County who are responsible for emergency field operations.
- ii. An as-built facilities map in a format suitable for input into the County's GIS system depicting the locations and type of above and below ground facilities including sizes, and depths below grade of all oil and gas gathering and transmission lines and associated equipment, isolation valves, surface operations and their functions, as well as transportation routes to and from exploration and development sites, for emergency response and management purposes. The information concerning pipelines and isolation valves shall be held confidentially by the County's Office of Emergency Management, and shall only be disclosed in the event of an emergency. The County shall deny the right of inspection of the as-built facilities maps to the public pursuant to C.R.S. § 24-72-204.
- iii. Detailed information addressing each potential emergency that may be associated with the operation. This may include any or all of the following: explosions, fires, gas, oil or water pipeline leaks or ruptures, hydrogen sulfide or other toxic gas emissions, or hazardous material vehicle accidents or spills. For each potential emergency, threshold / trigger levels shall be pre-identified that govern when an emergency state is declared by the Applicant.
- iv. The plan shall include a provision that any spill outside of the containment area or which has the potential to leave the facility or to threaten a water body shall be reported to the emergency dispatch and the Director immediately.
- v. Detailed information identifying access or evacuation routes, ~~zone of influence for each emergency scenario~~ and identifying impacted facilities and buildings and health care facilities anticipated to be used in emergency scenarios.

Comment: COGA does not agree with the need to develop a zone of influence for each emergency scenario identified impacting facilities and buildings. Please provide justification.

- vi. Project specific emergency preparedness plans are required for any project that involves drilling or penetrating through known zones of hydrogen sulfide gas.
- vii. The plan shall include a provision that obligates the Applicant to reimburse the appropriate emergency response service providers for costs incurred in connection with any emergency.
- viii. Detailed information that the Applicant has adequate personnel, supplies, and funding to implement the emergency response plan immediately at all times during construction and operations. Demonstration that the Applicant has adequate personnel and supplies is satisfied with the required will serve letter.
- ix. The plan shall include provisions that obligate the Applicant to keep onsite and make immediately available to any emergency responders the identification and corresponding Material Safety Data Sheets (MSDS) of all products used, stored or transported to the site. The MSDS sheets shall be provided immediately upon request to the Director, a public safety officer, or a health professional. In cases of spills or other emergency events, the plan shall include provisions establishing a notification process to emergency responders of potential products they may encounter, including the products used in the hydraulic fracturing fluids.
- x. The plan shall include a provision establishing a process by which the Applicant engages with the surrounding neighbors and schools to educate them on the risks and benefits of the on-site operations and to establish a process for surrounding neighbors and schools within a half mile radius, unless determined otherwise by the Director of Community and Economic Development, to communicate with the Applicant.

Comment: This section needs to be moved to the appropriate section dealing with the neighborhood meeting for the site as part of the application process. COGA also requests more guidance on expectations in terms of what this engagement looks like.

xi. ~~Operator shall maintain storage of aqueous film forming foam (which shall not contain PFAS), absorption boom and granulated materials for ready deployment in case of leaks or other emergencies. Operator shall notify first responders of the location of said materials.~~

Comment: Operators should not be required to store fire-fighting foam onsite. This is outside the scope of expertise for most operators, and also is not practical at most sites (including a location for proper storage of such foam). Furthermore, this type of foam is applied with specialized fire suppression equipment that operators do not own. The operators rely on emergency services for these purposes and in Adams County have a good working relationship with the relevant fire departments, including assisting the fire departments financially to maintain and rotate inventory of such foam as needed. It is our understanding from our discussions with the Adams County fire departments that they also would prefer that operators do not try and store firefighting foam on site. COGA is not aware of any problem that exists here that makes the addition of this requirement necessary.

9. Recycle, Reuse and Disposal of Fluids:

- a. Operator ~~shallis encouraged to~~ recycle ~~or reuse~~ drilling, completion, flowback and produced fluids unless technically ~~or economically~~ infeasible ~~as established by a good faith evaluation by operator.~~

Comment: EPA is currently in the process of studying wastewater management, having released a draft study in May 2019 ("Draft Study"). The Draft Study focused on exploring additional options (beyond disposal and recycling of produced water in the oilfield) to increase flexibility and water availability in water scarce regions. See Study at 1-3. It is premature of Adams County to determine that such produced fluids must be recycled, particularly given significant technical and economic obstacles to recycling, and the current evaluation of additional options for management of produced fluids that could increase water resources in Colorado.

Operators also frequently have agreements already in place with surface owners to purchase fresh water from landowners for oil and gas drilling. Requiring recycling could result in a breach of these agreements and/or result in substantial loss of income to surface owners.

Recycling of these fluids is not only technically infeasible, but in most cases it is likely to be economically (and even legally) infeasible, as it would require operators to: breach or terminate agreements with landowners requiring operators to purchase freshwater for oil and gas drilling, maintain significant and large recycling facilities (such as significant water impoundments), obtain

multiple permits from various jurisdictions for these facilities; and develop a mechanism for transporting the fluids from these recycling facilities to each site. There are significant environmental considerations with such facilities, and those considerations may outweigh the benefit of recycling the fluids – particularly when considering the technical and economic constraints. If Adams County retains this requirement, it must include considerations of economic feasibility in addition to technical feasibility.

- b. Waste Drilling, completion, flowback and produced fluids may be temporarily stored in tanks while awaiting transportation to licensed/authorized disposal or recycling sites.

Comment: First, the County should clarify that by “waste” it means drilling, completion, flowback and produced fluids (consistent with the other provisions in this section). Second, “temporarily” is undefined, is vague, and no similar requirement exists in COGCC Rule 907. Third, the term “licensed” should be struck to account for authorized but non-commercial recycling facilities. Such facilities are appropriate and safe for disposal. In fact, COGCC requires management in “authorized” facilities in Rule 907, which we suggest replicating here.

- c. Waste Drilling, completion, flowback and produced fluids must is encouraged to be transported by pipelines unless and the operator should conduct and maintain a good faith evaluation of the technical and economical infeasibility of utilizing such pipelines.

Comment: Again, the County should clarify that by “waste” it means drilling, completion, flowback and produced fluids and/or produced water (consistent with the other provisions in this section). Second, this would be an unprecedented first-of-its-kind requirement in federal, state, and local regulation of oil and gas fluid waste management adopted without any determination as to technical, economic, or legal feasibility of the requirement. It is unclear whether the County intends that considerations of technical infeasibility include: impediments in obtaining rights-of-way or impediments in obtaining contracts from produced water facilities and transporters, among others. Oil and gas operators do not have a broad right of condemnation of land and thus mandating the use of pipelines impose serious logistical and financial burdens and may make it even more difficult (if not impossible) for operators to obtain rights-of-way in a cost-effective manner. Economic feasibility must be a consideration in whether to bring pipelines to a particular location. COGA has proposed language changes that operators must evaluate the technical and economic feasibility of utilizing such pipelines.

Finally, though COGA opposes this provision as written, to the extent the County keeps the requirement, economic infeasibility must also be considered before requiring produced water be transported via pipeline.

10. Stormwater Controls:

- a. ~~OGFs~~~~Oil and gas operations~~ shall be in compliance with COGCC rules related to stormwater management regulations and Adams County Stormwater Quality Regulations as contained in the Adams County Development Standards and Regulations / Ordinances and other applicable federal, state, and county requirements.
- b. The Owner or Operator must provide a stormwater management plan that identifies possible pollutant sources that may contribute pollutants to stormwater, best management practices, sampling procedures (if required), and inspections that, when implemented, will reduce or eliminate ~~any possible~~ water quality impacts. An operator's compliance with Colorado Discharge Permit System's Master General Permit for Stormwater Discharges Associated with Construction Activities and/or the COGCC Post-Construction Stormwater Program under COGCC Rule 1002.f (as applicable) shall meet the stormwater management plan requirement under this provision.

Comment: Adams County should clarify that plans developed in association with compliance with CDPHE Regulation 61 (including the Master General Permit for Stormwater Discharges Associated with Construction Activities) and the Best Management Practices and Post-Construction Stormwater Program required by COGCC Rule 1002.f (including the exception for Tier 1 Oil and Gas Locations), will meet the "stormwater management plan" requirement under this standard.

11. Water Bodies and Water Quality:

- a. General. ~~Oil and gas operations~~~~OGFs~~ shall not cause adverse impacts to surface or ground waters within Adams County. Operators shall comply with all Adams County rules, COGCC Rules, specifically with respect to spills and releases in floodplains and/or water bodies, and applicable water quality standards set by the Colorado Department of Public Health and Environment.

- b. Water quality plan. Operators shall implement a water quality plan and make available to Adams County upon request, such plan shall include details of or cross-references to such as operator's plans for water quality testing, prevention of discharge through berming and secondary containment~~illicit or inadvertent discharges,~~ stormwater discharge management, containment of pollutants, and spill notification and response as required by federal and state agencies. The owner or operator shall provide the County with the information it provides to the COGCC ensuring compliance with the water quality protection standards contained in COGCC Rules. ~~The owner or operator shall provide all water source test results to the county and maintain records of such results. The owner or operator shall provide its plans concerning downhole construction details and installation practices, including casing and cementing design, and shall inform the county how the plans establish that the facility does not create significant degradation to surface waters or drinking water aquifers.~~

Comment: COGA has concerns with the number of plans being requested by the County. Collectively, these regulations and other state and federal regulations will require operators to have: (1) a berming/secondary containment plan; (2) a stormwater management plan; and (3) a spill prevention, containment and countermeasure plan. Collectively, these address the detailed information requested by this provision. We have revised the language to make it more consistent with the plans already required to be maintained and to be clear that the water quality plan can cross-reference other existing plans instead of incorporating the same information into two different plans.

Senate Bill 181 provided the County with authority over land uses within its jurisdiction and clarified certain aspects of that authority with respect to oil and gas operations. However, nothing in Senate Bill 181 (and no other authority) grants the County any jurisdiction over "downhole" construction details and installation practices, including casing and cementing design. Such jurisdiction remains with the COGCC and is implemented by them as the agency with expertise over such activities.

- ~~c. Wastewater Injection Wells are prohibited in Adams County.~~

Comment: COGA disagrees with such a prohibition. Having to utilize wastewater injection wells in other locations results in more significant truck traffic and water hauling. Adams County has provided no basis for

prohibiting wastewater injection wells which are heavily regulated by the COGCC under authority delegated pursuant to the Safe Drinking Water Act.

- ~~d.c.~~ Floodplain. Disturbance within a 100-year floodplain will be allowed if the Operator has obtained a Floodplain Use Permit from the County and has complied with all of the County's legally adopted floodplain and engineering regulations. A "100-year floodplain" shall be, for purposes of this Section, a "Special Flood Hazard Area" as identified and mapped by the Federal Emergency Management Agency's National Flood Insurance Program and adopted by the County.

~~12. Well Plugging and Abandonment:~~

- ~~a. An operator shall comply with all COGCC rules regarding well abandonment and reclamation, including, but not limited to, removal of all equipment from the location and restoring the surface of the land to its original state. Notice of well plugging and abandonment shall be submitted by the operator to the Community and Economic Development Department within forty eight (48) hours. Notice shall include surveyed coordinates of the decommissioned well.~~

Comment: COGA has included specific comments on some of the proposed regulations below. However, as previously noted above, the revisions to the Colorado Oil and Gas Conservation Act and the Land Use Control Enabling Act provided in Senate Bill 19-181 limit local government authority over oil and gas operation to the regulation of land use and surface impacts. SB 19-181 did not provide local governments with the authority to regulate the technical and expertise-driven aspects of oil and gas operations, including downhole operations or plugged and abandoned wells. For this reason, the proposed regulations related to the technical aspects of plugging and abandoning wells and drilling new wells, exceed the scope of Adams County's legal authority, and remain solely within the scope of the COGCC's jurisdiction. COGA also questions why the County wants to duplicate state regulations, again noting the implications for the penalty scheme.

- ~~b. Decommissioned oil and gas well assessment. Prior to any hydraulic fracturing, and at periods following hydraulic fracturing, the operator must perform assessment and monitoring of plugged and decommissioned or removed from use, and dry and removed from use oil and gas wells (abandoned wells) within one quarter mile of the projected~~

~~track of the borehole of a proposed well. The assessment and monitoring includes:~~

*Comment: The adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181. Further, the COGCC mandates this analysis to occur pursuant to its Statewide Horizontal Offset Policy (2014) that is required for any horizontal well APD in the State. See <https://cogcc.state.co.us/documents/reg/Policies/InterimStatewideHorizontalOffsetPolicy.pdf>. Pursuant to the Statewide Horizontal Offset Policy and operators currently, review "all plugged wells within **1500 ft** of the proposed HZ well" and complies with all horizontal assessments required by the COGCC when mandated, but specifically when filing Form 2s.*

~~i. Identification of all abandoned wells located within one quarter mile of the projected track of the borehole of a proposed well based upon examination of COGCC and other publicly available records;~~

~~ii. A Risk assessment of leaking gas or water to the ground surface or into subsurface water resources, taking into account based on the plugging and cementing procedures described in any recompletion or plugged and abandoned (P&A) report filed with the COGCC;~~

Comment: The adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181.

Further, the COGCC mandates this analysis to occur pursuant to its Statewide Horizontal Offset Policy (2014) that is required for any horizontal well APD in the State. See <https://cogcc.state.co.us/documents/reg/Policies/InterimStatewideHorizontalOffsetPolicy.pdf>.

Operators already review the recompletion and PA reports of any PA'd well within 1,500' of the proposed horizontal wellbore as part of compliance with the Statewide Horizontal Offset Policy when determine if any mitigation must be done on the PA'd well prior to the drilling of the proposed horizontal well. Such information is included in an Offset Well Evaluation Analysis that must be submitted with all Form 2's for horizontal wells.

~~iii. Notification to the County and COGCC of the results of the risk assessment of the plugging and cementing procedures.~~

iv. ~~Permission from each surface owner who has an abandoned well on the surface owner's property to access the property in order to test the abandoned well. If a surface owner has not provided permission to access after thirty days from receiving notice, the applicant shall not be required to test the abandoned well.~~

Comment: The adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181. For this reason, the proposed regulations related to the permission from surface owners of "testing" of the abandoned wells, along with the technical aspects of plugging and abandoning wells and drilling new wells, exceed the scope of Adams County's legal authority, and remain solely within the scope of the COGCC's jurisdiction. Any Amendments requiring surveyed coordinates, notice, or other expanded mandates of COGCC Rule 311 and 319 will be in violation of SB 19-181.

Further, this sections ignores the fact that an operator seeking an OGF is often not the operator of the PA'd well and may not have authority to enter onto the surface, or even access the PA'd well. As such, there can be no obligation to test the abandoned well or even any ability to access the surface lands upon which the well is located.

v. ~~Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well prior to hydraulic fracturing~~

vi. ~~Comment: COGA reiterates that the adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181. Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well within one year and then every three years after production has commenced.~~

Comment: COGA reiterates that the adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181.

vii. ~~Notification of the results of the soil gas survey to the County and the COGCC within three weeks of conducting the survey or advising the County that access to the abandoned wells could not be obtained from the surface owner.~~

Comment: COGA reiterates that the adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181.

~~viii. In the event that contamination is detected during any soils testing, no further operations may continue until the cause of the contamination is detected and resolved and the county has given its approval for additional operations to continue.~~

Comment: COGA reiterates that the adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181.

Further, this requirement is overbroad and unduly burdensome. The existence of any soil contamination—including from abandoned wells not associated with the operator and for which the operator has no obligation to re-enter—should not provide the County with unfettered discretion to halt development. The proposed rule also does not define what constitutes "soil contamination" and in particular the relevant threshold for each potential soil contaminant.

~~e.d. Marking of plugged and abandoned wells. The operator shall permanently mark by a brass-plaque standard marker set in concrete, similar to a permanent bench mark to monument the plugged and abandoned well's existence and location. Such plaque shall contain all information required on a dry hole marker by the COGCC and the County.~~

Comment: COGA reiterates that the adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181. The requirement that the plaque be in brass is unnecessary and the County has not provided any rationale for that limiting factor. At least some operators weld on steel plates, which is sufficient to effectuate the intent of the proposed rule.

~~13.12.~~ Noise. The Operator shall control noise levels as follows:

a. Prior to operations operator will obtain a baseline noise study that encompasses at least three days, one of those days being a weekend.

~~b. Beginning with construction and up to production, the County may require continuous noise monitoring and may require that this be conducted by an approved third party consultant.~~

Comment: Requiring continuous noise monitoring is overly burdensome and unnecessary. Given existing regulations and thresholds for noise and the extensive mitigation measures imposed to reduce noise, continuous noise monitoring is not likely to be cost-effective, reasonable or necessary. The proposed regulation also does not identify the specific parameters for when this may be required or how the monitoring would be conducted—for example, whether it will be dBA, dbC or both, where the monitors must be placed, and how to account for wind and ambient noise levels. COGA suggests striking this provision in its entirety, as existing COGCC regulations and the remainder of these rules will ensure noise remains at acceptable levels. But at a minimum, if retained, Adams County should enumerate the specific, and limited, conditions under which continuous noise monitoring could be required and when should continuous noise monitoring could be discontinued.

e.b. The Operator must follow COGCC Regulations for noise level.

d.c. The Operator shall post 24-hour, 7 days per week contact information to in the event of deal with all noise complaints arising from Operator's oil and gas facility. This can be satisfied by posting relevant contact information on the company website.

Comment: The provision does not specify where such information must be posted. The location of the posting should be clarified. Any postings must be required only in a location that is publicly accessible without having members of public proceeding onto operator's property or facilities. For example, operators' websites often include a community relations phone number and email.

e.d. If necessary To ensure the Operator controls noise to the allowable levels set forth above in COGCC Rule 802, one or more of the following may be required the County may require the Operator to comply with one or more of the following requirements as needed and based on considerations of technical feasibility and cost-effectiveness:

Comment: This should clearly reference the COGCC regulations that establish the applicable noise level. It should also make clear that the appropriate mitigation measures will be determined based on technical and economic feasibility, as determined by discussions between the County and Operator.

The proposed rule should define what is meant by "acoustically insulated." Is there is a decibel level requirement and how will the decibel measurement be

taken. Consistent with our comment above, COGA also wants to emphasize that Adams County should adopt considerations of technical feasibility and cost-effectiveness into evaluating whether these shall be required otherwise these requirements may be unreasonable.

- i. Acoustically insulated housing or cover enclosing the motor or engine;
- ii. Noise management plan identifying hours of maximum noise emissions, type, frequency, and level of noise to be emitted, and proposed mitigation measures;

Comment: COGA has no comments on this if Adams County adopts considerations of technical feasibility and cost-effectiveness into evaluating whether these shall be required.

- ~~iii. Obtain all power from utility line power or renewable sources;~~

Comment: COGA notes that obtaining line power is often not economically or otherwise feasible and does not agree that it would ever be cost effective solely to address noise issues. This measure would only be feasible where highline power is already available on the location. Renewable sources are incapable of providing the power levels required. It is also unclear (with all the existing COGCC regulations and other provision) that this provision is necessary to address noise issues. For this reason, COGA proposes to strike this requirement.

- ~~iv.iii. Utilize the most current equipment to minimize noise impact during drilling, completions, and all phases of operation including the use of "Quiet Fleet" noise mitigation measures for completions;~~

Comment: This should only be required in certain instances and when necessary to meet the regulatory thresholds. If noise levels are below the thresholds and development will not impact anyone from a noise perspective, these types of measures are not always appropriate and most certainly not necessary. Furthermore, Quiet Fleet is a proprietary technology of Liberty Oilfield Services. The regulations should ensure operators can employ equivalent services provided by other companies.

COGA has no further comments on this if Adams County adopts considerations of technical feasibility and cost-effectiveness into evaluating whether these shall be required.

- ~~v~~-iv. Sound walls around well drilling and completion activities to mitigate noise impacts;

Comment: COGA has no comments on this if Adams County makes clear it applies only if noise levels are in excess of the regulatory threshold and adopts considerations of technical feasibility and cost-effectiveness into evaluating whether these shall be required.(applicable for v, vi, vii)

- ~~vi~~-v. Restrictions on the unloading of pipe or other tubular goods between 6:00 p.m. and 8:00 a.m.;

- ~~vii~~-vi. Any abatement measures required by COGCC for high-density areas, if applicable.

- ~~14.13~~. Air Emissions: Air contaminant emission sources shall comply with the permit and control provisions of the state air quality control program (C.R.S. § 25-7-101 et seq.) and the rules and regulations promulgated by the State Air Quality Control Commission. The Operator shall employ the following control measures and operating procedures to ~~avoid or~~ minimize ~~all~~ emissions into the atmosphere.

Comment: COGA has concerns with the use of the term “avoid” and “minimize all” emissions with respect to those control measures and operating procedures that the operator shall employ. Air emissions are allowed pursuant to state law. Operators are constantly evaluating ways to further reduce emissions from its oil and gas operations. But oil and gas operations are not a zero emissions process and proposing that all emissions be “avoided” would set an untenable and unattainable standard.

- a. Air quality action days. Operator shall respond to air quality action day advisories posted by the CDPHE for the front range ~~ozone air quality action days in the Denver Metro North Front Range (DMNFR)~~ area by ~~evaluating opportunities for~~ implementing suggested air emission reduction measures as feasible ~~and cost-effective and implementing those determined to be feasible and cost-effective. Suggested Emissions~~ reduction measures ~~shall be implemented for the duration of an air quality action day advisory and~~ may include measures such as:

Comment: The measures identified in this section are voluntary measures suggested by CDPHE to be implemented on ozone action days. Operators are voluntarily to implementing these measures to the extent feasible on air quality actions days in order to reduce ground-level ozone formation. The proposed regulation, however, should remove any mandatory language to make clear

these measures are voluntary and should only require that operators evaluate whether the suggested air emission reduction measures are feasible.

- i. Minimize vehicle and engine idling;
- ii. Reduce truck traffic and worker traffic;
- iii. Delay vehicle refueling;
- iv. Suspend or delay use of fossil fuel powered ancillary equipment; and
- v. Postpone ~~construction or~~ maintenance activities, ~~if feasible.~~

Comment: COGA has removed the term “if feasible” here because it has made clear above that all of these measures must be feasible. Further, construction activities cannot be readily postponed due to existing third party and related contracts.

- b. Leak Detection and Repair. Operator shall develop and maintain an LDAR program using ~~modern leak detection~~ optical gas imaging technologies ~~or other division (Air Quality Control Division) approved instrument monitoring method (AIMM)~~ for equipment used at the facility that complies with the following requirements:

Comment: Operators have concerns with the use of the term “modern leak detection technologies.” This term is ambiguous and subjective. COGA recommends that this be changed to optical gas imaging, as that is the current “modern” leak detection technology.

- i. Inspections must occur at least semi-annually ~~or at the specified frequency of equivalent method that is approved by the CDPHE as required by AQCC Regulation 7 more frequent inspections may be required based on the design, location and size of the facility.~~

Comment: Operators are amenable to conducting LDAR at a semi-annual frequency for all facilities, even though it goes beyond what is currently required under the AQCC regulations. However, Regulation 7 identifies certain large facilities that require LDAR more frequent than semi-annual. Adams County should defer to Regulation 7 on the frequency of inspections beyond semi-annual inspections.

~~ii.~~ If an infrared (IR) camera is used, operator shall retain an infrared image or video of all ~~any~~ leaking components identified during the before and after repair. Such records shall be maintained for two years and shall be made available to the county upon request.

Comment: No video or image should be required. This requirement does not reduce emissions and is a very significant recordkeeping burden. The County should defer to the stringent recordkeeping requirements already mandated by Regulation 7 for any LDAR inspections beyond semi-annual.

~~iii.ii.~~ Any leaks discovered by operator during an LDAR inspection, as well as any ~~including any~~ verified leaks that are reported to operator by a member of the public, shall be provided to the County in a publicly-available LDAR report substantially similar to that submitted by operator pursuant to AQCC Regulation 7 but containing information related only to LDAR in Adams County. ~~reported to the County no later than twenty-four hours after discovery. The operator shall maintain a weekly log of all reported leaks and shall make that log available upon request from the County.~~

Comment: Regulation 7 imposes robust recordkeeping and reporting requirements and authorizes inspection of records by the Division. The requirement to report all leaks discovered during LDAR inspections would be overly burdensome for both operators and the County. Under such a requirement, operators will spend more time focusing on reporting efforts than preventative efforts, repair and inspection. Adams County has not identified the need for having leaks reported within twenty-four hours of discovery. The requirement suggests that reporting is needed to ensure that repairs are completed timely; however, existing LDAR data submitted to the Division does not support that assumption, and in fact most leaks are repaired at the time of inspection. The County should defer to the stringent recordkeeping and reporting requirements under federal and state law. However, operators can agree to provide County specific information in a report to Adams County.

~~iv.iii.~~ Operator shall repair leaks as soon as possible, but at least within seventy-two hours, unless technically or operationally infeasible. First attempt must be made within 5 working days and repairs must be completed within 30 working days after discovery, unless parts are unavailable, the equipment requires shutdown to complete repair, or other good cause exists. If the

~~County determines that the leak presents an imminent hazard to persons or property, the operator may not operate the affected component, equipment or pipeline segment until the operator has corrected the problem and the County agrees that the affected component, equipment or pipeline segment no longer poses a hazard to persons or property. In the event of leaks that the County believes do not pose an imminent hazard to persons or property, if more than 48 hours repair time is needed after a leak is discovered, operator shall contact the County and provide an explanation of why more time is required~~

Comment: Repair timelines should be consistent with those imposed under state and federal regulations. The proposed 72 hour deadline far exceeds current requirements under federal or state law. Under state law, operators are required to make a first attempt at repair within 5 days of discovery and under federal law are not required to undertake repair for 30 days. In reality, repairs typically occur as soon as possible – often at the time of the inspection. However, because not all repairs can be completed within specified timeframes, it is inappropriate to develop a regulation requiring such immediate repair. Adams County has presented no basis for suggesting that a first attempt at repair within 5 days is not sufficient or demonstrated a need that would be served by a seventy-two hour repair requirement. In fact, mandating a different timeframe for repair and recordkeeping will create duplicative and inconsistent recordkeeping burdens with respect to the same leaking component.

This duplication is even more problematic with the seemingly inconsistent and two-tiered structure proposed here by Adams County. The first part of the provision states that leaks shall be repaired within seventy-two hours, but then states that leaks which do not pose an imminent hazard shall be repaired within 48 absent an explanation as to why that 48 hour requirement cannot be met. This adds substantial confusion and procedure to this process.

COGA also strongly disagrees with the language authorizing the County to essentially shut down an operator's facility if it, in the County's sole discretion, determines that a leak presents an imminent hazard to persons or property. First, the County does not have the relevant expertise to make this assessment. Second, the County has provided no standard for when such a requirement would be triggered. Finally, the language preventing the operator from re-initiating operations without the County's approval is unduly burdensome and inappropriate. If a leak has been fixed, then there should be no need for the County to have to weigh in on re-initiation of the facility, component or equipment.

~~v.iv.~~ The LDAR program~~Plan~~ shall include ~~the detailed~~ records~~keeping~~ required by AQCC Regulation 7 Sections XII.L.6 and XVII.F.8 for ~~of the LDAR inspections conducted pursuant to this section. for~~ ~~leaking components.~~

Comment: COGA notes that nowhere else does this provision reference a “plan,” but instead refers only to “an LDAR program.. Operators agree to keep recordkeeping of the inspections consistent with AQCC regulations, but do not agree to develop a “plan” regarding its methods for complying with those detailed recordkeeping requirements.

~~vi.v.~~ At least once per year, the operator shall notify the County five business days prior to an LDAR inspection of ~~its facilities~~~~each facility~~ ~~subject to this provision~~ to provide the County the opportunity to observe the inspection. ~~Only County personnel complying with personal operators’ personal protection equipment requirements will be authorized to observe the inspection.~~

Comment: Operators can agree to notifying the County once per year for each new facility that is subject to these requirements. Any County official planning to observe the inspection must provide and wear proper personal protection equipment that will be described by operators during any notice of the LDAR inspection.

c. Well Completions and Emissions Control

i. Operators shall ~~comply with the well completion requirements at 40 C.F.R. § 60.60.5375a(a) and COGCC Rule 805~~~~utilize EPA Reduced Emission Completions~~ for oil wells and gas wells.

Comment: Operators complete “green” completions consistent with COGCC Rule 805 and New Source Performance Standard 40 C.F.R. § 60.60.5375a(a). The current reference to “EPA Reduced Emissions Completions” is unclear, however, and the specific requirements intended to be referenced should be included here. COGA has made a proposed change to reflect the appropriate references.

~~ii.~~ ~~Operators must utilize closed loop , pitless drilling, completions and production systems without permanent on-site storage tanks for containment and/or~~

recycling of all drilling, completion, flowback and produced fluids and any required venting routed to at least 98% effective emissions control devices.

Comment: COGA first notes that this provision contains confusing and broad-based language. COGA has deleted those requirements it believes are not technically and economically feasible.

COGCC Rules currently only require closed loop or pitless drilling systems if a new well is proposed to be drilled within the 1000' setback or the external buffer of a public surface water supply source. Adams County has provided no justification for requiring similar measures at other sources or an explanation as to why the expansion of this requirements is necessary and reasonable to protect public health or the environment. However, operators would be willing to consider on a case-by-case basis utilizing closed loop or pitless drilling.

With respect to utilizing completions and production systems without permanent on-site storage tanks for containment, COGA has strong objections to this requirement as it relates to both completion and production. First, while a significant portion of the completions activities utilize skid-mounted temporary frac tanks, operators do seek to employ permanent equipment on-site during the completion process in order to reduce emissions. These permanent storage tanks (which are controlled by combustion devices) would be prohibited by this provision. Such prohibition could result in an increase in emissions during the completions process.

The requirement to use production systems without permanent on-site storage tanks appears to be an attempt to mandate tankless operations. Such a requirement is technologically and economically infeasible and could result in operators being unable to develop their mineral resources. While operators continue to look for opportunities to utilize tankless operations, there are significant impediments to doing so including the availability of oil pipelines that are capable of and willing to transport liquids with a high Reid vapor pressure and in the amount needed to remove tanks from the facility. Further, companies that cannot transport their own liquids face more significant costs in operating tankless facilities

To the extent Adams County intended this provision to require routing of temporary tank emissions for flowback and produced fluids to an emission control device, such a requirement significantly exceeds current requirements under both Regulation 7 and NSPS OOOOa. Both of these regulations exempt temporary tanks used for the drilling and flowback period from the control requirements applicable to permanent storage tanks. See 77 FR at 49,524–25 (revising definition of storage vessel to exclude storage vessels on site for less than 180 days).

d. Combustion Devices

- i. For any flares or combustion devices used, a manufacturer's test or other data demonstrating a hydrocarbon destruction or control efficiency with a design destruction efficiency of at least 98%.
- ii. ~~Flaring shall be eliminated other than during well maintenance, well stimulation flowback, purging operations, a productivity test, emergencies or upset conditions~~ Flaring of sales gas that would otherwise be routed to a gas gathering line at a well production facility shall be eliminated except during well maintenance, well stimulation flowback, purging operations, a productivity test, other than emergency or upset conditions and sales gas from wildcat wells; all flaring of high-pressure sales gas shall be reported to the county.

Comment: This requirement should be consistent with COGCC regulations and allow for flaring during certain maintenance and operation activities, in addition to emergencies or upset conditions. There are safety reasons beyond emergencies or upset conditions to allow flaring, and this is reflected in the proposed edits. This provision should also be subject to Adams County variance procedures should unforeseen circumstances arise under which an operator would need to request to flare beyond that allowed by this provision.

- iii. To the extent used, all flares, thermal oxidizers, or combustion devices shall be designed and operated as follows:
 1. The flare and or combustor shall be fired with natural gas when possible.
 2. The flare and or combustor shall be designed and operated in a manner that will ensure no visible emissions during normal operation. Visible emissions means observations of smoke for any period or periods of duration greater than or equal to one minute in any fifteen minute period during normal operation, pursuant to EPA Method 22. Visible emissions do not include radiant energy or water vapor.

3. The flare and or combustor shall be operated with a flame present at all times when emissions may be vented to it.

Comment: COGA notes that this is not currently required by AQCC regulations but agrees to this requirement for new facilities. Agreement to this for new facilities or at substantially modified facilities (as COGA has proposed that be defined) does not indicate support for this requirement at existing facilities and COGA does not believe Adams County has the legal right to make this or other new proposed requirements apply to existing facilities.

4. All combustion devices shall be equipped with an operating auto-igniter.

Comment: COGA notes that this is already required by AQCC regulations.

5. If using a pilot flame ignition system, the presence of a pilot flame shall be monitored using a thermocouple or other equivalent device to detect the presence of a flame. A pilot flame shall be maintained at all times in the flare's pilot light burner. A telemetry system shall be in place to monitor pilot flame and shall activate a visible and audible alarm, in the case that the pilot goes out.

Comment: Through its discussions with the County, COGA understands that the proposed rules will apply only to new facilities or facilities that expand a certain amount beyond the scope of the original permit. Depending on the definition of expansion beyond the scope of the original permit, operators can agree to the requirement to install a telemetry system if limited to new facilities or substantially modified facilities (as COGA has proposed that be defined). Installing this type of system at existing facilities is not economically feasible.

6. If using an electric arc ignition system, the arcing of the electric arc ignition system shall pulse continually and a device shall be installed and used to continuously monitor the electric arc ignition system.

e. Liquids Unloading

- i. Best management practices during liquids unloading activities are required, which may include the installation of artificial lift, or automated plunger lifts if feasible. The County and Operator will determine

~~appropriate best management practices on a case-by-case basis based on technical and economic feasibility and at least 90% emissions reductions when utilizing combustion to control any venting.~~

Comment: COGA does not understand the need for this provision. AQCC regulations address liquids unloading and already provide for use of best management practices to reduce emissions. Thus, we believe that this provision should be deleted.

If retained, this proposed requirement should be consistent with AQCC regulations, which allow expressly for venting during liquids unloading. We have provided a mark-up in the event that the language is retained.

Finally, not all liquids unloading can be prevented. Installation of artificial lift and automated plunger lifts are mechanisms designed to reduce the need for well liquids unloading. But well flow characteristics must justify artificial lift methods. Importantly, artificial lift and plunger lifts are typically not appropriate on newer facilities and provide the greatest benefit when a well has moved further into its life cycle. Furthermore, there is currently no feasible way to control emissions from unloading activities through a combustion device. Several operators are actively exploring this technology, but it is not currently able to be implemented due to safety concerns. For this reason, COGA strongly suggests the County strike the language relating to control of emissions from unloading activities.

- ii. ~~If—When~~ manual unloading ~~is—permitted occurs,~~
operator shall remain onsite.

Comment: COGA does not understand the need for this requirement given the requirements in the AQCC regulations.

- f. General air quality protection measures.

- i. Operators should ~~explore options to work to limit~~
~~reduce~~ truck traffic to and from the site.

Comment: COGA does not believe it is appropriate for this to be deemed as a mandatory requirement. Truck traffic is highly dependent on the feasibility of pipelines for water and oil – both of which have significant economic and other limitations. We propose changes to indicate that operators need only explore options to reduce truck traffic.

- ii. ~~Combustion devices with a design destruction efficiency Hydrocarbon control~~ of at least 98% or
~~better shall be installed~~ for crude oil, condensate, and
produced water tanks at a well production facility

with uncontrolled actual emissions of VOCs greater than twosix TPY VOCs per tank battery.

Comment: The reference to “hydrocarbon control” is unclear and should be clarified. We assume that this is intended to mean that crude oil, condensate and produced water tanks should be controlled by a combustion device with a design destruction efficiency of 98%. Note also that manufacturers certify a destruction efficiency of 98%

It is also unclear from the provision whether Adams County intends to refer to each individual tank with emissions greater than 2 tons per year per tank or whether it intends the 2 ton per year requirement to apply to each tank battery of crude oil, condensate or produced water tanks. If the former, Adams County is creating a threshold inconsistent with that set forth in the AQCC regulations – which establishes thresholds for tank batteries – not individual tanks. Furthermore, if based on a per tank requirement, it raises significant technical questions regarding how emissions on a per tank basis should be determined, an issue that is currently being evaluated at the federal level. Finally, if on a per tank basis, given the number of tanks at a battery for new and substantially modified facilities, the threshold would likely be above that currently required under the AQCC regulations. Thus, it would not make sense to have a threshold established on a per tank basis.

By contrast, if this provision applies to each tank battery, this requirement significantly exceeds existing requirements. Given that this requirement will only apply to new facilities or those expanded beyond the original permit, this will not achieve any additional emissions reductions beyond existing AQCC regulations. For crude oil and condensate, tanks at new facilities will already be required to be controlled either under the existing systemwide reduction requirements in Regulation No. 7, XII or pursuant to the requirements in Regulation No. 7, XVII to control tank batteries greater than 6 tons per year. While a threshold of 2 tons per year may require additional produced water tanks to be controlled (because produced water tanks tend to have the most significant emissions shortly after production begins), a requirement to install and maintain controls gains little benefit over time, especially when compared with the Regulation No. 7, XVII requirements. In addition, we understand that as part of rulemaking this fall at the AQCC, the Division plans to propose a new threshold in the nonattainment for controlling produced water tanks, though that threshold has not yet been finalized. Adams County should defer to that threshold and not create potential duplicative or inconsistent thresholds.

- iii. No venting, unless venting is reasonably required for maintenance, gauging, or safety of personnel and equipment, other than if necessary for safety or during an emergency

Comment: The regulation should allow for venting under the circumstances allowed in AQCC regulations. AQCC has some of the most extensive and comprehensive regulations against venting in the country. However, the AQCC recognizes that venting can be required during maintenance, gauging, and in circumstances for safety of personnel and equipment. These same circumstances for venting must be allowed here. Oil and gas operations cannot be operated with no venting during the circumstances described above.

- iv. ~~Operators should consolidate product treatment and storage facilities within a facility.~~

Comment: The County should clarify the purpose and rationale for this requirement. First it is unclear what is meant by “product treatment.” Typically, gas, crude oil, condensate and produced water do not undergo “treatment” at the well facility – only separation. Furthermore, it is not clear whether “storage facilities” are intended to mean something other than storage tanks. Other than storage tanks, well facilities tend to have one storage location for other products and thus requirements to consolidate are unnecessary. If intending to refer to storage tanks, it is not clear what is required to comply with this provision or the intent that is sought. Additionally, it is inconsistent with other provisions (such as the berm and secondary containment provisions) that would actually result in a greater footprint and less consolidation among product treatment and storage facilities.

- v. ~~Operators should centralize the compression units needed for the well production facilities within one facility where possible. should centralize compression facilities within a facility.~~

Comment: Further clarification is needed on the County’s purpose and rationale for this requirement and the environmental benefits it hopes to obtain. Emissions from a site’s compression facilities will remain the same regardless of where they are located within a facility. Compression is already located in relative proximity to the equipment it is servicing in order to reduce extra piping and connections. COGA strongly objects if the intent is to require separate compression facilities.

- vi. ~~For operators with existing oil and gas facilities in Adams County, demonstration that the facility will not result in any increase of VOCs from operator’s existing and planned development in the County. Operator may include anticipated reductions from plugging and abandoning existing wells located in the County when modeling total VOCs from existing and future development and related activities.~~

Comment: COGA understands that Adams County plans to eliminate this requirement. COGA very much supports that. However, since, COGA has not seen proposed language or revisions eliminating that requirement it includes its objections to this requirement for the record. Adams County's proposed rule will result in a strict zero-emission offset program – i.e., to mandate that no new VOC emissions are emitted in Adams County above and beyond existing the existing baseline only for operators with existing facilities. The scope of the offset program—which references both planned and existing development—is also not clear. Regardless of how the regulation is formulated, such. Such a requirement is unduly onerous, burdensome, and would prevent operators from developing their mineral interests and likely would constitute a taking of private property.

Colorado has the most stringent VOC requirements in the country – particularly in the nonattainment area in which Adams County resides. Additionally, the ozone nonattainment area will be moving into serious nonattainment and will have more stringent requirements on existing sources. Even accounting for the significant emission reduction requirements on new oil and gas sources, there will not be enough VOC emissions to offset new facilities. In most cases, plugging and abandoning existing, low-producing wells will not fully offset emissions from a new, modern facility. The existing, low-producing facilities just do not produce enough emissions. The only scenario under which this is potentially feasible, is where there is full electrification of the site and the ability to install tankless systems. Under this circumstance an operator can significant reduce emissions from a new facility. However, as discussed below, very few facilities have this capability because of lack of grid structure and because the operator needs to own and operate their midstream operations in order to install tankless facilities. Outside of this limited scenario, this provision will act as a de-facto ban on future development.

Adams County has failed to provide any justification for why a complete offset of new emissions, i.e., a zero-emission limit, which would prohibit new development from existing operators only, is both reasonable and necessary to protect public health, welfare, or the environment as required under Senate Bill 19-181 and the Colorado Land Use Control Enabling Act. Adams County has failed to identify the baseline emission level based on current development and operations and articulate the rationale for why limiting emissions beyond that baseline is necessary to protect public health, welfare, or the environment. The fact that the proposed rule only applies to operators with existing oil and gas facilities also belies the arbitrary nature of the rule and makes clear it is not based on a quantifiable emission level necessary to protect public health or the environment. As drafted, an operator with no existing operations in the county could develop an entirely new facility unconstrained from the offset requirement. Adams County also does not require any other industries to comply with similar offset standards. Development and industrial activity of all types results in some emissions, including VOC emissions. Adams County has not articulated why oil and gas production – and VOC emissions in particular – necessitate complete offset in order to protect public health, welfare, or the environment.

Finally, the proposed rule also conflicts with AQCC regulations implementing the federal Non-Attainment New Source Review (NNSR) Program. Under the NNSR program, major sources of ozone precursors must meet certain offset requirements. To qualify as an offset under the NNSR program, the proposed emission reduction must be “surplus.” See AQCC Reg. 3, Part A § V.E.I. This means the proposed offset cannot be “required by current regulations, relied on

for state implementation plan planning purposes, and not used to meet any other regulatory requirement.” Id. § V.C.13. The County’s proposed rule potentially imposes a regulatory requirement that would then prohibit operators from using the reductions obtained to both comply with the Adams County rules and the AQCC’s offset requirements. This could put sources that need to comply with NNSR permitting requirement in an untenable position.

- g. Site-specific air quality protection measures. To ~~eliminate or minimize air emissions—~~and depending on the potential volume of uncontrolled air emissions, location and nature of the OGF facility—some or more of the following measures may be required if available and demonstrated by credible research to provide a material air emissions reduction that is not otherwise achievable through other technologies or means and is economically feasible: the County may require any or all of the following depending on the size, location and nature of the facility:

Comment: COGA has concerns with the addition of the term “eliminate” or “minimize” emissions with respect to those control measures and operating procedures that the Operator shall employ. Air emissions are allowed pursuant to state law. Oil and gas operations are not a zero emissions process. Proposing that all emissions be avoided would set an untenable and unattainable standard. Minimizing emissions is a sufficient standard – particularly with the specific requirements articulated below – to achieve environmental protection.

Furthermore, this provision appears to grant the County complete discretion to “require any or all of the following depending on the size, location and nature of the facility” to minimize air emissions. This broad and undefined grant of authority does not include any specific standards or identify when the listed mitigation measures may apply. In this manner, the proposed regulation is wholly unsupportable under the law as the County has not identified any rational, non-arbitrary explanation or basis for requiring any of the proposed mitigation measures.

The proposed rule should at the very least identify the relevant emission thresholds or circumstances that could trigger a requirement to implement one or more of the identified mitigation measures.

Finally, COGA also understands that it is the County’s intent that the appropriate mitigation measures will be determined based on technical and economic feasibility as determined by discussions between the County and Operator. The proposed rule should make this clear.

- i. ~~Ambient Air Monitoring.~~ An air monitoring plan that describes how the operator will conduct baseline monitoring within 500 feet of a proposed facility prior

to construction and conduct monitoring during the drilling, completion and production phases of development shall be approved by the county prior to any activity. The plan shall include monitoring for all potential hydrocarbon emissions from the Oil and Gas Facility, which may include methane and VOCs, including but not limited to, methane, VOCs, Hazardous Air Pollutants (HAPs), Oxides of Nitrogen (NOx), Particulate Matter (PM), Fine Particulate Matter (PM 2.5), and Carbon Monoxide (CO). Operator shall pay for the baseline and ongoing monitoring. Baseline and continuous monitoring shall be done by a consultant approved of by the County. Monitoring at the production facility shall be limited to one (1) year, and may be excluded if the facility has no condensate tanks. Any AQCC regulation that is developed for ambient air monitoring for oil and gas facilities, drilling and/or completion activities shall supersede this requirement. Any continuous monitoring system shall be able to alert the operator of increases in monitored air pollutant concentrations.

Comment: COGA recommends that this provision be deleted. A requirement for the AQCC to consider development of continuous emissions monitoring was proposed in Senate Bill 181. The Air Pollution Control Division plans to hold a rulemaking on continuous emissions monitoring in the next year to fulfill the statutory mandate. However, the APCD has been clear that it does not have enough information at the current time to understand: (1) the technologies available to conduct continuous emissions monitoring; (2) the pollutants for which continuous emissions monitoring is available and reasonable; (3) the cost of technologies for conducting continuous emissions monitoring; (4) concerns regarding implementation of continuous emission monitoring systems; and (5) the value of continuous emission monitoring systems from an emissions perspective.

*Considerations regarding pollutant transport, wind direction, pollutant load and ambient air quality are extremely complex issues. It is premature for Adams County to be mandating any requirements for continuous emissions monitoring, particularly for the range of pollutants proposed which includes pollutants that are not found in any significant level at oil and gas facilities. **We recommend that this provision be eliminated at this time.** However, if this is to be maintained, we recommend that the above provisions must be made to ensure implementation is achievable.*

Adams County has not articulated why it believes continuous emissions monitoring should be required. There has been no demonstration that continuous emissions monitoring will result in fewer emissions. Additionally,

Adams County proposes that the continuous monitoring be conducted by a consultant – which will have a significant cost associated with it and may be untenable given that the primary value of continuous emissions monitoring is related to the ability to respond to results.

~~ii. The use of electric drill rigs.~~

Comment: As a threshold matter, a blanket requirement to use electric drill rigs would not be economically feasible or practical given the current supply of electric drill rig engines and the difficulty in accessing electric grid power. And as a potential mitigation measure to be decided upon on a case-by-case basis, this provision is also unworkable. These are long-term contracts that must be planned well in advance. Because electric drill rigs are in short supply, this would be impossible to comply with in most instances without significant advance notice.

Furthermore, constraints associated with bringing electrical power to locations in time for drilling operations are significant. State and local regulations generally force the location of O&G facilities into areas with less surrounding development and infrastructure. Usually, the access point to grid electrical service with the voltage and amperage required to operate a drilling rig is too far from the drill pad to make using grid power feasible. The Colorado Statewide Hydrocarbon Emission Reduction (“SHER”) stakeholder group is currently evaluating constraints related to electrical power and infrastructure. Adopting requirements that mandate electrical use at a site would be premature and could constrain operators from developing their mineral resources.

Adams County also does not have the legal authority to adopt a requirement mandating that operators use electric drill rigs.

~~iii. Tier 4 or better diesel engines, diesel and natural gas co-fired Tier 2 or Tier 3 engines, natural gas-fired spark ignition engines, or electric line power for hydraulic fracturing pumps.~~

Comment: For the reasons discussed above, Adams County does not have the legal authority under the federal Clean Air Act to regulate the types of engines used at oil and gas production facilities.

~~iv.ii.~~ The use of liquefied natural gas dual fuel hydraulic fracturing pumps.

~~v.iii.~~ Implementation of well production facility design that eliminates the need to install atmosphere hydrocarbon

tanks, if technically and economically feasible tankless production techniques.

Comment: COGA has strong objections to this requirement as it relates to tankless production. Any requirement to utilize tankless production techniques is inappropriate. Such a requirement may be technologically and economically infeasible and could result in operators being unable to develop their mineral resources. While operators continue to look for opportunities to utilize tankless operations, there are significant impediments to doing so including the availability of oil pipelines that are capable of and willing to transport liquids with a high Reid vapor pressure and in the amount needed to remove tanks from the facility. Moreover, it should be understood that even if facilities are connected to a liquid pipeline, they usually still have tanks on location as backup. This is an environmental and safety measure.

vi. Use of quiet design mufflers (also referred to as hospital grade or dual dissipative) or equivalent.

Comment: This is not an air issue and should not be included in this section. This should be included in the noise section. As mentioned in the comments on the noise section, COGA has no comments on this if Adams County makes clear it applies only if noise levels are in excess of the regulatory threshold and adopts considerations of technical feasibility and cost-effectiveness into evaluating whether these shall be required.

vii.iv. The use of zero emission controlled dehydrators or those that operate with a waste- and flash-gas recovery system.

viii.v. Use of a pressure-suitable separator and vapor recovery unit (VRU) where applicable.

Comment: What does "pressure-suitable" mean?

ix.vi. Pipeline infrastructure for produced water, natural gas, crude oil and condensate constructed and placed into service prior to the start of any fluid flow from any wellbore.

Comment: As noted above, any requirement to utilize tankless production techniques or require pipelines for all liquids is inappropriate. Operators can typically commit to constructed and in service placement of natural gas infrastructure before the start of any fluid flow from any wellbore, but cannot agree with such a requirement for produced water and crude oil. Such a requirement is technologically and economically infeasible and could result in operators being unable to develop their mineral resources. While operators continue to look for opportunities to utilize tankless operations, there are

significant impediments to doing so, including the availability of oil pipelines that are capable of and willing to transport liquids with a high Reid vapor pressure and in the amount needed to remove tanks from the facility.

~~xi.vii.~~ The use of ~~no~~low-bleed continuous and intermittent pneumatic devices. Operators must utilize pneumatic controllers that do not bleed or vent natural gas into the atmosphere where on-site electrical grid power is being used and the use of a no-bleed pneumatic controller is technically and economically feasible. This requirement can be met by replacing natural gas with electricity or instrument air, or routing the discharge emissions to a closed loop system or process.

Comment: The proposed language suggests that this requirement applies to existing facilities (e.g, the reference to “replacing natural gas”). As noted elsewhere, these provisions do not and cannot apply to existing facilities. Only new facilities and those triggering the permitting process are subject to these requirements. Furthermore, it is not technically or economically feasible to replace all natural gas pneumatics with electricity or instrument air, or to route the discharge emissions to a closed loop-system or process. This would go far beyond what is currently required under existing federal and state regulations, which already require the use of low-bleed or intermittent pneumatics for new facilities.

COGA believes that it is premature for Adams County to adopt no-bleed pneumatic controllers. The SHER process has been discussing no-bleed pneumatic controllers, and it continues to gather data, including from environmental organizations. Furthermore, the Division will be proposing pneumatic controller regulations for consideration by the AQCC this fall – the scope of which is not yet known. Adams County should not adopt pneumatic controller regulations at this time.

~~xi.viii.~~ Automated tank gauging.

Comment: COGA has no comments on the potential requirements related to automated tank gauging since the provision applies only to new or substantially modified facilities.

~~15.14.~~ Odors:

- a. ~~Operator must implement and maintain and make available to the County upon request, an odor mitigation plan that demonstrates how operator will minimize odors from its operations and~~ comply with Colorado Department of Public

Health and Environment, Air Quality Control Commission, Regulation No. 2 Odor Emissions, ~~Part A-5 CCR 10014, Part A Regulation No. 3, 5 CCR 1001-5, and Regulation No. 7, 5 CCR 1001-9 sections VII and VIII.~~ The plan shall also provide a plan for timely ~~evaluating~~responding to odor complaints from the community, and ~~process~~ for identifying and implementing ~~(to the extent necessary to achieve compliance with Regulation No. 2, Part A)~~ additional odor control measures to control odors emanating from ~~the Oil and Gas Facility, and a plan for coordinating such efforts with the County and Tri County Health Department Staff.~~

Comment: Regulations No. 3 and No. 7 do not address odor. Those regulations address permitting and controls of hydrocarbons, respectively. Thus, there is no pre-existing legal basis for requiring an odor mitigation plan to include information on an operator's plan to comply with existing regulations – particularly those not pertaining to odor.

The term “minimize odors” is vague and uncertain. Regulation No. 2 reflects the standards established by the Air Quality Control Commission that are unacceptable and need to be mitigated. Specifically, Regulation No. 2, Part A distinguishes between areas used predominantly for residential or commercial purposes and all other areas, and establishing a lower standard of odorous air in residential and commercial areas. If an operator's odor mitigation plan demonstrates compliance with Regulation No. 2, Part A, operators should not be required to undertake additional, significant and costly measures to eliminate all odors associated with the facilities.

- b. Operator must notify the County's LGD ~~no later than 24 hours~~by the end of the next business day after receiving odor complaint ~~or notice of an odor complaint.~~

Comment: Odor complaints do not constitute emergency or hazardous situations. Thus, requiring notification within 24 hours (which could include a weekend) is unnecessary for odor complaints. Rather, COGA proposes that notifications must be made by the end of the next business day after receiving the odor complaint.

- c. Operator must prevent odors from ~~Oil and Gas Facilities~~ from affecting the health and welfare of the public by proactively addressing and, to the fullest extent, resolving ~~verified~~ complaints filed by members of the community, in coordination with County and Tri-County Health Department staff.

Comment: Given the requirement to implement a plan to address odors and respond to complaints, this section is redundant and unnecessary. COGA agrees that operators can implement a plan to reduce and limit odors and can respond to and work to resolve complaints filed by members of the community. However, if the odors do not exceed those allowed pursuant to Regulation No. 2, Part A, then operators should not be required to undertake additional, significant and costly measures to eliminate all odors associated with the facilities.

- d. To ensure compliance with the odor mitigation plan, the County may require the Operator ~~to implement any of the following measures depending on the size, location and nature of the facility to comply with one or more of the following requirements as needed to ensure compliance with Regulation No. 2, Part A while taking into consideration technical and economic feasibility of any such requirement:~~

Comment: As a threshold matter, the County's authority needs to be further defined. COGA understands that it is the County's intent that the appropriate mitigation measures will be determined based on technical and economic feasibility as determined by discussions between the County and Operator. The proposed rule should make this clear.

It is also not clear what is meant by an "odorant which is not a masking agent." COGA understands odorants and masking agents to be synonymous. COGA is also not aware of any evidence that chillers reduce odor. The County has not provided any evidence on the technical feasibility of either of these proposed requirements.

- i. Adding an odorant ~~which is not a masking agent or adding chillers to the muds.~~
- ii. Using filtration systems or additives to minimize odors from drilling and fracturing fluids except that operator shall not mask odors by using masking fragrances.
- ~~iii. Enclose shale shaker to contain fumes from exposed mud, where safe and feasible~~

Comment: Operators have advised that the use of enclosed shale shakers is virtually never safe or feasible.

- ~~iv.~~ iii. Wipe down drill pipe each time drilling operation "trips" out of hole

Comment: The proposed rule needs to further define what is meant by “wipe down” and what compliance with this would require. It cannot be that this establishes a zero-mud threshold.

~~v.~~iv. Increasing **additive odorant** concentration during peak hours.

~~16.~~15. Water source sampling and testing: Using records of the Colorado Division of Water Resources, the applicant will be required to identify and offer to sample all available water sources, **as defined in the COGCC regulations**, located within one-half mile of the proposed well or facility **that the operator has permission to sample**. All sampling must be conducted by third-party consultant approved of by the County. Sampling requirements include:

Comment: COGA believes that this entire section is unnecessary and duplicative of existing COGCC requirements. Though Adams County proposes to be more stringent than COGCC in certain ways, Adams County has provided no justification (particularly given the data that has resulted from COGCC’s existing baseline water testing program) that justifies such additional measures and explains why they are reasonable and necessary. Thus, COGA recommends deleting this entire Section 16 and deferring to existing COGCC regulations.

However, to the extent that Adams County retains these provisions, Adams County needs to be clearer that this is intended to refer to water wells registered with the Colorado Division of Water Resources. The reference to the Colorado Division of Water Resources suggests that is the intent; however, this needs to be clarified. Under COGCC regulations, operators are only required to test sources registered with the Division of Water Resources, except in certain limited areas. Any requirement to test surface waters would be inappropriate given the other potential contributors to those water bodies and the complex regulatory regimes associated with protection of those water bodies.

Operators currently comply with COGCC baseline sampling and its historic data does not suggest that additional monitoring beyond that required by COGCC is necessary. We note, however, that COGA does not think that third-party consultant approval is necessary in light of the fact that COGCC Rule 609.e requires that all sampling be performed in accordance with an accepted industry standard as stated in the COGCC Model Sampling and Analysis Plan.

a. Initial baseline samples and subsequent monitoring samples **consistent with the methodologies set forth in COGCC regulations.**

- b. Initial collection and testing of baseline samples from available water sources shall occur within twelve months prior to the commencement of drilling a well, ~~or within twelve months prior to the re-stimulation of an existing well for which no samples were collected and tested during the previous twelve months.~~

Comment: COGA does not agree that the sampling requirements should apply prior to re-stimulation of an existing well for which no samples were collected or tested during the previous twelve months. Only activities that require a Form 2 trigger new baseline sampling under COGCC regulations, and stimulation (as compared to re-completion) does not require a Form 2. Adams County should not exceed COGCC's authority in this area, particularly given that the results from historic baseline sampling have shown no need for concern.

- c. Post-~~completion~~stimulation samples of available water sources shall be collected and tested pursuant to the following time frame:
1. One sample within six months after completion;
 2. One sample between twelve and eighteen months after completion; and
 3. One sample between sixty and seventy-two months after completion.

~~4. For multi well pads, collection shall occur annually during active drilling and completion.~~

Comment: COGCC regulations require only sampling between six and twelve months of completion of the well and within sixty and seventy-two months after completion of the well. This adds at least one additional sample and potential additional sampling during drilling and completion. Though COGA can agree to this additional sampling for new wells, it continues to have concerns that Adams County is proposing additionally sampling when existing sampling has not shown any evidence or indications of concern.

- d. Operator shall collect a sample from at least ~~one up-gradient and two down-gradient~~ water sources within a one-half mile radius of the facility. If no such water sources ~~are-is~~ available, operator shall collect at least one samples from ~~additional~~ water sources within a radius of up to one mile from the facility ~~until samples from a total of at least~~

~~one up-gradient and two down-gradient water sources are collected.~~ Operators should give priority to the selection of water sources closest to the facility.

Comment: COGA disagrees with this provision. The COGCC only indicates that samples from both downgradient and up-gradient are preferred over cross-gradient locations. However, if up-gradient locations cannot be located within ½ mile, the COGCC does not require the operator to extend the area of sampling. In fact, it is inappropriate to expand the area of sampling as it creates a baseline data sample that is much further away and less accurate. As noted throughout this section, COGA disagrees with the duplication of COGCC's baseline sampling program.

- e. An operator may rely on existing groundwater sampling data collected from any water source within the radii described above, provided the data was collected within the twelve months preceding the commencement of drilling the well, the data includes measurement of all of the constituents measured in Table 1, and there has been no significant oil and gas activity within a one-mile radius in the time period between the original sampling and the commencement of drilling the well.

*Comment: COGA has no comments on this requirement except that it duplicates COGCC's requirements.
(applicable to e, f, g, h)*

- f. The operator shall make good faith, reasonable efforts to obtain the consent of the owner of the water source. If the operator is unable to locate and obtain permission from the surface owner of the Water Source, the operator shall advise the CED Director that the applicant could not obtain access to the water source from the surface owner.
- g. Testing for the analytes listed in Table 1, and subsequent testing as necessary or appropriate.

Comment: The analytes listed in Table 1 exceed current COGCC's requirements. COGA has proposed revisions to Table 1 to align with current requirements.

- h. Standard industry procedures in collecting samples, consistent with the COGCC model Sampling and Analysis Plan, shall be followed.
- i. Reporting the location of the water source using a GPS with sub-meter resolution.

Comment: The proposed rule exceeds current COGCC requirements. Adams County should defer to COGCC's regulations (381A.f(6) and (7) on this issue.

- j. Field observations. Reporting on damaged or unsanitary well conditions, adjacent potential pollution sources, odor, water color, sediment, bubbles, and effervescence.
- k. Test results. Provide copies of all test results described above to the County, the COGCC, and the water source owners within three months after collecting the samples.
- l. Subsequent sampling. If sampling shows water contamination above the levels described below, additional measures may be required including the following:
 1. If free gas or a dissolved methane concentration level greater than one milligram per liter (mg/l) is detected in a water sample source, determination of the gas type using gas compositional analysis and stable isotope analysis of the methane (carbon and hydrogen).

Comment: As noted above, the majority of these requirements are duplicative of those required by the COGCC. However, the COGCC's regulations and the County's proposed regulations differ with respect to reporting requirements, and this will create confusion. Only one set of results needs to be reported to all the interested parties. We believe that this further supports deferring to COGCC rules on baseline monitoring.

2. If the test results indicate thermogenic or a mixture of thermogenic and biogenic gas, an action plan to determine the source of the gas.
3. Immediate notification to the County, the COGCC, and the owner of the water source if the methane concentration increases by more than five mg/l between sampling periods, or increases to more than ten mg/l.
4. Immediate notification to the County, the COGCC and the owner of the water source if BTEX and/or TPH are detected as a result of testing. Such detections may result in

required subsequent sampling for additional analytes.

5. Further water source sampling in response to verified complaints from water source owners.
6. Timely production and distribution of test results, well location, and analytical data in electronic deliverable format to the CED Director, the COGCC and the water source owners.

Table 1. Water Quality Analytes

GENERAL WATER QUALITY	Alkalinity Conductivity (only pre-drilling) & TDS Ph (only pre-drilling) Dissolved Organic Carbon (or Total Organic Carbon) Bacteria Hydrogen Sulphide
MAJOR IONS	Bromide Chloride Fluoride Magnesium Potassium Sodium Sulfate Nitrate + Nitrite as N (total)(only pre-drilling)
METALS	Arsenic Barium (only pre-drilling) Boron (only pre-drilling) Chromium Copper Iron (only pre-drilling) Lead Manganese (only pre-drilling) Selenium (only pre-drilling) Strontium (only pre-drilling)
DISSOLVED GASES AND VOLATILE ORGANIC COMPOUNDS	Methane Ethane Propane BTEX as Benzene, Toluene, Ethylbenzene, Xylenes Total Petroleum Hydrocarbons (TPH)
OTHER	Water Level Stable isotopes of water (Oxygen, Hydrogen, Carbon)

Phosphorus (only pre-drilling)

~~17.16.~~ Dust:

- a. Operator shall minimize dust pollution associated with onsite activities and traffic.
- b. No untreated produced water or other process fluids shall be used for dust suppression.
- c. The operator will ~~minimize~~ avoid creating dust ~~and~~ avoid dust suppression activities within 300 feet of the ordinary high-water mark of any water body, unless the dust suppressant is water.

Comment: COGA has proposed minor revisions to reflect a duty to minimize dust creation and avoid any dust suppression activities other than water within 300 feet of the high-water mark. Additionally, below COGA has revised the regulation to reflect that these are now referred to as Safety Data Sheets and to include a requirement that they be maintained by the operator and provided upon request. COGA sees no value in additional submittals to the County.

- i. Safety Data Sheets (SDS) for any chemical-based dust suppressant shall be ~~maintained by the operator and submitted to the County~~ upon request prior to use.

~~18.17.~~ Visual Aesthetics.

- a. Operator shall submit a visual mitigation plan in compliance with COGCC Rules, including but not limited to, a list of the proposed colors for the Facilities, regardless of construction date, which are observable from any public highway, providing for paint that is uniform, noncontrasting, nonreflective color tones (similar to the Munsell Soil Color Coding System), and with colors matched to but slightly darker than the surrounding landscape, ~~a listing of the operations' equipment,~~ proposed fencing, and screening. Plan shall indicate the location of all outdoor lighting on the site ~~and any structures~~ and include cut sheets of all proposed fixtures. ~~If the well site is visible from a subdivision west of Imboden Road, Fencing shall be required around all well site equipment following drilling and completion, including, but not limited to, storage tanks, well heads, and meters if the well site is visible from a subdivision west of Imboden Road.~~ Such fencing shall screen equipment, provide safety precautions, and be compatible with the surrounding environment.

Should fencing apply to a well site, the design and construction of such fencing shall be approved by the Community and Economic Development Department ~~prior to the construction of any site~~. If a chain link fence is required to achieve safety requirements set by the COGCC, then landscaping and other screening mechanisms shall be required that comply with the County's Development Standards and Regulations and the Operator's safety requirements. Operator shall be responsible for obtaining consent by surface owner allowing any required fencing; however, if the surface owner will not grant consent after good faith efforts by the Operator to obtain such consent, then the fencing mandated by this provision shall not be required. The surface owner's preferences for fencing will also be taken into account when developing a visual mitigation and fencing plan.

Comment: the COGCC does not require a visual mitigation plan in all areas. Rather, mitigation may be presented as Best Management Practices in Form 2As. Despite this, COGA agrees with the development of a visual mitigation plan but has some concerns about the information to be included in the plan. COGA agrees with the proposal as it relates to paint, proposed fencing and screening. However, COGA disagrees with any requirement to list all of its operations equipment for safety reasons and confidential business reasons, COGA also does not agree with providing a list of all operations' equipment. Operators are only required to provide a "list of major equipment components" in the Form 2A, and this language contains no such limiting considerations.

The Plan is required to indicate the location of all outdoor lighting on the site "and any structures." The meaning of this term is unclear. We therefore recommend deleting or clarifying what is meant by "any structures."

Approval of the fencing should not be required prior to construction. Given the nature of drilling and completion activities, fencing may not be appropriate until moving into the production phase. Additionally, because sound walls are used during drilling and completion, fencing is generally not feasible at these stages.

COGA believes it appropriate to use all good and reasonable efforts to obtain authorization to install a fence; however, if an operator cannot do so or the surface owner demands unacceptable fees for erecting the fence as required by the County, then operators must have relief from this provision. COGA recommends the inclusion of language making this clear.

- b. Operator shall include as part of the visual mitigation plan ~~submit a~~ landscaping and berming plan that includes

maintenance and irrigation requirements for planted vegetation throughout the duration of operations, including production. Operator shall be required to provide maintenance funding through bonding to ensure funds are available for upkeep. Weed control is required at the facility and along access roads constructed by the operator until final reclamation and abandonment. Required Sound walls, if required shall be included in the visual mitigation plan and shall comply with the color scheme approved by the County, blending with natural background. All landscaping shall be in compliance with County requirements located at [] and in compliance with the safety requirements of the Operator. Existing vegetation shall be minimally impacted. Motorized equipment shall be restricted remain on to the areas designated for the well sites and access roads to the well sites. Operator is responsible for obtaining consent by surface owner allowing landscaping as well as automatic irrigation for landscaping in urban mitigation areas and/or parks/recreation areas; however, if the surface owner will not grant consent after good faith efforts by the Operator to obtain such consent, then the landscaping and irrigation mandated by this provision shall not be required. All plant materials shall be kept in a healthy growing condition at all times.

Comment: COGA proposes deleting the term “berming” here; as berming and secondary containment are addressed elsewhere in these provisions.

Additionally, there should not be excessive numbers of plans. We have proposed that the landscaping and sound plans be part of the visual mitigation plan. We have also suggested language to clarify that sound walls are not required in all instances. See 13.e.v. above.

COGA has deleted the phrase “and in compliance with the safety requirements of the Operator.” Operators will comply with their own safety requirements and has commented on the safety provisions proposed above. To the extent those safety requirements include provisions about landscaping, they will be contained in the safety plans developed by operators. Duplicating and cross-referencing requirements in multiple plans is inefficient and may create confusion.

COGA is not certain what is meant by the term “motorized equipment shall be restricted to the wells sites and access roads to the well sites.” As written, it reads as though the use of motorized equipment to the well sites and access roads will be limited. However, significant motorized equipment will be used throughout the life of the facility. We believe that this was intended to indicate that motorized equipment should not be used either off the well site or off the

access roads. We have made proposed changes to the language to address these concerns.

As noted elsewhere, the County must provide relief if, after good faith negotiations and reasonable attempts, operators are unable to obtain land owner approval. By both mandating certain requirements and requiring surface owner approval for many of those requirements, the County is placing the surface owner in the position of potentially being able to withhold approval unless operators pay unreasonable amounts. The County's regulations should not be encouraging or mandating that outcome. Thus, we have included language that will provide relief should a land owner not agree to a landscaping plan.

COGA has deleted the requirement to keep all plant materials in healthy growing condition at all times. The plan itself requires provisions for ensuring the maintenance of the landscaping, and operators cannot ensure that no plants will die. Natural occurrences such as hail storms, sun exposure, and natural plant death make this requirement infeasible.

With respect to the maintenance bond, there should not be separate bonding for this. There is another draft regulation that will provide for an operator bond and site specific bonding which should cover this if needed. The bond is not needed given that any regulation adopted could be inspected and compliance required.

Finally, please confirm if the reference to "urban mitigation area" is intended to refer to an Urban Mitigation Area as defined by COGCC rules.

- c. Operator shall submit lighting mitigation plan for all phases of development and operation, which adheres to best management practices to minimize light escaping the facility including making all lighting downward-facing and fully shielding bulbs to ~~prevent light emissions above a horizontal plane drawn from the bottom of the fixture~~avoid glare on public roads and occupied structures within one thousand feet. ~~Operator shall conduct a photometric study prior to start of construction to indicate impact on surrounding properties and measure the lumens emitted from the facility outside of the walls.~~

Comment: COGCC regulations address lighting but recognize that these efforts must be taken "to the extent practicable." This requirement goes significantly beyond those requirements by mandating specific types of lighting in all instances – not just where practicable or where there are public roads and Building Units. We propose amendments that only mandate the shielding in circumstances similar to the COGCC rules – when it would cause a glare on public roads or impact occupied structures. The requirement to conduct a

photometric study is also not practicable. COGA is not aware of a method to conduct a photometric study that would isolate the light impact solely from the facility and not also account for cross-pollution from other sources.

- d. Site ~~light~~ access and security. Site shall be properly secured, ~~which may include~~ ing, but ~~is~~ not limited to, use of security fencing or barriers to prevent unauthorized access to site. Site shall be properly secured prior to the start of drilling. Proposed fencing, barriers, and screening shall be included in the visual mitigation plan.

Comment: COGA has made minor amendments to this provision to make clear that security fencing or barriers may not be used at all locations, but are one of a suite of options for properly securing the site.

~~19.18.~~ Flammable material. The area twenty-five feet around anything flammable shall be kept free of dry grass or weeds, conform to COGCC safety standards and applicable fire code. The operator's pre-application and application shall be reviewed by the serving fire district.

~~20.19.~~ Mud tracking. Operator shall take all practical measures to prevent mud and dirt tracking onto public right of ways and shall remove tracked mud and dirt within a reasonable time, ~~not to exceed two hours.~~

Comment: The "not to exceed two hours" should be deleted, as such timing may be impossible.

~~21.20.~~ Trailers. ~~A construction trailer~~ Construction trailers and residential trailers are ~~is~~ permitted during active drilling and completions only. ~~No residential trailers will be allowed.~~ Only equipment needed for project should be on site.

Comment: Operations may require this option during drilling and completions to accommodate the presence and safety of on-site personnel 24 hours per day.

~~22.21.~~ Private Roads. The Operator shall construct (unless already constructed) and maintain an access road designed to meet County and fire district standards and support an imposed load of 75,000 pounds that will accommodate emergency response vehicles such as, but not limited to, law enforcement, emergency command vehicles (cars/SUVs), ambulances, hazardous materials response vehicles, water tenders, and fire apparatus during construction and operation of new tank batteries, new drilling activity and reworks

or recompletions of existing wells, unless a local fire department or fire district agrees to a different or lesser standard or waived by the Board of County Commissioners or the Director of Economic and Community Development. With respect to new roads to new tank batteries, the Operator agrees to construct access roads at least twenty (20') feet wide (unless waived by the local fire district and the County's Public Works Department) with a Class 6 road base, or as approved by the local fire district, at least nine inches (9") thick. Best efforts will be made to improve inadequate access along private roads to existing tank battery sites identified by the fire district or County, based on service calls and demonstrated problems of accessing the site. Operator and County agree that spot inspections of access roads may be done by the County and/or appropriate emergency response agency, at such County or agency's sole risk and expense, to ensure that emergency access in accordance with this section is maintained. Operator is required to maintain and repair any damaged roads within ten (10) days of County notice, unless otherwise agreed to by the county and operator. Operator will assure that temporary access roads are reclaimed and revegetated within sixty days of discontinued use. Erosion shall be controlled in accordance with the Erosion and Sediment Control Plan while the roads are in use.

Comment: There should be flexibility for the operator to repair roads within 10 days in case there are issues outside of operators' control that prevent such repair. COGA recommends adding "unless otherwise agreed to by the County and operator" to this 10 day provision.

22. Public Roads. Operator shall utilize existing roads and access points where practical and apply for and obtain access permits for its oil and gas facilities from the County's Public Works Department. Requirements for the access permit may include the following: a) access location providing for a safe entrance/exit and utilization of main roadways to minimize impact /conflict with residents on local roadways; b) haul route and traffic data; c) pre/post inspection of roadways used by the Operator; d) collateral or bond to insure that road damage caused by the Operator is repaired; e) dust control (material used for dust control must be pre-approved by the County); f) road maintenance agreement during drilling phase; and g) payment of all applicable fees not otherwise covered by the Road Impact and Maintenance Fee. Operator shall exercise reasonable efforts to minimize heavy truck traffic on local roads within residential neighborhoods between the hours of 9 p.m. and 6 a.m., and shall work with and show written evidence that the applicable school district(s) has been consulted to minimize traffic conflicts with school buses when schools are in session. Operator shall obtain any legally valid and applicable

oversize and/or over weight moving permit from the County's Public Works Department. for all vehicles that exceed legal vehicle dimensions or weights as specified by the Colorado Department of Transportation and the County's Development Standards and Regulations.

Comment: Is this referencing the Road Impact and Maintenance Fee or is this intended to be another bond an operator must provide to the County? Please provide clarification on what additional fees this will be? Are these in addition to the Road Impact and Maintenance Fee?

23. Removal of debris. All excess debris shall be removed during construction activities. Site shall remain free of debris and excess materials at all times during operations. Burning of debris and other materials is strictly prohibited at all times.
24. Removal of equipment. No permanent storage of equipment. When no longer used, equipment shall be removed within thirty days unless a Temporary Use Permit for said storage is obtained from the County.
25. Maintenance of machinery. Routine field maintenance of equipment involving hazardous materials within 300 feet of any water body is prohibited. All fueling shall occur over impervious material and shall not be done during storm events. Operator shall operate and maintain all equipment in accordance with manufacturer specifications. Regular maintenance checks are required for all equipment.
26. Burning. No open burning of trash, debris or other flammable materials.
27. Chains. Traction chains shall be removed from heavy equipment on public streets.
28. Off-location flow lines and crude oil transfer lines
 - a. **To the extent practicable, o**Off-location flow lines and crude oil transfer lines regulated by the COGCC shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; surface water bodies; and city open space.

Comment: COGA believes this language is necessary to promote surface owners' desires and because operators may have the ability in some instances to consolidate crude oil transfer lines or their rights-of-way, which should be encouraged, as recognized by the County immediately below.

- b. Without compromising pipeline integrity and safety, applicant shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize impact.
- c. Setbacks from residential, commercial, or industrial buildings, places of public assembly, the high-water mark of any surface water body and sensitive environmental features will be determined on a case-by-case basis in consideration of the size and type of pipeline proposed and features of the proposed site.
- d. Operator must conduct leak detection inspections or pressure testing in order to identify flowline leaks or integrity issues.
- e. Operator must make available to County upon request all records required to be kept by COGCC
- f. Buried pipelines shall have a minimum of ~~four~~ three feet cover.

~~29. Gathering Lines~~

Comment: This suite of provision raises some concerns over whether the County is purporting to regulate gathering lines as OGF Facilities. COGA understands from the county that gathering lines will not be included in the OGF Permit process; accordingly, this entire section should be deleted.

- ~~a. To the extent practicable, gathering lines shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; surface water bodies; and city open space.~~
- ~~b. Without compromising pipeline integrity and safety, Operator shall share existing pipeline rights of way and consolidate new corridors for pipeline rights of way to minimize impact.~~
- ~~c. Setbacks from residential, commercial, or industrial buildings, places of public assembly, the high water mark of any surface water body and sensitive environmental features will be determined on a case-by-case basis in consideration of the size and type of pipeline proposed and features of the proposed site.~~
- ~~d. Operator must make available to County upon request all records submitted to PHMSA or the PUC including those~~

~~related to inspections, pressure testing, pipeline accidents and other safety incidents.~~

- ~~e. Well Connects. Well connects do not require permits. Well connects are defined as a pipeline, 10" or less inside diameter and 2 miles or less in length, laid running from the custody transfer point or production facility for a new well(s) to an existing gathering line connection point.~~

30.29. Temporary surface water lines

- a. Operator shall use temporary surface water lines, unless infeasible.
- b. Operator shall use County Road Right-of-Way and County drainage culverts for the laying and operation of temporary water lines on the surface and in accordance with Adams County Standards and Regulations, unless infeasible.
- c. Operator will bury temporary water lines at existing driveway and gravel road crossings, or utilize existing culverts, if available, with County approval.

31.30. Financial Assurance.

- ~~a. Operators shall be required to maintain environmental liability insurance to cover gradual pollution events.~~

Comment: This type of insurance can be very difficult or impossible for operators to obtain. Financial assurance is important but flexibility in how it is demonstrated is needed.

- ~~b.a.~~ Operator shall be required to file and maintain financial assurance as determined on a site-specific basis prior to commencing operations, and thereafter during the active life of the facility, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. Should any corrective actions be required by the County in order to protect the health, safety, welfare, and the environment which result from failure not involving a force majeure event of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.

Comment: Please provide clarification on the amount and renewal requirements of the bond? How will this sync with the COGCC bonding requirements?

- ~~32.31.~~ Mapping Information. Operator shall agree to provide coordinates and/or exact location of well sites to the County's GIS Department within forty-eight (48) hours of final completion of a well site in a format acceptable to the County. Any subsequent changes to a well site location shall also be provided to the County within forty-eight (48) hours of such changes.

4-10-02-03-03-04 INSPECTION AND ENFORCEMENT

1. Inspection: In recognition of the potential surface impacts associated with oil and gas facilities, all wells and accessory equipment and structures may be examined by the inspectors of the county at reasonable times to determine compliance with applicable provisions of this chapter, the International Fire Code, the International Building Code, and all other applicable standards in this title. For the purpose of implementing and enforcing the provisions of this chapter, the inspector and other authorized personnel have the right to enter upon private property the Oil and Gas Facility provided that they have provided twenty-four (24) hours notice to operator (except in the case of an emergency situation involving an immediate risk to public health, safety, welfare, the environment, or wildlife, or damage to the property of another.), received the appropriate safety training from the operator, are outfitted in the appropriate personal protective equipment, and comply with all applicable federal, state and local occupational safety laws while on the Oil and Gas Facility. The county may use the information collected on the inspections to enforce the requirements of this chapter. The county may also report this information to appropriate state and federal officials, including but not limited to information regarding alleged violations of state and federal rules. Any information collected from the inspection shall be provided to the operator and list the contact information of the inspecting party. Operator shall make available to County, upon request, all records required to be maintained by these regulations or to show compliance with these regulations, and the rules and regulations promulgated by the COGCC and the CDPHE, including permits, Air Pollutant Emission Notices (APENs) and other documents required to be maintained by the COGCC, CDPHE and these regulations. The County shall charge a yearly inspection fee for all Oil and Gas Facilities in the County. All fees shall be reasonable and adopted in accordance with applicable Colorado law~~Fees for Oil and~~

~~Gas Facility inspections shall be assessed according to the County's adopted fee schedule.~~

2. State Notification of Alleged Violations: Adams County will cooperate fully with the State of Colorado by notifying the Oil and Gas Conservation Commission of any and all violations of the Colorado Laws and Regulations.
3. Delinquent Taxes: One condition of any oil and gas well building permit is that all taxes as provided by statute, shall be paid.
4. Penalties and Fines: The County has authority under C.R.S. § 29-20-104, as amended, to impose fines for leaks, spills, and emissions covered by these regulations. The county shall not impose fines for leaks, spills and emissions that COGCC, CDPHE or other regulatory bodies with authority over.~~The following table summarizes the fine schedule for violations of these Development Standards and Regulations:~~

Comment: The County cites authority to impose fines for leaks, spills and emissions, but this fine schedule goes far beyond those issues and imposes penalties unrelated to leaks, spills and emission, such as paperwork violations.

In many instances, operators anticipate conditions of approval or best management practices required on its County OGF Permit to mirror requirements included on a COGCC Form 2A or Form 2. This could lead to an operator being assessed the same fine twice, once by the County and once by the state, for the exact same violation. This would lead to fines disproportionate to the conduct and raises concerns similar to double jeopardy where the State and County disagree about whether a violation did in fact occur and how the penalty policy should be assessed. COGA's members would appreciate more guidance on the County's proposed penalty schedule as well as how it will be implemented. The COGCC's penalty policy, for example, allows fines to be reduced where there are mitigating factors.

		Rule Classification		
		Class 1: Paperwork other ministerial regulations, a violation of which presents no direct risk of harm to public health, safety, welfare, and the environment.	Class 2: Regulations related at least indirectly to promoting the public health, safety, welfare, and the environment and wildlife resources, a violation of which presents a possibility of distinct, identifiable actual or threatened adverse impacts to those interests	Class 3: Regulations directly related to protecting public health, safety, welfare, the environment, and wildlife resources, a violation of which presents a significant probability of actual or threatened adverse impacts to those interests.
<i>Degree of threatened or actual impact to public health, safety, welfare, the environment, or wildlife</i>	<u>Major:</u> Actual significant adverse impacts	\$5,000	\$10,000	\$15,000
	<u>Moderate:</u> Threat of significant adverse impacts, or moderate actual adverse impacts	\$1,500	\$5,000	\$10,000
	<u>Minor:</u> No actual adverse impact and little or no threat of adverse impacts	\$200	\$2,500	\$5,000

5. County Violations: In addition to the fines outlined above, the County has authority to cite violations under its control over surface impacts from oil and gas operations pursuant to Section 1-05-06 Criminal Remedies and Enforcement.
6. Legal Non-conforming: Adams County recognizes that there are oil and gas operations locations and/or oil and gas facilities (and the

oil and gas operations occurring thereon) that were legally established prior to the effective date of these regulations that may or may not conform to these regulations. These ~~operation~~oil and gas locations and/or oil and gas facilities may ~~continue~~remain unaffected by the adoption of these regulations, provided the ~~operation~~oil and gas location is not extended, or expanded, by % of the disturbed area or the oil and gas facility is altered in a manner that ~~substantially~~ changes and/or alters the nature, character, or extent of the previously approved permit.

Comment: "Oil and gas operations" is an overly broad term for the purpose of a "non-conforming use". The "oil and gas location" or the "oil and gas facility" are what are deemed non-conforming, not the development or production operations. Further, there must be some boundaries around when a location requires a new OGF permit. This proposed language attempts to provide some of those sidebars.

04-10-02-03-05 **RESIDENTIAL CONSTRUCTION Standards**

1. **Residential Construction Standards:** The Director of Community and Economic Development may impose any one (1) or more of the following standards on a specific site basis as a condition of subdivision approval and/or building permits on platted or unplatted land:
 - a. The oil and gas well location shall include a two-hundred-fifty (250) foot buffer in the form of an easement on the Final Plat. No structures may be constructed within the buffer area.
 - b. Access to the oil and gas well location shall be provided by a public street or recorded easement for private access.
 - c. The Final Plat shall include notice to prospective buyers of the location of the oil and gas well and associated easements.
 - d. All oil and gas well flow lines and/or easements shall be graphically depicted on the Final Plat.
 - e. All surface and subsurface agreements shall be noted on the Final Plat by the recorded book and page number.
 - f. Pursuant to Section 4-06-01-02-01-12, where a new home and/or other permanent structure with plumbing is constructed within three hundred (300) feet of an existing oil and gas well, the property owner shall submit a signed waiver acknowledging the existence of the facility.

2. Plugged and Abandoned, and Former Oil and Gas Production

Sites: This Section is enacted to protect and promote the health, safety, morals, convenience, order, prosperity, or general welfare of the present and future residents of the County. These regulations are based upon the land use authority of the County.

- a. Prior to submittal of a final plat or site specific development plan, each plugged and abandoned well shall be located and surveyed. The plugged and abandoned well shall be permanently marked ~~by a brass plaque set in concrete similar to a permanent bench to the plugged and abandoned well's monument its~~ existence and location. ~~The marker shall be clearly legible and Such plaque~~ shall contain all information required on a dry hole marker by the Colorado Oil and Gas Conservation Commission and the County.
- b. As a condition of review of any final plat or site specific development plan which contains a plugged and abandoned well or former oil and gas production site or is within 200 feet of such well or site, the owner shall submit a location diagram of the location of the well.
- c. On every final plat or site specific development plan which contains a plugged and abandoned well, there shall be dedicated a well maintenance and workover setback depicted on the plat, the dimensions of which shall be not less than fifty feet in width and 100 feet in length. No structures shall be located within this setback. The plugged and abandoned well shall be located in the center of the setback. There shall be public access for ingress and egress to the setback of a width of not less than twenty feet.
- d. Every final plat and site specific development plan which contains a plugged and abandoned well or a site specific development that includes a property that is less than 200 feet from a plugged and abandon well, shall include the following notation: "The owner shall disclose to prospective purchasers of lots within a radius of 200 feet of the plugged and abandoned well of (1) the location of the plugged and abandoned well, (2) the location of the maintenance and workover setback, and (3) the purpose for the well maintenance and workover setback."
- e. As a condition of building permit review, no dwelling shall be constructed within fifty (50) feet of a plugged and abandoned well.

- f. Prior to issuance of a grading permit within a development containing a known reserve pit site, the reserve pit site shall be tested for expansive soils. Reserve pits containing expansive soils in locations proposed for buildings shall be subject to the provisions of the International Building Code.

g. ~~No utility lines shall be installed within ten feet of any plugged and abandoned well.~~

Comment: COGA does not understand the purpose of this regulation. A properly plugged and abandoned well presents no risk.

4-10-02-03-06 COGCC AND COUNTY APPROVALS REQUIRED

Development of the OGF shall not commence unless and until applicant receives an approved OGF Permit, including any approved waiver(s), and receives ~~all the~~ required ~~approvals and Form 2A.~~ permits from ~~the~~ COGCC.

Comment: The Form 2A is the necessary COGCC permit for siting of the surface location. As drafted, this expands to all COGCC approvals, which is unnecessary.



Colorado Interstate
Gas Company, L.L.C.
a Kinder Morgan company

August 13, 2019

Via Email: kkeefe@adcogov.org

Adams County Commissioners
Attn: Katie Keefe
Environmental Program Manager
Community & Economic Development Department

Re: Adams County Draft Regulations for Oil and Gas Facilities

Dear Adams County Commissioners:

Colorado Interstate Gas Company, L.L.C., (CIG) submits the below comments on Adams County's Draft Regulations for Oil and Gas Facilities (Draft Regulations). CIG appreciates the opportunity to comment on the Draft Regulations and respectfully requests that its comments be taken under consideration by the Adams County Commissioners in clarifying the scope and applicability of the Draft Regulations.

Introduction

Kinder Morgan, Inc., through CIG and its other subsidiaries, is a leading energy, transportation, and storage company operating approximately 84,000 miles of pipeline and 586 billion cubic feet (Bcf) of natural gas storage. As part of its extensive network of interstate gas storage and transportation, CIG operates the Totem Gas Storage Facility in Adams County. The Facility is interconnected to CIG's interstate pipelines for the transportation of natural gas in interstate commerce. Because the Totem Facility is engaged in the transportation of natural gas in interstate commerce any proposed regulation of the Totem Facility—or similarly situated facilities—by Adams County is preempted by the federal Natural Gas Act (NGA)¹ and Pipeline Safety Act (PSA)².

A. The Definition of Oil and Gas Facility in the Draft Regulations

In Chapter 4, § 4-10-02-03-03, Adams County proposes to revise the section title from “Oil and Gas Well Drilling and Production” to “Oil and Gas Facility.” The existing definition of “oil and gas facility” in that section then includes the following:

1. The site and associated equipment used for the production, treatment, and/or storage of oil and gas and waste products; or

¹ 15 U.S.C. § 717 *et seq.*

² 49 U.S.C. § 601 *et seq.*



2. An individual well pad built with one or more wells and operated to produce liquid petroleum and/or natural gas, including associated equipment required for such production; or
3. Temporary storage and construction staging of oil and gas; or
4. Any other oil and gas operation which may cause significant degradation.

With the removal of the express limitation that the section only applies to “Oil and Gas Well Drilling and Production,” the above definition of “oil and gas facility” could be read to apply to interstate facilities, such as the Totem Storage Facility, engaged in the storage and transportation of natural gas. CIG understands that this is not Adams County’s intent, but for clarity suggests that the County retain the section title clarifying that the regulation’s Chapter 4, § 4-10-02-03-03, apply only to upstream, oil and gas production facilities and make similar conforming changes throughout the regulations, including Chapter 2. To the extent that it is the County’s intent to regulate interstate natural gas transmission and storage facilities, CIG explains below why any such regulation is inappropriate and preempted by federal law.

B. The NGA and PSA Preempt State and Local Regulation of Natural Gas Storage Facilities Engaged in Interstate Commerce

Section 1(b) of the NGA grants the Federal Energy Regulatory Commission (FERC) the exclusive jurisdiction over: (1) the transportation of natural gas in interstate commerce; (2) the sale of natural gas in interstate commerce for resale; and (3) natural gas companies engaged in such transportation or sale.³ The Supreme Court has long held that storage is considered a form of transportation for purposes of the NGA.⁴ To complement the NGA, Congress enacted the PSA (administered by the Pipeline and Hazardous Materials Safety Administration (PHMSA)) to ensure that a comprehensive federal regulatory scheme governs the siting, construction, operation, and safety of interstate transportation and storage of natural gas. The stated purpose of the PSA “is to provide adequate protection against risks to life and property posed by pipeline transportation and pipeline facilities by improving the regulatory and enforcement authority of the Secretary of Transportation.”⁵ In short, FERC requires that project applicants (including natural gas storage projects) certify the facility to the safety standards set forth by the PSA.

The determination of whether FERC and PHMSA have jurisdiction over a particular storage facility hinges on whether gas stored at the facility is in “interstate commerce.” The test for whether gas is in “interstate commerce” is straightforward: gas that flows across a state line at any stage in its movement—from the wellhead to the point of ultimate consumption—is “in interstate commerce.”⁶ The physical location of the storage facility is irrelevant to this

³ 15 U.S.C. § 717(b).

⁴ See *Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293 (1988); see also 18 C.F.R. § 284.1(a) (defining transportation to include “storage, exchange, backhaul, displacement, or other methods of transportation”).

⁵ 49 U.S.C. § 60102(a)(1).

⁶ *California v. Lo-Vaca Gathering Co.*, 379 U.S. 366, 369 (1965).



determination. Because CIG provides interstate storage services at the Totem Gas Storage Facility, it is subject to the jurisdiction of and regulated by both FERC and PHMSA as a “natural gas company” under the NGA. And in fact, CIG has received from FERC certificates of public convenience and necessity, as amended (and consistent with PSA obligations), which authorize and govern the operation of the Totem Gas Storage Facility, including operation of associated underground storage and injection wells.

Under Article VI of the United States Constitution, Congress has the power to preempt or supersede state or local laws that interfere with, conflict with, or are contrary to federal law.⁷ Such state or local laws are regarded as “without effect.”⁸ Relevant to this discussion, a local or “state law is pre-empted where it regulates conduct in a field that Congress intended the Federal Government to occupy exclusively.”⁹ Courts infer this intent “where the pervasiveness of the federal regulation precludes supplementation by the States [or municipality], where the federal interest in the field is sufficiently dominant, or where ‘the object sought to be obtained by the federal law and the character of the obligations imposed by it . . . reveal the same purpose.’”¹⁰

Courts have analyzed congressional intent regarding preemption of the regulation of interstate natural gas storage and transportation by considering the NGA and PSA concurrently, and have concluded that FERC and PHMSA “occupy the field” of regulation of natural gas storage projects, which includes underground storage and injections wells.¹¹ Specifically, under the NGA and PSA, FERC and PHMSA exercise exclusive jurisdiction over the siting, construction, and operation of interstate natural gas infrastructure (including storage), as well as to the terms of interstate natural gas transportation and storage services. As such, it is well-established that local and state regulatory agencies are preempted in these particular areas. In other words, where FERC authorizes the construction and operation of natural gas storage facilities in interstate commerce (certified to PSA standards), the holder of the FERC certificate need not also receive approval for those activities from the relevant local or state regulator.

Here, FERC has issued CIG a certificate of public convenience and necessity under the NGA (certified to PSA standards) authorizing it to acquire, construct, operate, and maintain the Totem Facility as an interstate underground gas storage facility.¹² Any attempt by Adams

⁷ See *Hillsborough County v. Automated Medical Laboratories, Inc.*, 471 U.S. 707, 712 (1985).

⁸ *Maryland v. Louisiana*, 451 U.S. 725, 746 (1981).

⁹ *English v. Gen. Elec. Co.*, 496 U.S. 72, 79 (1990).

¹⁰ *Schneidewind*, 485 U.S. at 300 (quoting *Rice v. Santa Fe Elevator Corp.*, 331 U.S. 218, 230 (1947)).

¹¹ *Colorado Interstate Gas Co. v. Wright*, 707 F. Supp. 2d 1169, 1189–90 (D. Kan. 2010) (“[T]he court finds that the Kansas Gas Storage Statutes . . . violate the Supremacy Clause, are pre-empted by the NGA and the PSA, and have no force or effect on the plaintiff’s interstate natural gas pipeline, storage facilities and transportation at CIG’s Boehm Underground Gas Storage Field.”; see also *Algonquin LNG v. Loqa*, 79 F.Supp. 2d 49, 51 (D.R.I. 2000) (“Congress has exercised its Constitutional authority by enacting the NGA and the NGPSA. These statutes, together with the regulations promulgated pursuant to them, establish a comprehensive scheme of federal regulation that the Supreme Court has said confers upon FERC exclusive jurisdiction over the transportation and sale of natural gas in interstate commerce.”)

¹² See *Colorado Interstate Gas Company*, 123 FERC ¶ 61,099 (2008).



County to adopt a regulatory framework that would further regulate the Totem Gas Storage Facility, would be effectively imposing unlawful local regulation over an area which Congress has reserved for the exclusive jurisdiction of the FERC. This would not be an instance when a local law would have merely an indirect effect upon the operations of a natural gas company; rather, in proposing to adopt a local regulatory scheme aimed at the development and operation of interstate storage facilities, Adams County would be attempting to unlawfully regulate an area preempted by federal law.

In short, Adams County does not have the jurisdiction to prohibit and/or regulate the storage, injection, or withdrawal of natural gas and related products in the context of a FERC-certificated natural gas storage project, such as the Totem Gas Storage Facility. And this is consistent both with federal law, and with the limitations imposed under the Colorado Land Use Control Enabling Act that require that local government regulation of land use be consistent with all federal constitutional rights, such as those provided by the Supremacy Clause under Article VI of the Constitution.

CIG appreciates the opportunity to submit comments on the Draft Regulations and looks forward to working cooperatively with the County to address any questions it may have. I can be reached at 713-420-6958 or anders_johnson@kindermorgan.com.

Sincerely,

Anders Johnson
Vice President of Storage

From: [Peter Mueller](#)
To: [Katie Keefe](#)
Subject: Proposed Oil and Gas Regulations - Tankless sites
Date: Monday, August 5, 2019 4:05:31 PM

Please be cautious: This email was sent from outside Adams County

Ms. Keefe -

I understand that as part of Adams County's proposed oil and gas rules that the County is looking to require tankless production sites.

That rule, along with other proposed rules limiting VOC and other emissions, is apparently intended to reduce / prevent VOC emissions that normally emanate from oil storage tanks. The logic follows that if there are no oil storage tanks, there are no emissions from them. Anadarko is the clear example in the DJ Basin for tankless sites and combined stream gathering.

There are problems inherent with combined stream gathering as there are in every technology. The different densities of natural gas, oil and water cause component separation in the flowlines. I suggest that Adams County focus its rules on the goals (i.e. eliminating or minimizing emissions) and not specify any particular technology to achieve those goals. By doing so provides flexibility for the operators to use new processes, new equipment, and new technologies to meet or even exceed them. It is probable that tankless sites and combined stream gathering will be outmoded someday, so mandating that technology can drive results that Adams County government, its residents, and the operators may find to be substandard or not possible to achieve.

I am a degreed petroleum engineer from Colorado School of Mines and have served on the Colorado Oil and Gas Conservation Commission. I am also the co-founder of EcoVapor Recovery Systems. Our technology allows tank batteries to function without emissions and to prevent flaring as well, essentially achieving the same no/low emissions goals as a tankless battery. This technology is being used by several operators in the DJ Basin and in most other producing areas of the United States. It is also much more cost-effective than tankless sites and combined stream gathering.

I would be willing to meet with you and any other interested people in your department to explain how this technology works and its impact on emissions. I feel the same about Adams County mandating our technology - don't. Focus your rules on the goals you want to achieve and provide flexibility for those who need to achieve them.

Regards,

Peter M. Mueller
Co-Founder - Technical & Regulatory Advisor
EcoVapor Recovery Systems
(844) NoFlare
(303) 877-6417
www.ecovaporrs.com





1800 GLENARM PLACE

SUITE 1100

DENVER, CO 80202

Phone 303.861.0362

WWW.COGA.ORG

August 4, 2019

VIA EMAIL – NO ORIGINAL TO FOLLOW

ATTN:

Adams County Commissioners

Christine Dougherty, Local Government Designee

Katie Keefe, Environmental Program Manager, Community & Economic Development Department

Jill Jennings Golich, Director, Community & Economic Development

Jen Rutter, Manager, Development Services

Elizabeth Paranhos, Special Counsel to Adams County

RE: Colorado Oil & Gas Association - Initial Comments to Adams County Draft Oil and Gas Regulations Amendments

Dear Adams County Commissioners, Staff, and Counsel,

The Colorado Oil & Gas Association ("COGA") respectfully submits this letter regarding Adams County's draft proposed regulations for Oil and Gas Facilities ("OGF") and associated OGF permits ("Proposed Regulations"). COGA and its members appreciate the hard work the County has put into the Proposed Regulations and COGA looks forward to providing additional, constructive input as the County moves forward in drafting and ultimately adopting new regulations in accordance with state law, including the statutory criteria that local governments may enact regulations pertaining to the surface impacts of oil and gas development only to the extent such regulations are reasonable and necessary. This letter serves as COGA's *preliminary* comments to the draft regulations, with COGA setting forth general as well as specific concerns about both the process and substance of the Proposed Regulations.

As an initial matter, COGA notes its disappointment with the truncated timetable to review and comment on the Proposed Regulations. The operative draft was released on July 23, 2019. Industry was given only until August 4, 2019—a Sunday—to provide comments on a dense, fifty-page plus document. The County's timeline calls for the Board of County Commissioners ("BOCC") to vote on the regulations September 3, 2019, not even a full month after receiving operator comments and with precious little time

for the County to review and revise its draft regulations based on valuable stakeholder comment.

The aggressiveness of the schedule precludes thoughtful deliberation and is at odds with the County's customary timeframes for regulatory updates. Indeed, the timeline here is egregiously short when compared to past County practice because the Proposed Regulations do not represent merely an update to previous regulations or a discrete, minor section amendment, but instead call for sweeping change and the adoption of an entirely new system of permitting and regulating oil and gas operations. This compressed timetable is particularly challenging here because, as discussed below, the County's Proposed Regulations in numerous instances are of questionable legality. COGA urges the County to provide stakeholders with adequate time and opportunity to voice their concerns and correspondingly to provide County staff and counsel with adequate time to respond thereto.

As for the substance of the regulations, COGA has identified threshold legal issues with the Proposed Regulations having overarching implications for the entire proposed regulatory scheme, as well as specific regulations that it finds especially problematic.

1. Many of the Proposed Regulations Are Not "Reasonable" or "Necessary."

Although Senate Bill 19-181 ("SB 19-181") grants local governments new authority to regulate the surface impacts of oil and gas operations, that authority is bound by explicit limits. The General Assembly chose to confine local government regulation to the "reasonable and necessary" regulation of surface impacts of oil and gas operations relating to the protection of public health, safety, welfare and environment, and wildlife. § 29-20-104 (1)(h), C.R.S. As reflected by the legislative history of SB 19-181, these words were intentionally and strategically added by the General Assembly to serve as a check on unfettered local government power, with the bill being introduced on March 1, 2019, without that language and the legislature only finding the bill palatable with the inclusion of "necessary and reasonable" on March 28, 2019. *State v. Nieto*, 993 P.2d 493, 500 (Colo. 2000) ("[S]tatute[s] should be construed as written, giving full effect to the words chosen, as it is presumed that the General Assembly meant what it clearly said.").

Although SB 19-181 placed these crucial limitations on a local government's power over surface impacts of oil and gas operations, neither criteria is mentioned in the background memorandum accompanying the Proposed Regulations and it appears the County has not analyzed whether any of its Proposed Regulations are, in fact, necessary and reasonable. This is a critical step to the County's enactment of regulations compliant with SB 19-181. Taking the regulations on their face, it does not appear to COGA that such an analysis could have taken place because of the unprecedented nature of many of the Proposed Regulations.

As an example, and as discussed in more detail below, the County is proposing performance standards and other requirements such that virtually all OGF permit applications would require operators to seek waivers. COGA does not believe a process that purports to afford an administrative approval but in reality requires a waiver and public hearing before the BOCC is reasonable or necessary. The County's proposed VOC cap for existing operators is another example. How is it reasonable it propose a rule that essentially is a strict zero-emission offset program that no other industry is subject to and that is not required by any federal or state law? COGA believes that this draconian emission offset program is neither reasonable nor necessary, especially since Colorado already has the most stringent VOC requirements in the country and particularly in the nonattainment area in which Adams County is located.

As a third example, is it reasonable to allow the County to suggest alternative sites of its own and more broadly to have such significant input into siting when such input undermines an operator's ability to extract the minerals safely and efficiently and interferes with confidential and private negotiations among operators and surface owners? COGA submits it is not reasonable. After all, the County will not know what minerals can be accessed, developed and produced from alternative locations it proposes and the County cannot force a private surface owner to enter into a contract with an operator. Numerous other examples of regulations that are likely not "reasonable" nor "necessary" are discussed below and will be identified in COGA's forthcoming red-line submission of the Proposed Regulations.

2. Many of the Proposed Regulations Inappropriately Address Subsurface Issues.

COGA also believes that a number of the Proposed Regulations exceed the County's regulatory authority. As you know, SB 19-181 abrogates land use preemption of state law over local law. But SB 19-181 maintains state preemption with respect to subsurface, downhole regulation of development and production of oil and gas. § 34-60-106(1)(a)(I), C.R.S. Despite this, the Proposed Regulations in numerous instances seek to regulate downhole issues, including regulating the composition of hydraulic fracturing fluid and dictating procedures for the plugging and abandonment of wells. SB 19-181 expressly instructed the Colorado Oil and Gas Conservation Commission (the "Commission" or "COGCC"), and not local governments, to engage in a rulemaking on these and other downhole issues. § 34-60-106(2)(b) (providing the COGCC with the authority to regulate "the stimulating and chemical treatment of wells" and requiring it to engage in rulemaking considering the "construction, operation and closure of production wells[;] that wells are constructed using practices and standards "that protect water zones and prevent blowouts[;] and "enhance safety and environmental protections during operations such as drilling and hydraulic fracturing[.]").

Accordingly, SB 19-181 makes clear the COGCC still has the exclusive authority to regulate the technical aspects of drilling, casing, and the numerous other highly detailed and technical aspects of developing, operating and producing wells. To ensure Adams County maintains and abides by SB 19-181's mandate that local governments regulate

land use surface impacts of oil and gas operations and the COGCC regulates the development and production of oil and gas operations, there should be clear and concise cross-references to existing COGCC regulations pertaining to development and production, which includes reference to any downhole aspect of oil and gas operations.

3. The Proposed Regulations Should Not Be Applied to Existing Facilities.

With respect to the scope of the Proposed Regulations, COGA is concerned the County intends to apply some or all of the Proposed Regulations, particularly the robust “General Provisions,” to existing OGFs. This should be precluded under existing Adams County regulation 1-01-09-02, which provides in pertinent part:

These standards and regulations are not intended to adversely affect any permits issued prior to the effective date of these standards and regulations. Any use or occupation of land previously approved as a permitted use or as a planned unit development (PUD) shall be permitted to continue as a lawful use or occupation. All land use applications for Preliminary PUD, Final PUD, General Development Plan, Final Plat, Conditional Use Permit, or Special Use Permit currently in process or approved at the time of adoption of these regulations shall not be subject to these standards and regulations retroactively.

Even absent this County provision, existing permits provide operators with vested rights that cannot be retrospectively impaired by new regulation as a matter of Colorado constitutional law. *City of Golden v. Parker*, 138 P.3d 285, 289 (citing *In re Estate of DeWitt*, 54 P.3d 849, 853 (Colo. 2002))(retrospective legislation is unconstitutional and prohibited “to prevent any unfairness that might result from the application of new law to rights already in existence.”). Similarly, existing memoranda of understanding (“MOUs”) the County has with operators cannot be impaired by new legislation without the County unconstitutionally violating the Contracts Clause of the U.S. and Colorado constitutions. *Energy Reserves Group, Inc. v. Kansas Power & Light Co.*, 459 U.S. 400, 411 (1983)(federal constitution); *Justus v. State*, 336 P.3d 202, 208 (Colo. 2014)(Colorado constitution).

COGA urges the County to consider the legal limitations on impairing vested rights and contracts in its review of the “Legal Non-Conforming” grandfathering language of the Proposed Regulations as well. Specifically, section 4-10-02-03-03-04 of the Proposed Regulations causes concern because there are no limitations or sidewalls as to when “oil and gas operations,” as opposed to the actual “Oil and Gas Location” as defined by the COGCC or the County OGF definitions that refer to “sites,” are considered “extended, expanded or altered in a manner that changes and/or alters the nature, character, or extent of the previously approved permit.” The proposed language provides a subjective standard that could be abused to preclude future oil and gas development at existing or previously authorized Oil and Gas Locations. Further, the language of this

section stating that the grandfathering is only for those “oil and gas operations that were legally established prior to the effective date of these regulations” is troubling because this language implies that the Oil and Gas Location must be constructed, developed and operational, not just approved by Adams County. This section should be expanded to include any approved Oil and Gas Location either by MOU, AUSR, or USR process prior to the effective date of any final, adopted regulations, as well as any Oil and Gas Location for which a permit application is pending prior to the effective date of any final, adopted regulations pursuant to Adams County section 1-01-09-02.

4. Voluntary Operator Agreements Should Not Form the Basis for Regulation.

Many of the Proposed Regulations are based on provisions in a prior voluntary agreement between a neighboring local government and a single operator. The County should resist the urge to impose such voluntary requirements on all operators through the Proposed Regulations. While operators may voluntarily agree in individual MOUs, Administrative Use by Special Review permits (“AUSR”) or Use by Special Review permits (“USR”) to be subject to conditions of approval relating to issues for which the local government has no jurisdiction, such as downhole issues, local governments do not have legal authority to enact regulations governing these areas that will affect all oil and gas operations within its jurisdiction. Moreover, unlike voluntary operator agreements which can be modified through the mutual agreement of the parties at issue, regulatory changes require a significant undertaking with the involvement of numerous stakeholders and parties. The Proposed Regulations therefore will be difficult to change, even if (or when) certain of the requirements are deemed difficult to implement, unwise or unwarranted.

5. Certain Processes Must be Followed to Impose Air Quality Regulations.

To promulgate air quality regulations, Adams County must comply with section 25-7-128 of the Colorado Air Pollution Control Act, which controls the authority of local governments to enact local air quality regulations and contains specific procedural requirements that must be followed prior to their adoption. The General Assembly’s revisions in Senate Bill 19-181 explicitly state that the new grant of authority provided in section 29-20-104(1)(h)(IV) does not “alter, expand, or diminish the authority of local governments to regulate air quality under section 25-7-128.” And section 29-20-107 of the Land Use Control Enabling Act expressly provides that “where other procedural or substantive requirements for the planning for or regulation of the use of land are provided by law, such requirements shall control.”

Accordingly, the specific limitations and requirements found in section 25-7-128 of the Colorado Air Pollution Control Act govern Adams County and include requirements to: (1) provide for hearings, judicial review, and injunctions consistent with those provided for under the Air Pollution Control Act; and (2) meet with the Air Quality Control Commission to “confer and review each other’s records concerning the area subject to such local law and coordinate their respective plans and programs for such area.”

C.R.S. § 25-7-128(1), (6). For any Proposed Regulation that exceed federal standards, Adams County should make the written demonstration required under section 25-7-110.5(5)(a) of the Colorado Air Pollution Control Act. Without adhering to these procedures, the County may not adopt and implement regulations concerning air emissions.

6. COGA's Objection to Specific Provisions in the Draft Regulations.

a. OGF Permit Process.

As mentioned, the Proposed Regulations provide an exceedingly limited path for an operator to obtain an OGF permit administratively. With strict application of the standards and setbacks as drafted, COGA's members have advised that they would need to seek a waiver for virtually all of their OGF permit applications. Subjecting all OGF permit applications to the waiver process, particularly as the waiver process as currently envisioned, would be an enormous administrative burden on County resources and unnecessary where a proposed location for an OGF is relatively uncontroversial and would undermine the intent of an effective and timely regulatory process for the Staff and operators. Operators should have the opportunity to pursue an administrative path to approval, particularly where the operator seeks a minor modification, partial waiver or full waiver of approval criteria or performance standards and proposes alternative or substitute Best Management Practices ("BMPs") that are protective of public health, safety, welfare and the environment. At the very least, the County should consider adding limitations to the waiver process and including exceptions to the waiver process to ensure that not every OGF permit application requires a public hearing.

The OGF permit process also raises substantial concerns as to how it will affect an operator's existing MOU with Adams County. Staff should provide guidance as to how Adams County will treat OGFs that are governed by a pre-existing MOU but need to be modified in order to allow for additional wells or to include additional protections of public health, safety, welfare and environment, and wildlife that may be required. Relatedly, operators seek guidance about what constitutes a "substantial modification" requiring a new OGF permit and COGA repeats its concerns above regarding existing OGFs/Oil and Gas Locations in this context.

b. Applicability to Midstream Operations.

Another area of particular concern to COGA's membership is the Proposed Regulations' lack of clarity with respect to the regulation of midstream operations. Although the Proposed Regulations appear to be targeted at exploration and development operations and COGA understands the County does not intend for the Proposed Regulations to apply to midstream activities, the Proposed Regulations nonetheless discuss "product treatment," which could encompass the activities of a compressor station, and explicitly discuss "gathering lines." These references and the broad definitions of OGFs should be rewritten to ensure they do not unintentionally embrace midstream uses and facilities.

c. Penalties.

Also causing confusion and concern is the proposed penalty schedule that was adopted verbatim from the COGCC's Rule 523. As an initial matter, it is not clear whether the County intends its penalty framework to apply to existing oil and gas operations and locations or how the County intends to address its specific jurisdiction over violations relating to surface impacts of oil and gas operations versus those violations that are within the COGCC's jurisdiction for the development and production of oil and gas. Further, the penalty provisions could lead to duplicative fines resulting in double jeopardy to operators who develop and produce oil and gas in Adams County. In most instances, operators anticipate conditions of approval or best management practices required on its County OGF Permit to mirror the same that are required on a COGCC Form 2A or Form 2. This could lead to an operator being assessed the same fine twice, once by the County and once by the state, for the exact same violation. This would lead to fines disproportionate to the conduct and to circumstances where the State and County disagree about whether a violation occurred and how the penalty should be assessed and applied under their respective jurisdictions and authority, engendering confusion and conflicting penalty assessments. COGA's members request more guidance on the County's proposed penalty schedule as well as how it will be implemented, particularly in light of the County's limited jurisdiction over only oil and gas surface impacts and not also oil and gas downhole aspects.

d. Alternative Site Selection Process.

Operators are very concerned about the alternative site selection process in the Proposed Regulations. As mentioned, COGA does not believe it is reasonable to allow the County to suggest alternative sites of its own and more broadly to have such significant and ultimate input into siting when such input undermines an operator's ability to extract the minerals safely and efficiently and interferes with confidential and private negotiations among operators and surface owners.

Moreover, the County is required to select from alternative sites based entirely on environmental and land use considerations. This ignores critical factors that operators must consider in siting development in addition to public health and safety, such as surface owner desires, surface rights, surface access, proximity to pipeline infrastructure, compressors and processing plants, mineral rights, leasehold rights, geologic characteristics of the underlying reservoirs, and technical engineering allowances for efficient subsurface development and operations. The language allowing Adams County sole discretion to determine the ultimate oil and gas location for any given project could easily result in minerals and land becoming undevelopable and give rise to potential takings claims.

Moreover, it is unreasonable to require an operator to conduct neighborhood meetings for sites other than the site ultimately going through the OGF permit process. Relatedly,

COGA urges that the application submittal should only be for the site among the alternative sites proposed that the County approves as a potentially eligible candidate for permit approval. It is unreasonable the County to review and operators to prepare development applications for sites that will be rejected through the alternative siting analysis process.

e. Setbacks and Zoning.

COGA opposes the imposition of a mandatory setback at section 4-10-02-03-03-03.3 and the concept of “zoning out” oil and gas development. Instead of determining the location of an Oil and Gas Location/OGF through prescriptive and arbitrary standards, the site of an Oil and Gas Location/OGF should be determined on a site-by-site basis through the alternative siting process. It is unreasonable to adopt an arduous site selection process involving close collaboration between the County and an operator while also imposing arbitrary setbacks and zoning.

f. Safety regulations.

Many of the Proposed Regulations pertaining to safety concerns are unreasonable, costly, and burdensome. Indeed, it appears the County has copied many aspects of the Process Safety Management program applied under federal law to large storage facilities and chemical plants. These regulations should not be applied to unmanned, low-risk facilities where production volumes are low.

g. Spill Prevention and Containment.

The spill prevention and containment requirements at section 4-10-02-03-03-03(6) impose requirements that would be virtually impossible for operators to follow. Specifically, the Proposed Regulations (i) requiring that berms provide secondary containment for 150% of the largest single tank, as well as the provision in (v) imposing a prohibition on the storage of ignition sources inside the secondary containment area unless the containment area encloses a fired vessel, are required currently only for facilities built within COGCC designated setback areas. Applying these mitigations even where building unit owners and occupants or the general public are not located in the vicinity of the oil and gas operations is not reasonable or necessary. We request that Adams County provide the justification for broadening these requirements to all Oil and Gas Locations/OGFs even though the COGCC has made a decision to the contrary.

The Proposed Regulations also prohibit more than two crude oil or condensate storage tanks within a single berm. This is currently only mandatory for sites located within the “Urban Mitigation Area Exception Zone Setback” under COGCC Rules. The County has provided no explanation as to why the expansion of these requirements is necessary and reasonable to protect public health or the environment in all circumstances. Moreover, to achieve the 150% secondary containment requirement for each berm, operators would need multiple (if not dozens) of berms, resulting in substantially larger

Oil and Gas Locations/OGFs. In fact, such a requirement would almost double the current footprint of operators' facilities. Because the requirement enlarges an OGF's footprint but does not bring any added benefit or protection from spills, COGA believes the requirement is neither reasonable nor necessary.

Finally, as with many of the Proposed Regulations, it is unclear if the spill prevention and containment regulations would apply to existing facilities or only to new OGFs. COGA submits that imposing these requirements retroactively would result in significant technical and economic problems for operators, cannot be justified as either reasonable or necessary and constitutes illegal retrospective impairment of a vested permit right.

h. Storage of Fire Foam.

The Proposed Regulations require the storage of fire foam. Section 4-10-02-03-03-03.8.xi. To the extent the County means for this regulation to mean storage at OGFs, this is impracticable, particularly at more remote locations. Furthermore, this type of foam is applied with specialized fire suppression equipment that most operators do not own. Instead, operators rely on emergency services to store this foam. In Adams County, operators have good working relationships with the relevant fire departments, including assisting the fire departments financially to maintain and rotate inventory of this foam as needed. It is our understanding from our discussions with the Adams County fire departments that they would prefer that operators do not try and store firefighting foam on site. COGA is not aware of any problem that exists here that makes the addition of this requirement necessary.

i. Requirement that "waste" be Transported by Pipelines.

The Proposed Regulations require that all waste must be transported by pipeline unless it can be shown to be technically infeasible. Section 4-10-02-03-03-03(9). This regulation is legally unprecedented. It is difficult to conceive how such a regulation can be deemed reasonable and necessary when no federal or state agency has imposed such a requirement. Moreover, it is unreasonable to consider only technical feasibility, when economic and legal considerations are equally important as to whether an operator can employ use of a pipeline. And with regard to technical infeasibility, it is unclear whether the County will consider, as it should, impediments in obtaining rights-of-way or impediments in obtaining contracts from produced water facilities and transporters. Oil and gas operators do not have broad rights of condemnation and thus mandating the use of pipelines imposes serious logistical and financial burdens and may make it even more difficult (if not impossible) for operators to obtain rights-of-way in a cost-effective manner. Though COGA strongly opposes this provision as written, to the extent the County keeps the requirement, economic and legal infeasibility must also be considered before requiring that "waste" be transported via pipeline.

j. Noise.

The Proposed Regulations may require continuous noise monitoring. Section 4-10-02-03-03-03(15). Given existing COGCC regulations imposing stringent noise mitigation thresholds and requiring that extensive mitigation measures be imposed to reduce noise, continuous noise monitoring is not likely to be cost-effective, reasonable or necessary. Certainly considerations of cost-effectiveness must be taken into account prior to imposing any such requirement on operators to demonstrate reasonability

The Proposed Regulation also does not identify the specific parameters for when this may be required or how the monitoring would be conducted. It is unclear, for example, whether the appropriate noise standard parameter is dBA, dBc or both, where the monitors must be placed, and how to account for wind and ambient noise levels. COGA suggests striking this provision in its entirety, as existing COGCC regulations and the remainder of these rules, will ensure noise remains below relevant COGCC thresholds. But, if retained, Adams County should enumerate the specific, and limited, conditions under which continuous noise monitoring could be required and when should continuous noise monitoring could be discontinued.

k. Air Emissions.

COGA and its members have significant concerns with many aspects of the Proposed Regulations with respect to air emissions as they are not reasonable or necessary. Section 4-10-02-03-03-03(14). Individual operators will be commenting in detail regarding the objectionable aspects of this Proposed Rule. COGA's comments here will only summarize several of these concerns.

First, the Proposed Regulations impose impracticable deadlines regarding leak detection and repair. Indeed, the proposed 72-hour deadline far exceeds current requirements under state or federal law. Under state law, operators are required to make a first attempt at repair within 5 days of discovery and are not required to complete repair for 30 days. Adams County has presented no basis for suggesting that a first attempt at repair within 5 days is not sufficiently protective.

COGA also strongly disagrees with the language authorizing the County to essentially shut down an operator's facility if the County, in its sole discretion, determines that a leak presents an imminent hazard to persons or property. COGA also questions the County's authority to take this action. The County does not have the relevant expertise to make this assessment and has provided no standards for when such a requirement would be triggered.

The Proposed Regulations also establish a cap on all VOC emissions from OGFs by requiring that no new VOC emissions may be emitted in Adams County above and beyond the existing baseline. Section 4-10-02-03-03-03(14).g. Such a requirement is unduly onerous and unreasonable and could constitute a taking of private property because it prevents operators from developing their mineral interests. It is also unnecessary given that Colorado already has the most stringent VOC requirements in

the United States, which requirements will become even more stringent when Colorado's ozone nonattainment area is reclassified as "Serious" later this year. The VOC cap will also prove to be unworkable because, even accounting for the significant emission reduction requirements on new oil and gas sources, there will not be enough VOC emissions to offset new facilities. In most cases, plugging and abandoning existing, low-producing wells will not fully offset emissions from a new, modern facility. As such, this provision will essentially act as a *de-facto* ban on future development. This can hardly be construed as a reasonable or necessary provision.

The Proposed Regulations also establish a number of site-specific air quality protection measures to "eliminate or minimize air emissions." Section 4-10-02-03-03(14).g. The reference to "eliminate" is contrary to state law, which explicitly permits specific levels of air emissions from Oil and Gas Locations. Oil and gas operations are not a zero emissions process and proposing that all emissions be avoided would set an unattainable standard. Furthermore, the Proposed Regulations give the County complete discretion to impose requirements to further minimize air emissions. This broad and undefined grant of authority does not enumerate any specific standards or identify when the listed mitigation measures may apply. The County has not identified any rational, non-arbitrary explanation or basis for requiring any of the proposed mitigation measures or providing the County with unlimited discretion to minimize emissions.

COGA also has issues with a number of the site-specific measures that may be considered. In particular, it is not reasonable or necessary to require the use of Tier 4 "or better" engines. There is only one fleet in the United States that has Tier 4 engines available. Additionally, the ambient air monitoring requirement in the Proposed Regulations would require operators to employ a "CAMML" trailer at every OGF. These trailers, however, are usually unavailable and when they can be deployed, are prohibitively expensive.

Finally, the Proposed Regulations require operators to employ tankless production techniques. Section 4-10-02-03-03(14).f. COGA and its members strongly object to this provision. Such a requirement is technologically and economically infeasible and could result in operators being unable to develop their mineral resources. While operators continue to look for opportunities to utilize tankless operations, there can be significant impediments to doing so, including the availability of oil pipelines that are capable of and willing to transport necessary quantities of liquids with a sufficiently high vapor pressure. It is unreasonable and unnecessary for the County to make use of tankless productions techniques mandatory for all sites.

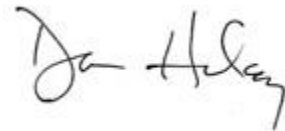
Conclusion

COGA reiterates its appreciation of the County's work to update its current regulations. But the Proposed Regulations, as currently drafted, are unworkable and are likely to lead to adverse, unintended legal and practical consequences. In fact, the Proposed

Regulations are so stringent that they may very well have the effect of substantially limiting, or even banning, oil and gas development and production in Adams County. Such a *de facto* ban would not only fall afoul of statute but also would result in a “taking” of the operator’s property. Indeed, SB 19-181 reminds local governments that their “planning for and regulating the use of land so as to provide planned and orderly use of land and protection of the environment” is to be “in a manner consistent with constitutional rights.”

COGA thanks the County in advance for its close attention to the issues addressed in this letter. As mentioned above, COGA and its members have several more concerns than listed herein, some of which will be presented to the County in a red-line document. Please let us know if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Haley". The signature is fluid and cursive, with the first name "Dan" and last name "Haley" clearly distinguishable.

Dan Haley, President and CEO Colorado Oil & Gas Association

cc (via email):

Mark Mathews-Brownstein Hyatt Farber Schreck, LLP

Julia Rhine-Brownstein Hyatt Farber Schreck, LLP

Andrew Casper-Colorado Oil & Gas Association

Ryan Seastrom-Colorado Oil & Gas Association

Heidi Miller-Adams County Attorney



1800 GLENARM PLACE

SUITE 1100

DENVER, CO 80202

Phone 303.861.0362

WWW.COGA.ORG

August 12, 2019

VIA EMAIL – NO ORIGINAL TO FOLLOW

ATTN:

Adams County Commissioners
Adams County Planning Commission, c/o Erica Hannah
Christine Dougherty, Local Government Designee
Katie Keefe, Environmental Program Manager, Community & Economic Development
Department
Jill Jennings Golich, Director, Community & Economic Development
Jen Rutter, Manager, Development Services
Elizabeth Paranhos, Special Counsel to Adams County

RE: Colorado Oil & Gas Association – Redline Comments to Adams County Draft Oil
and Gas Regulations Amendments

Dear Adams County Commissioners, Planning Commission, Staff, and Counsel,

As a follow up to COGA's initial comment submitted August 4, 2019 (attached for your reference), and our meeting with Adams County staff on August 7, 2019, COGA submits the attached redlines regarding our specific concerns and proposed recommendations to Adams County's draft proposed regulations.

COGA thanks the County in advance for its close attention to the issues addressed in the attached redline. Please consider COGA and our membership as resource when having discussions related to the oil and natural gas industry and during any potential future regulatory changes.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Seastrom".

Ryan Seastrom, Community Outreach Coordinator Colorado Oil & Gas Association

cc (via email):

Mark Mathews-Brownstein Hyatt Farber Schreck, LLP

Julia Rhine-Brownstein Hyatt Farber Schreck, LLP

Andrew Casper-Colorado Oil & Gas Association

Dan Haley-Colorado Oil & Gas Association

Heidi Miller-Adams County Attorney

2-02-12-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all requirements of the Director of Community and Economic Development, the Director of Community and Economic Development shall issue a temporary use permit. The temporary use permit shall describe in detail the temporary use allowed by the permit, include all specific conditions applied by the permit issuing authority, and be accompanied by an official site plan modified by the applicant to reflect the conditions of the permit.

2-02-12-08 EFFECT OF APPROVAL

Issuance of a temporary use permit shall be deemed to authorize only the particular use and activity for which it is issued. The temporary use permit is nontransferable. The applicant shall be subject to all other permits required by these standards and regulations to use the land in accordance with the temporary use permit.

2-02-14 OIL AND GAS FACILITY (OGF) PERMIT

Comment: Any avenue for operator agreements to supplant permits? COGA additions/deletions are in track changes and highlighted. To the extent the County is considering or has already considered modifications consistent with COGA's proposed changes, COGA thanks the County in advance.

2-02-14-01 PURPOSE

The purpose of the oil and gas facility regulation is to allow for reasonable development of oil and gas in unincorporated Adams County while ensuring that facilities are sited in appropriate areas and utilize best practices to protect the health, safety, and welfare of our residents.

The purpose of an OGF Permit is to regulate the surface ~~impacts land use~~ of oil and gas ~~production operations~~ in order to protect the public safety, health, welfare and the environment of Adams County and its residents by ensuring that Oil and Gas Facilities are constructed and operated in accordance with best practices, to provide for sound environmental practices to protect the County's natural resources, to provide for the orderly siting ~~and development~~ of oil and gas operations, as well as to prevent damage to County roads and bridges.

The Colorado Oil and Gas Conservation Commission (COGCC) and the federal government have authority to regulate certain aspects of oil and gas mineral extraction, including but not limited to the development and production of oil and gas. Requirements contained in this section shall not exempt the owner or operator of an Oil and Gas Facility from compliance with the requirements of the COGCC or any other regulatory authority.

The provisions of these standards and regulations shall apply to the construction, installation, alteration, repair, erection, location, maintenance, and abandonment of all new or substantially modified **Oil and Gas Facilities** within the unincorporated areas of the County.

Comment: The above revision ensures consistency with changes to article 4.

2-02-14-02 APPLICABILITY

All uses that require an OGF must be processed in accordance with this Section. The Director of Community and Economic Development is the permit issuing authority for OGF Permits that do not require any waiver from approval criteria or performance standards. OGF Permits requiring waivers from approval criteria or performance standards must be approved by the Board of County Commissioners **or Director of Community and Economic Development, as appropriate,** through the designated Waiver process.

Comment: OGF permits with waivers require approval from BOCC and such process must have a reasonable timing component associated with the BOCC's review and hearing process. The County should not waste its time reviewing and analyzing and operators should not waste their time analyzing and planning applications that are dead because a waiver or modification is necessary for the permit to be approved.

2-02-14-03 WHO CAN INITIATE AN OGF PERMIT

An OGF Permit may be requested, without limitation, by any owner of, or person demonstrating a legal interest in property on which the OGF use is proposed to be located. The applicant has the burden of proof to demonstrate the use fully complies with these standards and regulations and meets the criteria for approval.

2-02-14-04 OGF PERMIT REVIEW PROCEDURES

An OGF Permit may be approved by the Director of Community and Economic Development if the application does not require waiver or modification from any approval criteria or performance standards. An OGF Permit requiring a waiver or modification from any of the approval criteria or performance standards must be approved by the Board of County Commissioners **and requires a public hearing or Director of Community and Economic Development, as appropriate.** The Director of Community and Economic Development or the Board of County Commissioners shall approve, approve with conditions, or deny the OGF Permit based on consideration of the staff report, the evidence from the public hearing (if applicable), and compliance with the criteria for approval.

Comment: COGA's membership has advised that given the prescribed standards and setbacks of these draft regulations, every one of their OGF Permit applications would require a waiver. This would be an enormous administrative burden on County resources and particularly unnecessary where a proposed

location is relatively uncontroversial. Where an operator seeks a minor modification, partial waiver or full waiver of approval criteria or performance standards and proposes alternative or substitute protective of public health, safety, welfare and the environment (“PHSWE”) Best Management Practices (“BMPs”), the operator should still be afforded an administrative path to approval. At the least, the County should consider adding limitations to the waiver process or building in exceptions to the waiver process to ensure that not every OGF Permit application requires a public hearing. COGA suggests conforming changes below whereby the Director of Community and Economic Development may administratively approve waivers or modifications of approval criteria and performance standards at non-controversial locations or where impacts are appropriately mitigated or avoided by means other than those specified by these rules.

2-02-14-05 OGF PERMIT REVIEW STEPS

The processing of a proposed OGF permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures (although not necessarily conducted in the following order) as follows:

Comment: COGA urges the County order these steps such that the conceptual review and alternative siting analysis occur before any other step. The Development Application submittal should only be required for the site among the alternative sites proposed that the County approves as a potentially eligible candidate for permit approval. It is a waste of County resources, as well as operators’, for the County to review and operators to prepare development applications for sites rejected through the alternative siting analysis process.

1. Conceptual review. Operator shall identify at least two-three proposed locations for the Oil and Gas Facility for the Alternative Site Analysis process outlined below. For each location, operator shall identify, and visually depict the same on a map, the following items that are located within a half-mile radius of the parcel boundary of the proposed OGF facility: existing or platted residences, occupied buildings, parks, open space, schools, state licensed daycares, known areas of environmental contamination such as superfund sites, hospitals, water bodies, floodplains, floodways, existing active and decommissioned wells, and roadways. Proposed access routes to the site should also be provided. This information must be submitted to Community and Economic Development for review. Following that, a conceptual review meeting shall be held with the operator. Operators are encouraged to schedule a conceptual review prior to entering into any surface use agreements.

Comment: When is a permit application considered submitted, given all of the steps for conceptual review? Currently if an operator’s proposed location is in conceptual review and the

operator has not submitted a final AUSR, its permit is not considered “submitted,” meaning that if a moratorium is enacted, any locations that are in conceptual review cannot move forward. The official permit submittal should be considered to occur when the conceptual review application is submitted. This will also help timing of competing operator submittals.

Further, COGA’s members have concerns about the need to identify at least three (or two) sites and whether this requirement is mandated for all development of real property in the County. After an operator considers access to minerals, applicable setbacks and other concerns, finding three (or even two in many instances) surface locations can be extremely difficult. In targeting particular minerals, often there will be no or perhaps one available alternative site that is feasible for consideration. Providing three potential locations will often be a difficult, and sometimes, impossible threshold for an operator to meet, depending on the topography of the location, surrounding land uses, surface use agreement requirements, and multiple other considerations. There must be an option for less than 3 alternative locations to be provided for review in order for the OGF permit process to function appropriately. There needs to be a way that a waiver can be applied for if there are less than three (or two) alternative sites available for use prior to the conceptual review. For example, there could be surface owner requirements that prohibit an operator from presenting three (or two) alternative locations.

Further, Adams County recommends that there should be no execution of a Surface Use Agreement prior to meeting with the County, but how can operators identify proposed locations if they have no idea if they’re viable because there is no Surface Use Agreement? The County’s recommended practice could have a detrimental effect on existing, valid Surface Use Agreements as well as negotiations for new Surface Use Agreements.

The alternative locations analysis is an incredibly extensive process that should be discussed in more detail with operators prior to enactment of these regulations and during the processing of each particular application.

- a. **Alternative Site Analysis:** ~~Prior to submittal of any spacing application or Form 2 or 2A to the COGCC and during the conceptual review, The~~ applicant must consult with the County on an Alternative Site Analysis as outlined below:

Comment: COGA requests that the County allow the state and the local permitting and spacing processes to run concurrently.

1. In General. The County seeks to site OGFs in areas that have the least off-site impact possible in order to protect the health, safety, and welfare of its residents and to protect the environment and wildlife. In order to determine whether proposed siting is appropriate, CED staff must evaluate alternative sites.
2. Description of potential sites. Applicant must submit descriptions of at least ~~two~~ ~~three~~ (23) potential sites for the OGF that were considered by applicant. Description must

include description of site locations considered, whether mineral extraction is possible and reasonable from those sites, the off-site impacts associated with those sites, and why a particular site is proposed, if any.

3. Evaluation materials. CED staff will evaluate the potential sites to determine which site is likely to have the least off-site impacts. The CED Director will determine whether applicant is required to provide traffic impact studies, engineering studies, ~~Environmental Impact Analysis as defined in these standards and regulations,~~ or other evaluation tools in order to adequately evaluate site options. If not required by CED Director as part of alternative site analysis, these site-specific evaluation tools can be submitted by applicant after site selection has occurred.

Comment: The above Proposed Regulation states, “Environmental Impact Analysis as defined in these standards and regulations.” The Proposed Regulations do not, however, define “Environmental Impact Analysis.”

4. Evaluation criteria. In determining which sites are likely to have the least off-site impact, CED may consider the following:
 - i. Distance from existing or platted residences, schools, state licensed daycares, occupied buildings, active open spaces, environmentally sensitive areas, or other areas likely to be adversely impacted;

Comment: Please provide definitions for “active open space” and “environmentally sensitive areas.” Definitions for each of these: residences and occupied buildings and environmental sensitive areas, as well, unless the COGCC definitions are intended to govern, which COGA submits they should.

- ii. Traffic impacts and impact to roads, bridges, and other infrastructure;
 - iii. Access to water and other operational necessities;
 - iv. Whether the site allows for utilization of impact mitigation, such as use of proximate pipelines;
 - v. Noise impacts;
 - vi. The impact on the surrounding land;
 - vii. The impact on wildlife; and

viii. Impact on nearby environmental resources such as water bodies.

5. Site Selection. The county shall review all proposed locations in order to determine which location that allows access to mineral (s) best protects public health, safety, welfare, and the environment and will work cooperatively with Applicant to determine jointly choose the location that best satisfies this goal. ~~The Director of Community and Economic Development will determine if any proposed sites meet this goal. If no location satisfies this goal, Operator shall submit three new proposed locations. Alternatively, the County may suggest alternative location(s) or may recommend denial of the OGF Permit if it does not believe that any of the proposed sites meet the siting goal.~~

*Comment: First, the site should be determined jointly by the County and Applicant to ensure that real property rights are acknowledged in the discussions and analysis and only one site should be selected, unless at issue is an operator's proposal for multiple sites accessing different minerals. Second, if the three additional sites end up being required, what is the purpose of proposing an additional **three** sites? The sites are being compared against each other so if an operator proposes one new site, the analysis covers four sites. If the original three do not work, an operator should not have to submit six sites total.*

Additionally, in the event the Director determines that none of an operator's original sites are appropriate and an operator proposes new site(s), please clarify whether an operator would propose yet more sites if the additionally proposed site(s) was also deemed inappropriate. The concern is that this could become an infinite loop of an operator proposing sites and the County rejecting them. Additionally, by what criteria would the County suggest alternative locations? The County cannot require a surface owner to enter into a surface use agreement, and is unlikely to have the geological and other technical expertise to propose suitable locations.

As mentioned above, COGA urges the County to order these steps such that the conceptual review and alternative siting analysis occur before any other step. The Development Application submittal should only be for the site among the alternative sites proposed that the County approves as a potentially eligible candidate for permit approval. It is a waste of County resources, as well as operators', for the County to review and operators to prepare development applications for sites rejected through the alternative siting analysis process.

2. Neighborhood Meeting: Applicable for the site proposed by the operator and agreed to by the County as the site that meets the County's siting goal, unless waived by the Director of Community and Economic Development. ~~Director of Community and Economic Development will determine whether neighborhood meetings are required for all or some of the proposed alternative sites.~~ At the neighborhood meeting, the applicant shall provide an overview of its

proposed oil and gas operation and allow those in attendance to provide constructive input as to the proposed operation, including, but not limited to, issues that arise from application of these regulations to the proposed operation, and suggested mitigation to adequately ensure compliance with these regulations.

Comment: COGA submits that it does not make sense to have a neighborhood meeting for a site that the County does not think is suitable. As well, the time of residents is wasted by attending an irrelevant meeting for a site that is not the site that may be eligible for a permit. This provision could easily confuse residents about where a site might be going and create hostility among residents themselves.

3. Development Application Submittal: Community and Economic Development has developed a check list of required submittals for OGF Permits that may change from time to time. At a minimum, the following items are required as part of an OGF application submittal:

- a. **Application Form**: a completed OGF Permit application form.
- b. **Application Fee**: OGF application fee
- c. **Operations Plan**:

- 1. **Plan Format**: Two hard copies of all plans shall be provided and one copy of the plans shall be provided in digital format, on either a thumb drive or CD or some other acceptable means. No plans shall contain copyright restrictions or public use restrictions.
- 2. **Cover Sheet**: The cover sheet shall have a title block with the reference to an Administrative Use by Special Review, project name, and location by section, township and range. The cover sheet shall also include a legal description of the area, date of the drawing, existing zoning of the site, a sheet key, a vicinity map with north arrow (scale of 1" = 2,000' preferred) with an emphasis on the major roadway network within two (2) miles of the proposal, and all applicable County notes, an approval signature block and a block to insert the COGCC Permit number when approved. Upon approval, the first sheet will be signed by the Director.
- 3. **Impact Area Map**: The second sheet shall contain an Impact Area Map that shows the proposed location of the Oil and Gas Facility, locations of all existing oil and gas wells within the one-half (0.5) mile impact area, locations of all producing, closed, abandoned, and shut-in wells and other oil and gas operations within one- half (0.5) ~~(+)~~ mile

of the site, locations of all **known** water wells within **.51/2** mile of the proposed Oil and Gas Operation, Existing improvements within 1,500 feet of the location on which the operation is proposed, and all existing and proposed roads within the one-mile impact area.

Comment: It is confusing to have different distances for Impact Area Map requirements. COGA submits it is more straight-forward to use one distance for all Impact Area Map requirements.

4. Drilling Operations Plan: The third sheet shall provide a site plan of drilling operations with drilling equipment with existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County. The applicant shall verify current information regarding what datum is acceptable to the County, prior to submitting the application for the Administrative Use by Special Review. The layout of the drilling equipment may be shown as a typical plan, if the County deems it appropriate for the extent of development of the proposed Oil and Gas Facility.
5. Production Plan: The fourth sheet shall provide a site plan of production operations with production equipment such as tanks and compressor stations with existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County. **~~The production plan shall also identify proposed drilling and completion schedules.~~** A seed mix shall be provided for reseeding the well pad. Equipment layout may be a typical plan appropriate to the degree of development for the Oil and Gas Facility, if the County deems it appropriate for the extent of development of the proposed Oil and Gas Facility.

Comment: While there may be reasons to provide certain operational plans, COGA members have safety concerns related to the mandated submission of drilling and completion. Additionally, even were there not safety concerns precluding the sharing of a schedule, it needs to be understood that any proposed schedule would be tentative. At the planning phase, operators are simply unable to commit to drilling and completion schedules. Schedules are often dictated and impacted by factors outside of an operator's control, such as rig availability and market conditions.

6. Signage Plan/Sign Detail: A dimensioned Signage Plan or Sign Detail shall be included on one of the sheets describing and illustrating the appearance, size, location, type, color, material, and illumination of all signs. Directional signs for emergency responders and inspectors

shall be included, along with a 24-hour, 7-days per week contact information to deal with all noise complaints.

7. **Final Plan:** Once the review process is complete and staff has determined that all outstanding issues have been resolved, staff will request a final copy of the Oil and Gas Operations Plan. The final copy of the Plan shall be paper. The final Oil and Gas Operations Plan shall contain the information listed above unless otherwise specified by the County staff.
- d. **Emergency Preparedness and Response:** in accordance with the Emergency Preparedness and Response requirements in Section 4-10-02-03-03(8).
1. **Emergency Service Providers:** The applicant must provide a commitment to serve (“will serve”) letter from the authority having jurisdiction for providing emergency services (fire protection and emergency medical services) for that facility, or, where no authority has jurisdiction, from an emergency services provider with the ability to provide such emergency services.
- e. **Engineering Documents:** The following technical Engineering documents are required by the CED staff unless otherwise waived:
1. **Construction Plans:** If applicable, Construction Plans for the proposed Oil and Gas Operation’s public improvements including road plan and profile sheets, storm drainage improvements plans and other public improvements, prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter 9).
 2. **Pavement Design Report:** If applicable, a Pavement Design Report prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter 7).
 3. **Grading Erosion and Sediment Control:** If applicable, a Grading, Erosion, Sediment Control Report and Plan as defined in the latest version of the Adams County Development Standards and Regulations (Chapter 9).
 4. **Transportation, roads, access standards, and fees:**

- a. The applicant's transportation plan must be designed and implemented to ensure public safety and maintain quality of life for other users of the county transportation system, adjacent residents, and affected property owners.
- b. Where available, existing private roads shall be used to minimize land disturbance unless traffic safety, visual or noise concerns, or other adverse surface impacts clearly dictate otherwise.
- c. Access roads on the site and access points to public roads as identified in the application materials shall be reviewed by the CED department and shall be built and maintained in accordance with the engineering specifications and access road standards defined in the Adams County Development Standards and Regulations (Chapter 8).

~~d. All applicable transportation fees shall be paid prior to issuance of a development plan review construction permit, including without limitation:~~

~~i. Access permit fees~~

~~ii. Oversize/overweight permit fees~~

~~iii. Right of way construction permit fees; and~~

~~iv.i. Traffic impact and road maintenance fees.~~

Comment: Requiring operators to obtain legally valid and applicable oversize and/or overweight moving permit from the County's Public Works Department for all vehicles that exceed legal vehicle dimensions or weights, as specified by the Colorado Department of Transportation and the County's Development Standards and Regulations, during the application process is premature and unnecessary. Industry requests this documentation be provided later in the application process. Indeed, often operators won't know the dimensions and weight of the specific rig drilling their wells during the application process. Additionally, the number of vendors that would be required to submit route info for access permits would be onerous and burdensome on operators, vendors, and the County.

- ~~e.d.~~ Oil and gas operations must minimize impacts to the physical infrastructure of the county

transportation system. Any costs to improve county transportation system infrastructure necessitated by the proposed oil and gas operation shall be the responsibility of the Applicant. All transportation system infrastructure improvements and associated costs shall be determined by the CED department. The County shall perform the work or arrange for it to be performed. If the Applicant disagrees with the infrastructure improvements or associated costs as assessed by CED, it may request that the department approve a different route for its proposed oil and gas operation that avoids the need for such improvements. Alternatively, the Applicant may engage a licensed civil engineering firm to perform a traffic impact study in accordance with Chapter 8 of the Development Standards and Regulations to independently evaluate county transportation system infrastructure improvements necessitated by the proposed oil and gas operation.

f.e. Drainage study/technical drainage letter/plan: If applicable, a Drainage Study/Technical Drainage Letter/Plan prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter 9).

g.f. Floodplain Use Permit: The applicant must obtain a Floodplain Use Permit, in accordance with the latest version of the Adams County Development Standards and Regulations, if the proposed Oil and Gas construction disturbance or operation encroaches into the 100-year floodplain, or the access is crossing a major drainage way, as defined by the latest version of the Adams County Development Standards and Regulations (Chapter 9).

Comment: Similar to the comment immediately above, COGA submits that this permit should only be acquired upon approval of the OGF permit.

~~f. **Water Supply:** the applicant must provide proof of adequate water supply. Operator shall identify a water resource lawfully available for industrial use, including oil and gas development,~~

~~close to the facility location, to be utilized by Operator and its suppliers.~~

Comment: This is better as a condition of approval. Indeed, an operator may not know the best source of water so far in advance, and it may be that a source even closer to the location becomes available after the permit is granted.

g.f. Surface Owner Documentation: Documentation as to whether the surface owner and others with interest in the property have authorized the proposed OGF.

h.g. Additional Information: Community and Economic Development will develop an application check list that may require additional information to process an OGF Permit application. In addition to the items required on the check list, the Director of Community and Economic Development may require additional information deemed necessary to evaluate particular applications.

Comment: When will the application check list be available? What is the process for requiring additional information? Relatedly, what is the timeline for the County deeming an application complete?

4. Determination of Sufficiency: Applicable. No application shall be processed if taxes due on the requested property(ies) are not paid, if inspection fees are not paid, or if fines assessed against the applicant have not been paid.
5. Staff Report: Applicable.
 - a. Concurrent Referral and Review. County staff may refer the complete application for review by the various County Departments and the County Attorney's Office, as deemed appropriate. An application may require review by outside experts or agencies such as the U.S. Army Corps of Engineers, if the project impacts a floodplain, life-safety providers, adjacent jurisdictions, local public health departments, and others as may be deemed appropriate. Operator shall reimburse the County for reasonable costs incurred in connection with the use of third-party expert reviewers.
6. Notice: Applicable, except notice shall be sent by the applicant to all property owners and current residents within a half mile at a minimum, or greater, as determined by the Director of Community and Economic Development. The Notice shall meet the format prescribed by the County. The notice shall contain a statement informing the recipients of the notice that they may request written notification by the

Applicant of the commencement of construction and commencement of drilling operations. The applicant shall provide written notification by U.S. Mail, which shall include an offer to consult, to any municipality or county whose boundaries are within 1/2 mile of the proposed parcel where an application for an Oil and Gas Facility has been filed with the County location.

Comment: Applicant will not know if the property owner has a tenant. It should be the property owner's responsibility to notify anyone living on the property.

7. Public Hearing. Where a public hearing is required on an OGF Permit application, it shall be held in front of the Board of County Commissioners.

Comment: As mentioned above, if the Proposed Regulations do not change significantly from their draft form, this paragraph is essentially superfluous because every OGF permit application will require a waiver. COGA emphasizes this would be an enormous administrative burden on County resources and particularly unnecessary where a proposed location is relatively uncontroversial. Where an operator seeks a minor modification, partial waiver or full waiver of approval criteria or performance standards, and proposes alternative or substitute measures protective of public health, safety, welfare and the environment ("PHSWE"), the operator should be afforded an administrative path to approval. At the least, the County should consider adding limitations to the waiver process or building in exceptions to the waiver process to ensure that not every OGF Permit application requires a public hearing

8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Director of Community and Economic Development in approving a permit for an OGF may attach any technologically and economically feasible conditions necessary to implement the Adams County Comprehensive Plan and to ensure the compatibility with adjacent uses. Conditions may include a requirement of an Access Permit or Oversize Load Permit prior to development of the Oil and Gas Facility, a Floodplain Use Permit prior to any work within the floodplain, or a building permit prior to construction of certain structures within the Oil and Gas Facility. In addition, the approving authority shall specify the term of the OGF Permit. An OGF Permit may be renewed following the same procedure used in granting the initial permit.

10. Amendments. Applicable.

2-02-14-06 CRITERIA FOR APPROVAL

The Board of County Commissioners or Director of Community and Economic Development, in approving an OGF Permit, shall consider:

1. The OGF is consistent with the purposes of these standards and regulations.

Comment: “Consistent with the purposes of these standards and regulations” is subjective and leaves an open door for any or no reason to serve as the basis to deny an application.

2. The OGF will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards, unless specifically waived or modified by the Director of Community and Economic Development or the Board of County Commissioners. If the waiver or modification is required to be approved by the Board of County Commissioners, such approval must come-after public hearing.

Comment: These proposed changes are conforming changes to COGA’s comments regarding the fact that, as drafted, all OGF Permit applications would require waiver or modification.

3. The siting of the OGF, after evaluation of alternative sites, is the most compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, welfare, the environment and wildlife of the County.

Comment: Operators are concerned that “harmonious” and “compatible” are subjective, giving operators, as well as the general public, little guidance and could be used to arbitrarily and capriciously deny a permit application.

4. The siting of the OGF does not create any site specific conditions that present significant or material impacts to nearby land uses that cannot be mitigated or minimized.
5. The OGF has addressed off-site impacts and complies with all applicable performance standards, unless specifically waived or modified by the Director of Community and Economic Development or the Board of County Commissioners. after public hearing.

Comment: These proposed changes are conforming changes to COGA’s comments regarding the fact that, as drafted, nearly all OGF Permit applications would require waiver or modification. COGA requests the County create limitations or exceptions for the waiver/modification process that allow, where appropriate, the Director of Community and Economic Development to approve the waiver/modification without a public hearing . If the waiver or modification is one that the Board must here, it would continue to be after a public hearing.

6. The site is suitable for the use, including adequate usable space, adequate access, or ability construct adequate access, and adherence of environmental and wildlife stipulations~~absence of environmental constraints~~.
7. The site plan for the proposed use will provide adequate parking, traffic circulation, fencing, and screening, and landscaping.

Comment: Landscaping may or may not be appropriate for the surrounding uses, and other visual mitigations may be more compatible with surrounding uses. COGA suggests aligning this with the visual mitigations already in place for the zone where the development will be located; if the zone concept is left in these rules.

8. Sewer, water, storm water drainage, fire protection, police protection, and roads are available and adequate to serve the needs of the OGF as designed and proposed.
9. Cultural and Historical Resources: the OGF does not cause significant degradation of adverse impact to cultural, historic, or archaeological sites eligible for County landmarking, or the National Historic Register.
10. Water Bodies and Water Quality: the OGF does not cause adverse impacts to surface or ground waters within Adams County. The operator shall comply with all applicable water quality standards.
11. Emergency Preparedness and Response: the oil and gas facility does not cause unreasonable risks of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, and hazardous material vehicle accidents or spills.
12. Air Quality: The OGF does not cause significant degradation impacts to air quality.

2-02-14-07 OIL AND GAS FACILITY PERMIT WAIVER

2-02-14-07-01 PURPOSE

The purpose of this section is to establish criteria and detail the steps whereby the Board of County Commissioners, at public meeting, or the Director of Community and Economic Development administratively, may grant waivers or modifications from approval criteria or performance standards normally required for OGF Permits, allow the OGF use in an area not zoned for OGFs, or allow applicant to develop an OGF site not selected by Community and Economic Development.

Comment: As detailed in several comments above, COGA submits this process should be changed to allow the Director of Community and Economic Development to approve waivers or modifications of approval criteria and performance standards where impacts are appropriately mitigated or avoided by means other than those specified by these rules. Also, there should be exceptions to the waiver process. For example, if the surface owner and close residents of a proposed location in an A-1 Zone do not object to the siting of the proposed location, the applicant should not have to request a waiver because the criteria is an area not zoned for OGFs.

More fundamentally, COGA does not see the purpose of zoning for oil and gas locations given that there is an alternative siting analysis process that must occur under these draft regulations. The unique and individual nature of the proposed site itself, as determined by the site approval process, should govern over an arbitrary zone designation.

2-02-14-07-02 APPLICABILITY

If the OGF permit application is denied based on noncompliance with the approval criteria or performance standards, or if the applicant seeks to develop in an area not zoned for OGF development, or if an applicant seeks to develop on a site not approved by CED staff, or if the applicant does not fall in an exception exempting it from noncompliance with certain approval criteria or performance standards, an applicant may apply for an Oil and Gas Facility Permit Waiver.

2-02-14-07-03 WHO CAN INITIATE A WAIVER

A waiver may be proposed by any applicant that may apply for an OGF.

The applicant has the burden of proof to demonstrate that the waiver or proposed site selection meets the criteria for waiver approval.

2-02-14-07-04 WAIVER REVIEW PROCEDURES

Comment: COGA reiterates that there needs to be a path for applicants to seek a waiver before and during the conceptual review and at any time throughout the OGF permit process. Operators need to be able to request waivers early in the permit process. The County should not waste its time reviewing and analyzing and operators should not waste their time analyzing and planning applications that are dead because a waiver or modification is necessary for the permit to be approved

Any waiver shall be processed through a public hearing before the Board of County Commissioners (See Steps 1 through 10 below) or by the Director of Community and Economic Development administratively. Waiver applications will be heard by the Board of County Commissioners at a public hearing. At such public hearing, the Board of County Commissioners may waive or modify specific regulations or standards requested by the applicant and approve the application, may approve with conditions, or may deny the application.

Applicants may only seek a waiver after submitting a complete application for an OGF Permit and participating in a conceptual review meeting with Community and Economic Development staff or sooner, if the operator knows it will only pursue the permit application if a waiver is possible. If applicant is unable to meet all approval criteria and comply with all performance standards required for an OGF Permit and an exception exempting the operator from compliance does not apply, applicant may choose to seek a waiver from either the Board of County Commissioners or the Director of Community and Economic Development as appropriate under these regulations. The processing of a waiver shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Must be completed prior to application for waiver as part of OGF Permit process.
2. Neighborhood Meeting: Director of Community and Economic Development will determine whether neighborhood meetings are required after evaluating steps taken as part of OGF process.

Comment: If the County believes the waiver request is a non-starter, it does not make sense to waste residents, the County's or an operator's time with a neighborhood meeting.

3. Development Application Submittal: In addition to all requirements for an OGF Permit, applicant must provide a request for waiver that articulates the specific waivers sought and explains why waivers are necessary.

Comment: This requirement should be modified so that an operator does not go through the steps of obtaining permits and approvals (such as an overweight vehicle permit) for a site that may not be viable. The waiver process should be conducted early in the permitting process.

4. Determination of Sufficiency: Applicable. No application shall be processed if taxes due on the requested property(ies) are not paid, if inspection fees are not paid, or if fines assessed against the applicant have not been paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. If a A public hearing is required on a waiver or modification request, it shall be held before the Board of County Commissioners. Any requested waiver that must be heard by the Board of County Commissioners shall be reviewed and acted upon by the Board of County Commissioners prior to issuance of an OGF Permit. The Board of County Commissioners may take testimony from the public at the public meeting.

8. Standards: Applicable.

Conditions of Approval: Applicable. The Board of County Commissioners or the Director of Community and Economic Development, as appropriate, in approving a waiver for an OGF Permit, may attach any technically and economically feasible conditions necessary to implement the Adams County Comprehensive Plan and to ensure the compatibility with adjacent uses.

9. Amendments: Applicable.

2-02-14-07-05 CRITERIA FOR WAIVER APPROVAL

The Board of County Commissioners or the Director of Community and Economic Development, as appropriate, in approving a waiver, shall find:

1. Practical difficulties or significant hardships ~~Extraordinary hardships or practical difficulties~~ result from strict compliance with these standards and regulations

~~2. The purpose of these standards and regulations are served to a greater extent by the alternative proposal.~~

~~3.2.~~ The waiver does not have the effect of nullifying the purpose of these standards and regulations.

Comment: "Extraordinary" implies unusual but COGA believes the intent of this provision is to capture the idea that the hardship is significant. The second criteria is stricken because interpreting purpose is too subjective and could be applied to never allow a waiver where it results in something being slightly less protective than the standard sought to be waived, even where the OGF will still be protective and safe or where the standard sought to be waived is irrelevant given site-specific circumstances.

2-02-14-07-06 ADDITIONAL CRITERIA FOR A ZONE DISTRICT WAIVER

The Board of County Commissioners, in approving zone district waiver, in addition to the criteria outlined above, shall find:

1. The proposed Oil and Gas Facility is consistent with the Adams County Comprehensive Plan.

2. The proposed Oil and Gas Facility ~~is compatible with the surrounding area, harmonious with the character of the neighborhood, and not detrimental to the immediate area, not detrimental to the~~ does not prohibit future development of the area, and is not ~~unreasonably~~ detrimental to the health, safety, welfare or the environment of the inhabitants of the area and the County.

**2-02-15 AMENDMENT TO TEXT OF THE STANDARDS AND REGULATIONS
AND/OR ZONING MAP (REZONING) AND/OR COMPREHENSIVE
PLAN**

2-02-15-01 PURPOSE

The purpose of this section is to detail the steps to follow for changing the text of these standards and regulations, or the boundaries of the zone districts shown on the Zoning Map (Rezoning), or the Comprehensive Plan.

- d. Truck Washing: All trucks shall be washed at least once a week with a detergent and disinfectant to minimize nuisance conditions, unless spills or leaks are detected which must be disinfected immediately. All wash water shall be properly controlled to prevent runoff.
 - e. Waste Incineration: Infectious waste incineration facilities shall be permitted to burn infectious waste only. Incineration of waste paper, contraband, or other materials is not permitted unless specifically approved as part of the wastestream.
7. *Hazardous Waste Disposal Site and Facility Standards:* All hazardous waste disposal sites and facilities shall meet the standards established by State and Federal regulatory requirements.

4-10-02-03-03 ***OIL AND GAS FACILITY***

4-10-02-03-03-01 ***Purpose***

This Section is enacted to protect and promote the health, safety, values, convenience, order, prosperity and general welfare of the current and future residents of the County. It is the County's intent by enacting this Section to facilitate the development of oil and gas resources within the unincorporated area of the County while avoiding or mitigating potential land use conflicts between such development and existing, as well as planned, land uses. It is recognized that under state law the surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Owners of subsurface mineral interests have certain legal rights and privileges, including the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests ~~from a consenting surface owner~~, subject to compliance with the provisions of this Section and any other applicable statutory and regulatory requirements. Similarly, owners of the surface estate have certain legal rights and privileges, including the right to have the mineral estate developed in a reasonable manner and to have adverse impacts upon their property, associated with the development of the mineral estate, avoided or mitigated through compliance with this Section.

Comment: COGA suggests deleting the term "consenting surface owner." Operators and surface owners are, of course, free to enter into mutually agreed upon contractual agreements that detail each party's respective obligations. But under Colorado law, mineral owners have the right, regardless of a surface owner's consent, to develop their minerals subject to Colorado's reasonable accommodation statute, C.R.S. § 34-60-127.

4-10-02-03-03-02 DefinitionsOil and Gas Facilities (OGFs):

1. ~~The site and associated equipment used for the production, treatment, and/or storage of oil and gas and waste products; New w~~Production facility: All equipment at a single stationary source directly associated with one or more oil wells or gas wells. This equipment includes, but is not limited to, equipment used for storage, separation, treating, dehydration, artificial lift, combustion, compression, pumping, metering, monitoring, and flowline.
- Comment: This definition needs to be modified so it is clear that midstream or other downstream operations and facilities are excluded.*
2. An individual well pad built with one or more wells and operated to produce liquid petroleum and/or natural gas, including associated equipment required for such production; or
3. Temporary storage and construction staging of oil and gas; or
4. ~~Any other oil and gas operation which may cause significant degradation.~~Existing well production facility that will undergo substantial modification. Substantial modification: The existing OGF is extended or expanded by 50% of its disturbed surface area.

For any other definition not listed in this section, the definitions listed in Chapter 11 of the Adams County Development Standards and Regulations and the Colorado Oil and Gas Conservation Commission's regulations shall govern. If there is a conflict between the definitions in Chapter 11 and the COGCC's definitions, the COGCC's definitions shall prevail. If the term is not found in the COGCC's definitions or in Chapter 11, the term shall have its common meaning along with the spirit and intent of the Development Standards and Regulations and may be subject to interpretation by the Director of Community and Economic Development or his or her designee.

Comment: We have made changes here to reflect our understanding that the County only intends to regulate oil and gas production operations pursuant to these regulations.

4-10-02-03-03-03 General Provisions

Comment: The following should be subject to Adams County variance procedures as necessary, should unforeseen circumstances arise. For example, there may be reasons under which an operator would need to request to flare beyond those expressly enumerated below.

Some degree of operational flexibility is needed both for extenuating circumstances and safety reasons.

1. Access: ~~Oil and gas well installation~~OGFs shall be located to provide convenient access, shall accommodate the traffic and equipment related to the ~~oil and gas operations~~OGF and emergency vehicles, and shall comply with COGCC rules and Adams County Development Standards and Regulations. ~~OGFsOil and gas operations~~ must avoid or minimize impacts to the physical infrastructure of the county transportation system.

Comment: In multiple places throughout the regulations terms other than OGF are used. We recommend defining the term OGF and consistently using it throughout the regulations, instead of inserting unclear terms such as “wells,” “oil and gas development,” etc. Oil and gas well installation” should be referenced as Oil and Gas Facility

2. Building Permit Required: For all ~~new or substantially modified wells~~OGFs, a building permit is required for the installation of permanent electrical, pumps, tank batteries, and all other above-ground structures as well as any other applicable permits including, but not limited to, culvert permits, oversized-load permits, and floodplain use permit.

Comment: See comment immediately above.

3. Setbacks: Oil and Gas Facilities shall be at least _____ feet from ~~the property line of~~any existing or ~~approved~~platted residences, schools, state licensed daycares, or ~~Building Unitsoccupied buildings~~.

*Comment: We understand the County proposes that the blank be filled in with 1000. This is a de facto ban cloaked as regulation. The County is proposing a 1,000' setback from **the property line** of a residence to an OGF, which can encompass the entire disturbed area of a well pad. The proposed setback is accordingly not double the existing state law setback (which would still be a **significant** increase), but much greater because state setbacks are measured (1) from the Building Unit, not the property line of a Building Unit (2) to a well or production facility, not the oil and gas location. Given (1) and (2), this setback will be as large or larger than the one Colorado voters, including 59% of Adams County residents, soundly defeated when rejecting Proposition 112. Given the County's geology and existing development, operators do not believe virtually any OGFs can meet this setback.*

Based on recent conversations with Adams County Commissioners, we understand that they would be open to an administrative waiver for setbacks. This waiver would be similar to COGCC LUMA regulations in 303.b and 305A. Please add a specific exemption or waiver process for the setbacks. For example, the surface owner may desire the OGF to be closer than the setback because of his land use plans. The County should respect the surface owner's wishes. Also, setbacks from platted residences (did the County mean platted residential lots?) may conflict with the plat if the oil and gas operations area is identified on the plat.

4. Fees and Permits: All applicable County fees adopted by the County, including postage fees and inspection fees, but excluding oil and gas impact and maintenance fees, must be paid at time of application and prior to issuance of a building permit, including for all applicable permits required by the Adams County Development Standards and Regulations.

Comment: The above change is necessary to avoid inconsistency between paragraphs four and five of this section.

5. Oil and Gas Road Impact and Maintenance Fees:
 - a. Operators must pay oil and gas road impact and maintenance fees, as approved by the Board of County Commissioners, for all proposed OGFsoil and gas wells and pads. This fee shall be paid at the time of issuance of an Oil and Gas Facilities Permit, unless otherwise agreed to by Adams County and the operator. Any person or entity required to pay the oil and gas road impact fee may elect to submit an independent study and fee calculation to demonstrate that the nature, timing, or location of the proposed oil and gas development-OGF is likely to generate impacts costing less to mitigate than the amount of the fee that would be generated by the use of the fee schedule. Any independent fee study for oil and gas developmentOGFs shall generally follow the methodology established in the Adams County Oil & Gas Traffic Impact Study.

Comment: There must be some flexibility here depending upon the amount of the fee. In the past, there have been some discussions about payment of the road impact fee at the time of drilling of the wells, or spread out over the course of several years depending on an operator's drilling schedule. Also, is the County going to revamp their road impact and maintenance fee calculation as a whole?

Additionally, the independent study and methodology established in the existing Adams County Oil and Gas Traffic Impact Study is not clear. When an operator has requested more information from staff before ordering an independent study, no guidance has been provided.

- i. The preparation of the independent fee calculation study shall be the sole responsibility of the electing party.
 - ii. Any person or entity who requests to perform an independent fee calculation study shall pay ~~an application~~ a reasonable fee for administrative review. An administrative decision related to the independent study may be appealed to the Board of County Commissioners. The appeal shall be filed within 14 days of staff decision and shall follow the appeal process established for OGF Permit Waivers .
5. Safety Standards:
- a. Operator shall implement a safety management plan and maintain a safety management system applicable to all covered processes ~~at the facility.~~ Upstream facilities consisting of a standard, repeatable design may be covered with a single safety management plan. The safety management system shall provide for employees and systems to oversee implementation and periodic revision of the plan. The plan shall include the following ~~elements ;and describe the manner in which each of the following elements will be applied to the covered processes:~~

Comment: The items listed in this section duplicate OSHA 1910.119 requirements for Process Safety Management (PSM) facilities. Part 68.115 of the EPA's Risk Management Plan, however, expressly excludes condensate, crude oil, and field gas from OSHA 1910.119 requirements for Process Safety Management. COGA agrees with the EPA that these regulations are inappropriate, unreasonable and not necessary for oil and gas facilities.

- i. ~~Safety~~ Process safety information. Compilation of written ~~process~~ process safety information needed to conduct process hazard analysis. ~~S~~ Process ~~safety~~ information shall include information pertaining to hazards of substances and chemicals used ~~by the process,~~ information pertaining to the technology ~~of the process,~~ information pertaining to the equipment used

~~in the process~~, and information pertaining to the hazards of the substances or chemicals ~~in the process~~. Documentation that equipment used ~~in the process~~ complies with recognized and generally accepted good engineering practices;

- i. Operating procedures. Written operating procedures that provide clear instructions for safely conducting activities ~~involved in each covered process~~ consistent with the ~~process~~ safety information, and at least annual review of operating procedures to ensure they reflect current operating practices;
- ii. Employee participation. Plan for ensuring employee participation in conduct and development of ~~process~~ hazards analysis and access to ~~process~~ hazards analysis;
- iii. Training. Written procedures detailing initial and refresher employee training requirements and documentation of employee training;
- iv. Mechanical integrity. Written procedures ~~in compliance with COGCC regulations and~~ designed to maintain the on-going integrity of ~~process~~ equipment, ensure employees involved in maintenance are properly trained to ensure the ongoing integrity of ~~process~~ equipment, ensure that ~~process~~ equipment is tested and inspected in accordance with manufacturer specifications, correct deficiencies in equipment in a safe and timely manner, and ensure that new equipment is installed or constructed properly;
- v. Management of change. Written procedures to manage changes ~~to covered processes~~, technologies, equipment and procedures;
- vi. Pre-startup reviews. Written procedures regarding pre-startup safety reviews;
- vii. Compliance audits. Written procedures requiring an audit every ~~three-five~~ years to verify compliance with the procedures and practices developed under the safety management plan, and procedures requiring correction of any deficiencies identified in audit; operator will make results of audit available to inspector upon request;

~~viii. Incident investigation. Written procedures requiring investigations of all near misses and incidents, including root cause analysis of all incidents resulting in fatalities or serious environmental harm, establishing a system to promptly address and resolve the incident, and requiring that all employees and contractors whose job tasks are relevant to the investigation of the near miss or incident review the investigation report.~~

Comment: This requirement is already listed in "Incident History" below. "Near miss" is also unreasonable: what does that mean and if missed, than the safety processes worked.

~~ix.viii.~~ Hot work. The operator of the OGF facility shall ensure that all hot work complies with city and state fire prevention and protection requirements.

~~x.ix.~~ Contractors. Written procedures describing how operator screens, oversees, shares process safety and emergency response and preparedness information with contractors;

~~xi.x.~~ HProcess hazard analysis. Process hazard analysis for each covered taskprocess;

~~xii.xi.~~ Incident history. List of all significant incidents causing fatalities or serious environmental harm that have occurred at the operator's Colorado facilities within the last fiveten years, along with any investigation reports, root cause analysis and operational or process changes that resulted from the investigation of the accident;

Comment: It is uncertain if ten years is feasible in certain situations, given that most records are required for seven years. Also, the term " incidents" is far too broad and would include irrelevant information such as a sprained ankle.

~~xiii.xii.~~ Safety culture assessment. Written procedures requiring operator periodically review safety culture, and at a minimum conduct such review after each major accident; and

~~xiv.~~ Inherently safer systems analysis. Require analysis at least every 5 years, whenever a change is proposed at the facility that could result in an incident, after an incident if recommended by the investigation report or

~~root cause analysis, and during the design of new processes, equipment or facilities.~~

Comment: This requirement is addressed under the Management of Change (MOC) process listed in Section 5.a.vii above and should be deleted.

~~xv.xiii.~~ Operator shall make available safety management plan to Adams County at the County's request. Adams County may retain outside consultants to review safety management plan and may request modifications to safety management plan based on its review. Operator must reimburse County for ~~any reasonable~~ costs associated with retaining outside consultants.

- b. Automatic safety protective systems and surface safety valves. Operator is required to install automated safety system prior to commencement of production. Automated safety system shall include the installation, monitoring and remote control of a ~~sub~~surface safety valve and shall be able to remotely shut in wells on demand. ~~The s~~Subsurface safety valve shall be equipped to operate remotely via the automated safety protective system. Operator shall test automated safety system ~~annually quarterly~~ to ensure functionality and ~~provide results of testing to County quarterly document results.~~

Comment: The proposed rule exceeds existing requirements. COGA requests that Adams County provide an explanation on the technological and economic feasibility of the proposed requirement. Additionally, subsurface safety valves are not used and do not apply in the basin accessed by Adams County surface locations.

- c. Incident and accident reporting.

~~i.~~ Incidents. Within a week of any ~~reportable~~ safety incident, ~~required to be reported under COGCC rules,~~ operator shall submit ~~to the County~~ all reports ~~provided to COGCC regarding the safety incident. to the County including the following to the extent available:~~

~~ii.i.~~ Fuel source, location, proximity to residences and other occupied buildings, cause, duration, intensity, volume, specifics and degree of damage to properties, if any beyond the facility, injuries to persons,

~~emergency response, and remedial and preventative measures to be taken within a specified amount of time.~~

Comment: All incident and accident reporting should be consistent with the reporting requirements under COGCC regulations to avoid duplicative reporting. Further, the term “safety incident” needs to be defined to avoid a strict application where an operator is reporting a sprained ankle or bee sting. COGA recommends defining “safety incident” to include (1) Any accidental fire, explosion, or detonation, or uncontrolled release of pressure; (2) Any accident or natural event that results in a reportable injury as defined by the U.S. Department of Labor, Occupational Safety and Health Administration, at 29 C.F.R. § 1904.39. 29 C.F.R. § 1904.39 may be found at <https://www.osha.gov>. ; or (3) Any accident or natural event that results in an injury to a member of the general public that requires hospitalization or professional medical treatment.

~~iii.ii. County may require operator to conduct root cause analysis of any incidents or Grade 1 gas leaks, as defined by the COGCC.~~

Comment: This requirement is already covered under Section 5.a.xii

~~iv. Operator shall keep an daily incident log that shall be made available to Adams County upon request. Any spill or release that is reportable to the COGCC shall be simultaneously reported to the County’s LGD and applicable fire district.~~

Comment: This requirement is already addressed under Section 5.a.xii Incident History. Too, the requirement to keep a “daily” log is unnecessary. Any incident that leads to fatality, serious injury, serious environmental harm, a Grade 1 gas leak or reportable spill will already be reported to the County under other provisions.

~~v.iii. Notification to the County’s LGD of all spills of a one barrel (bbl) gallon or more that leaves the OGF facility, all spills of any material on permeable ground at the OGF facility that has a reportable spill quantity under any applicable COGCC, CDPHE, or EPA requirement law and copies of any self-reporting submissions that operator provides to the COGCC.~~

~~vi-iv.~~ Notification of the surface owner or the surface owner's tenant of spills and releases in conformance with COGCC Rules.

6. Spill Prevention and Containment. ~~Oil and gas operations~~ OGFs shall be in compliance with COGCC safety and spill and release requirements.
- a. Requirements for reporting of spills and releases and rules to minimize liquid spills and releases include the following:
- i. Berms or other secondary containment devices around crude oil, condensate, and produced water storage tanks enclosing an area sufficient to contain and provide secondary containment for 150% of the largest single tank as required by COGCC.

Comment: The proposed rule (i) requiring that berms provide secondary containment for 150% of the largest single tank, as well as the provision below in (v) imposing a prohibition on the storage of ignition sources inside the secondary containment area unless the containment area encloses a fired vessel, are required only for facilities built within COGCC designated setback areas. In adopting those rules, COGCC applied those additional mitigation measures intended to eliminate, minimize or mitigate impacts to building unit owners or occupants as well as the general public. Applying these mitigations even where building unit owners and occupants or the general public are not located nearby is not appropriate or necessary. COGA requests that Adams County provide the justification for broadening the requirements to sources in other areas and an explanation as to why these are reasonable and necessary.

- ii. Berms or other secondary containment devices shall be sufficiently impervious to contain any spilled or released material.
- iii. Inspection of all berms and secondary containment devices at regular intervals, but not less than monthly. Berms shall be inspected within forty-eight (48) hours of a precipitation event of 1.0" or more, and Operator shall make or begin to make necessary repairs as soon as possible, but not more than seventy-two (72) hours after the event.

Comment: Operators can comply with the 48 hour obligation to inspect following a 1" precipitation event, but having an obligation to then make necessary repairs within 72 hours of the event (which may be only 24 hours after the inspection) is not always feasible and there may be

additional impediments due to wet ground. There is no identified need for ensuring that repairs are made within 72 hours of the event. Further, certain weather events may make it impossible to try a repair immediately or the attempt to immediately repair could even cause further damage because the ground is too wet or other circumstances.

- iv. Maintenance of all berms and secondary containment devices in good condition.
- v. A prohibition on the storage of ignition sources inside the secondary containment area unless the containment area encloses a fired vessel.

Comment: COGA does not understand the need for this requirement given the requirement is in the COGCC regulations. COGA does not think it is necessary for the County to promulgate rules that are wholly duplicative of existing state regulations. Indeed, this comment applies to several proposed regulations and is particularly relevant to COGA's concerns with the proposed penalty scheme.

- vi. Within a floodplain, or within an exception zone setback as designated by COGCC, ~~E~~construction of containment berms using steel rings or another engineered technology that provides equivalent protection, designed and installed to protect from floodwaters and debris event leakage and resist degradation from erosion or routine operation.

Comment: COGCC only requires this level of construction in statewide floodplain areas or within an exception zone setback as designated by COGCC. Floodplains have substantially greater chances of having discharges during a flood or unexpected storm event and the exception zone setback represents an unusual circumstance. COGA requests that Adams County provide a basis for requiring steel rings outside of floodplains or as otherwise required by COGA in exception zone setbacks. The cost and expense of this is simply not warranted. We have revised this provision to be consistent with COGCC's provision. Importantly we have eliminated the phrase "designed and installed to prevent leakage." Other provisions require containment berms to be impervious – which by its nature is a feature that prevents leakage.

- vii. Within a floodplain or other designated area as required pursuant to COGCC regulation, ~~E~~construction of secondary containment areas with a synthetic or engineered liner that contains all primary containment vessels and

flowlines and is mechanically connected to the steel ring to prevent leakage.

Comment: COGCC only requires this level of construction in statewide floodplain areas and other specially designated areas. Floodplains have substantially greater chances of having discharges during a flood or unexpected storm event. COGA requests that Adams County provide the basis for requiring steel rings outside of floodplains. The cost and expense of this is simply not warranted. Furthermore, flowlines are not contained within the secondary containment area. Separate rules at COGCC govern flowlines and those should not be confused with obligations or requirements to complete and maintain secondary containment.

~~viii. A prohibition on more than two crude oil or condensate storage tanks within a single berm.~~

Comment: This is currently only mandatory for sites located within the “Urban Mitigation Area Exception Zone Setback” per COGCC Rules. There is no justification for imposing these requirements on other sources and the County has provided no explanation as to why the expansion of these requirements is necessary and reasonable to protect public health or the environment. To achieve the 150% secondary containment requirement for each berm, operators would need multiple (if not dozens) of berms. As a result, it would require more space, more cost and larger locations. In fact, it would almost double the current footprint of some facilities. COGA does not believe that will bring any benefit or added protection from spills and this provision is neither reasonable nor necessary to achieve any environmental protection.

ix. For locations within 500 feet and upgradient of a surface water body, tertiary containment, such as an earthen berm, around **oil and gas facilities OGFs.**

Comment: This is currently only mandatory for sites located within the “Exception Zone Setback” per COGCC Rules.

x. **Loadout/Discharge** valves shall be secured **,inaccessible to the public** and located within the secondary containment area. Open-ended discharge valves shall be placed within the interior of the tank secondary containment.

Comment: COGA does not understand what Adams County is intending to refer to here through the use of the term “discharge valves.” If it is intended to refer to the loadout point for crude, condensate and produced water tanks, then the term should be clarified. In addition, inaccessibility to

the public is not appropriate in this section. Other sections deal with fencing and related requirements.

- b. Anchoring. Anchoring is required within floodplain or geological hazard areas, as needed to resist flotation, collapse, lateral movement, sinking, or subsidence, and in compliance with Federal Emergency Management Agency (FEMA). All guy line anchors left buried for future use shall be identified by a marker of bright color not less than four feet in height and not greater than one foot east of the guy line anchor.

7. Chemical Handling and Requirements

- a. The owner or operator of any installation that is required to prepare or have available a **material** safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., and regulations promulgated under that Act, shall submit both a safety data sheet (SDS) for each such chemical and an annual emergency and hazardous chemical inventory form to the LEPC and the local fire district. A comprehensive and universal listing of all **anticipated** hazardous chemicals shall be organized based on the various phases of operation including test wells and drilling and other construction activities submitted prior to construction and with the necessary building permit applications for a Rig and Move Permit. In addition, operator shall have current SDS and quantities on site at all times or available upon request.

Comment: Operators have concerns about the potential timing of this requirement. Operators will not know this level of detail this far in advance. As well, please clarify during what process to submit this information so operators only submit one, and operators can notify County of any major changes.

- b. Operator shall not store **any used hazardous chemicals (referenced in 7.a above), which cannot be recycled,** onsite **waste** in excess of thirty days.

Comment: As proposed, the term “waste” is general and overly broad. This requirement should be limited to the hazardous chemicals that are the subject of 7.a above. Further, 30 days from when?

- c. Drilling and completion chemicals shall be removed at most sixty days after **all drilling and** completion **activities are completed.**

Comment: This should make clear the term “completion” refers to the end of all drilling and completion activities on site. COGA recommends combining sections b. and c.

d. ~~Operator shall limit its use of~~not use toxic, including orally toxic, chemicals in hydraulic fracturing fluids including the following:

1. ~~Benzene~~
2. ~~Lead~~
3. ~~Mercury~~
4. ~~Arsenic~~
5. ~~Cadmium~~
6. ~~Chromium~~
7. ~~Ethylbenzene~~
8. ~~Xylenes~~
9. ~~1,3,5 trimethylbenzene~~
10. ~~1,4 dioxane~~
11. ~~1 butanol~~
12. ~~2 butoxyethanol~~
13. ~~N,N dimethylformamide~~
14. ~~2 ethylhexanol~~
15. ~~2 mercaptoethanol~~
16. ~~Benzene, 1, 1'-oxybis-,tetrapropylene derivatives, sulfonated, sodium salts~~
17. ~~Butyl glycidyl ether~~
18. ~~Polysorbate 80~~
19. ~~Quaternary ammonium compounds, dioctyl dimethyl, chlorides~~

Comment: Chloride is a very broad term.

20. ~~Bis-hexamethylene-triamine-penta-~~
~~methylene phosphonic acid~~

21. ~~Diethylenetriamine penta~~

22. ~~FD&C blue no 1.~~

23. ~~Tetrakis (triethanolaminate) zirconium~~
~~(IV) (TTZ)~~

Comment: As described in detail elsewhere in the comments, the revisions to the Colorado Oil and Gas Conservation Act and the Land Use Control Enabling Act provided in Senate Bill 19-181 limit local government authority over oil and gas operation to the regulation of land use and surface impacts. SB 19-181 did not provide local governments with the authority to regulate the technical and expertise-driven aspects of oil and gas operations, including downhole operations. For this reason, the proposed regulation of hydraulic fracturing fluids exceeds the scope of Adams County's legal authority.

8. Emergency Preparedness and Response

Comment: COGA submits that instead of prescribing required elements for the Emergency Preparedness and Response plan, it makes more sense to have this plan created by the operator in collaboration with the responding fire department and to include whatever the fire department in its expertise believes is best. For example, in provision 4-10-02-03-03.8.b.v below, it is requested that an operator provide information identifying "excavation routes," but the first responders will determine evacuation routes for their district.

- a. In General. ~~Oil and gas operations~~**OGFs** shall not cause unreasonable risks of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, and hazardous material vehicle accidents or spills.
- b. Emergency Preparedness Plan. Each Applicant with an operation in the County is required to implement an emergency preparedness plan for each specific ~~oil and gas facility~~**OGF**. The plan shall be referred to by the Office of Emergency Management, and the applicable fire district and filed with the County and updated on an annual basis or as conditions change (responsible field personnel change, ownership changes, etc.). The emergency preparedness plan shall consist of at least the following information:

- i. Name, address and phone number, including 24-hour emergency numbers for at least two persons located in or near Adams County who are responsible for emergency field operations.
- ii. An as-built facilities map in a format suitable for input into the County's GIS system depicting the locations and type of above and below ground facilities including sizes, and depths below grade of all oil and gas gathering and transmission lines and associated equipment, isolation valves, surface operations and their functions, as well as transportation routes to and from exploration and development sites, for emergency response and management purposes. The information concerning pipelines and isolation valves shall be held confidentially by the County's Office of Emergency Management, and shall only be disclosed in the event of an emergency. The County shall deny the right of inspection of the as-built facilities maps to the public pursuant to C.R.S. § 24-72-204.
- iii. Detailed information addressing each potential emergency that may be associated with the operation. This may include any or all of the following: explosions, fires, gas, oil or water pipeline leaks or ruptures, hydrogen sulfide or other toxic gas emissions, or hazardous material vehicle accidents or spills. For each potential emergency, threshold / trigger levels shall be pre-identified that govern when an emergency state is declared by the Applicant.
- iv. The plan shall include a provision that any spill outside of the containment area or which has the potential to leave the facility or to threaten a water body shall be reported to the emergency dispatch and the Director immediately.
- v. Detailed information identifying access or evacuation routes, ~~zone of influence for each emergency scenario~~ and identifying impacted facilities and buildings and health care facilities anticipated to be used in emergency scenarios.

Comment: COGA does not agree with the need to develop a zone of influence for each emergency scenario identified impacting facilities and buildings. Please provide justification.

- vi. Project specific emergency preparedness plans are required for any project that involves drilling or penetrating through known zones of hydrogen sulfide gas.
- vii. The plan shall include a provision that obligates the Applicant to reimburse the appropriate emergency response service providers for costs incurred in connection with any emergency.
- viii. Detailed information that the Applicant has adequate personnel, supplies, and funding to implement the emergency response plan immediately at all times during construction and operations. Demonstration that the Applicant has adequate personnel and supplies is satisfied with the required will serve letter.
- ix. The plan shall include provisions that obligate the Applicant to keep onsite and make immediately available to any emergency responders the identification and corresponding Material Safety Data Sheets (MSDS) of all products used, stored or transported to the site. The MSDS sheets shall be provided immediately upon request to the Director, a public safety officer, or a health professional. In cases of spills or other emergency events, the plan shall include provisions establishing a notification process to emergency responders of potential products they may encounter, including the products used in the hydraulic fracturing fluids.
- x. The plan shall include a provision establishing a process by which the Applicant engages with the surrounding neighbors and schools to educate them on the risks and benefits of the on-site operations and to establish a process for surrounding neighbors and schools within a half mile radius, unless determined otherwise by the Director of Community and Economic Development, to communicate with the Applicant.

Comment: This section needs to be moved to the appropriate section dealing with the neighborhood meeting for the site as part of the application process. COGA also requests more guidance on expectations in terms of what this engagement looks like.

xi. ~~Operator shall maintain storage of aqueous film forming foam (which shall not contain PFAS), absorption boom and granulated materials for ready deployment in case of leaks or other emergencies. Operator shall notify first responders of the location of said materials.~~

Comment: Operators should not be required to store fire-fighting foam onsite. This is outside the scope of expertise for most operators, and also is not practical at most sites (including a location for proper storage of such foam). Furthermore, this type of foam is applied with specialized fire suppression equipment that operators do not own. The operators rely on emergency services for these purposes and in Adams County have a good working relationship with the relevant fire departments, including assisting the fire departments financially to maintain and rotate inventory of such foam as needed. It is our understanding from our discussions with the Adams County fire departments that they also would prefer that operators do not try and store firefighting foam on site. COGA is not aware of any problem that exists here that makes the addition of this requirement necessary.

9. Recycle, Reuse and Disposal of Fluids:

- a. Operator ~~shallis encouraged to~~ recycle ~~or reuse~~ drilling, completion, flowback and produced fluids unless technically ~~or economically~~ infeasible ~~as established by a good faith evaluation by operator.~~

Comment: EPA is currently in the process of studying wastewater management, having released a draft study in May 2019 ("Draft Study"). The Draft Study focused on exploring additional options (beyond disposal and recycling of produced water in the oilfield) to increase flexibility and water availability in water scarce regions. See Study at 1-3. It is premature of Adams County to determine that such produced fluids must be recycled, particularly given significant technical and economic obstacles to recycling, and the current evaluation of additional options for management of produced fluids that could increase water resources in Colorado.

Operators also frequently have agreements already in place with surface owners to purchase fresh water from landowners for oil and gas drilling. Requiring recycling could result in a breach of these agreements and/or result in substantial loss of income to surface owners.

Recycling of these fluids is not only technically infeasible, but in most cases it is likely to be economically (and even legally) infeasible, as it would require operators to: breach or terminate agreements with landowners requiring operators to purchase freshwater for oil and gas drilling, maintain significant and large recycling facilities (such as significant water impoundments), obtain

multiple permits from various jurisdictions for these facilities; and develop a mechanism for transporting the fluids from these recycling facilities to each site. There are significant environmental considerations with such facilities, and those considerations may outweigh the benefit of recycling the fluids – particularly when considering the technical and economic constraints. If Adams County retains this requirement, it must include considerations of economic feasibility in addition to technical feasibility.

- b. Waste Drilling, completion, flowback and produced fluids may be temporarily stored in tanks while awaiting transportation to licensed/authorized disposal or recycling sites.

Comment: First, the County should clarify that by “waste” it means drilling, completion, flowback and produced fluids (consistent with the other provisions in this section). Second, “temporarily” is undefined, is vague, and no similar requirement exists in COGCC Rule 907. Third, the term “licensed” should be struck to account for authorized but non-commercial recycling facilities. Such facilities are appropriate and safe for disposal. In fact, COGCC requires management in “authorized” facilities in Rule 907, which we suggest replicating here.

- c. Waste Drilling, completion, flowback and produced fluids must is encouraged to be transported by pipelines unless and the operator should conduct and maintain a good faith evaluation of the technical and economical infeasibility of utilizing such pipelines.

Comment: Again, the County should clarify that by “waste” it means drilling, completion, flowback and produced fluids and/or produced water (consistent with the other provisions in this section). Second, this would be an unprecedented first-of-its-kind requirement in federal, state, and local regulation of oil and gas fluid waste management adopted without any determination as to technical, economic, or legal feasibility of the requirement. It is unclear whether the County intends that considerations of technical infeasibility include: impediments in obtaining rights-of-way or impediments in obtaining contracts from produced water facilities and transporters, among others. Oil and gas operators do not have a broad right of condemnation of land and thus mandating the use of pipelines impose serious logistical and financial burdens and may make it even more difficult (if not impossible) for operators to obtain rights-of-way in a cost-effective manner. Economic feasibility must be a consideration in whether to bring pipelines to a particular location. COGA has proposed language changes that operators must evaluate the technical and economic feasibility of utilizing such pipelines.

Finally, though COGA opposes this provision as written, to the extent the County keeps the requirement, economic infeasibility must also be considered before requiring produced water be transported via pipeline.

10. Stormwater Controls:

- a. ~~OGFs~~~~Oil and gas operations~~ shall be in compliance with COGCC rules related to stormwater management regulations and Adams County Stormwater Quality Regulations as contained in the Adams County Development Standards and Regulations / Ordinances and other applicable federal, state, and county requirements.
- b. The Owner or Operator must provide a stormwater management plan that identifies possible pollutant sources that may contribute pollutants to stormwater, best management practices, sampling procedures (if required), and inspections that, when implemented, will reduce or eliminate ~~any possible~~ water quality impacts. An operator's compliance with Colorado Discharge Permit System's Master General Permit for Stormwater Discharges Associated with Construction Activities and/or the COGCC Post-Construction Stormwater Program under COGCC Rule 1002.f (as applicable) shall meet the stormwater management plan requirement under this provision.

Comment: Adams County should clarify that plans developed in association with compliance with CDPHE Regulation 61 (including the Master General Permit for Stormwater Discharges Associated with Construction Activities) and the Best Management Practices and Post-Construction Stormwater Program required by COGCC Rule 1002.f (including the exception for Tier 1 Oil and Gas Locations), will meet the "stormwater management plan" requirement under this standard.

11. Water Bodies and Water Quality:

- a. General. ~~Oil and gas operations~~~~OGFs~~ shall not cause adverse impacts to surface or ground waters within Adams County. Operators shall comply with all Adams County rules, COGCC Rules, specifically with respect to spills and releases in floodplains and/or water bodies, and applicable water quality standards set by the Colorado Department of Public Health and Environment.

- b. Water quality plan. Operators shall implement a water quality plan and make available to Adams County upon request, such plan shall include details of or cross-references to such as operator's plans for water quality testing, prevention of discharge through berming and secondary containment~~illicit or inadvertent discharges,~~ stormwater discharge management, containment of pollutants, and spill notification and response as required by federal and state agencies. The owner or operator shall provide the County with the information it provides to the COGCC ensuring compliance with the water quality protection standards contained in COGCC Rules. ~~The owner or operator shall provide all water source test results to the county and maintain records of such results. The owner or operator shall provide its plans concerning downhole construction details and installation practices, including casing and cementing design, and shall inform the county how the plans establish that the facility does not create significant degradation to surface waters or drinking water aquifers.~~

Comment: COGA has concerns with the number of plans being requested by the County. Collectively, these regulations and other state and federal regulations will require operators to have: (1) a berming/secondary containment plan; (2) a stormwater management plan; and (3) a spill prevention, containment and countermeasure plan. Collectively, these address the detailed information requested by this provision. We have revised the language to make it more consistent with the plans already required to be maintained and to be clear that the water quality plan can cross-reference other existing plans instead of incorporating the same information into two different plans.

Senate Bill 181 provided the County with authority over land uses within its jurisdiction and clarified certain aspects of that authority with respect to oil and gas operations. However, nothing in Senate Bill 181 (and no other authority) grants the County any jurisdiction over "downhole" construction details and installation practices, including casing and cementing design. Such jurisdiction remains with the COGCC and is implemented by them as the agency with expertise over such activities.

- ~~c. Wastewater Injection Wells are prohibited in Adams County.~~

Comment: COGA disagrees with such a prohibition. Having to utilize wastewater injection wells in other locations results in more significant truck traffic and water hauling. Adams County has provided no basis for

prohibiting wastewater injection wells which are heavily regulated by the COGCC under authority delegated pursuant to the Safe Drinking Water Act.

- ~~d.c.~~ Floodplain. Disturbance within a 100-year floodplain will be allowed if the Operator has obtained a Floodplain Use Permit from the County and has complied with all of the County's legally adopted floodplain and engineering regulations. A "100-year floodplain" shall be, for purposes of this Section, a "Special Flood Hazard Area" as identified and mapped by the Federal Emergency Management Agency's National Flood Insurance Program and adopted by the County.

~~12. Well Plugging and Abandonment:~~

- ~~a. An operator shall comply with all COGCC rules regarding well abandonment and reclamation, including, but not limited to, removal of all equipment from the location and restoring the surface of the land to its original state. Notice of well plugging and abandonment shall be submitted by the operator to the Community and Economic Development Department within forty eight (48) hours. Notice shall include surveyed coordinates of the decommissioned well.~~

Comment: COGA has included specific comments on some of the proposed regulations below. However, as previously noted above, the revisions to the Colorado Oil and Gas Conservation Act and the Land Use Control Enabling Act provided in Senate Bill 19-181 limit local government authority over oil and gas operation to the regulation of land use and surface impacts. SB 19-181 did not provide local governments with the authority to regulate the technical and expertise-driven aspects of oil and gas operations, including downhole operations or plugged and abandoned wells. For this reason, the proposed regulations related to the technical aspects of plugging and abandoning wells and drilling new wells, exceed the scope of Adams County's legal authority, and remain solely within the scope of the COGCC's jurisdiction. COGA also questions why the County wants to duplicate state regulations, again noting the implications for the penalty scheme.

- ~~b. Decommissioned oil and gas well assessment. Prior to any hydraulic fracturing, and at periods following hydraulic fracturing, the operator must perform assessment and monitoring of plugged and decommissioned or removed from use, and dry and removed from use oil and gas wells (abandoned wells) within one quarter mile of the projected~~

~~track of the borehole of a proposed well. The assessment and monitoring includes:~~

*Comment: The adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181. Further, the COGCC mandates this analysis to occur pursuant to its Statewide Horizontal Offset Policy (2014) that is required for any horizontal well APD in the State. See <https://cogcc.state.co.us/documents/reg/Policies/InterimStatewideHorizontalOffsetPolicy.pdf>. Pursuant to the Statewide Horizontal Offset Policy and operators currently, review "all plugged wells within **1500 ft** of the proposed HZ well" and complies with all horizontal assessments required by the COGCC when mandated, but specifically when filing Form 2s.*

- ~~i. Identification of all abandoned wells located within one quarter mile of the projected track of the borehole of a proposed well based upon examination of COGCC and other publicly available records;~~
- ~~ii. A Risk assessment of leaking gas or water to the ground surface or into subsurface water resources, taking into account based on the plugging and cementing procedures described in any recompletion or plugged and abandoned (P&A) report filed with the COGCC;~~

Comment: The adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181.

Further, the COGCC mandates this analysis to occur pursuant to its Statewide Horizontal Offset Policy (2014) that is required for any horizontal well APD in the State. See <https://cogcc.state.co.us/documents/reg/Policies/InterimStatewideHorizontalOffsetPolicy.pdf>.

Operators already review the recompletion and PA reports of any PA'd well within 1,500' of the proposed horizontal wellbore as part of compliance with the Statewide Horizontal Offset Policy when determine if any mitigation must be done on the PA'd well prior to the drilling of the proposed horizontal well. Such information is included in an Offset Well Evaluation Analysis that must be submitted with all Form 2's for horizontal wells.

- ~~iii. Notification to the County and COGCC of the results of the risk assessment of the plugging and cementing procedures.~~

iv. ~~Permission from each surface owner who has an abandoned well on the surface owner's property to access the property in order to test the abandoned well. If a surface owner has not provided permission to access after thirty days from receiving notice, the applicant shall not be required to test the abandoned well.~~

Comment: The adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181. For this reason, the proposed regulations related to the permission from surface owners of "testing" of the abandoned wells, along with the technical aspects of plugging and abandoning wells and drilling new wells, exceed the scope of Adams County's legal authority, and remain solely within the scope of the COGCC's jurisdiction. Any Amendments requiring surveyed coordinates, notice, or other expanded mandates of COGCC Rule 311 and 319 will be in violation of SB 19-181.

Further, this sections ignores the fact that an operator seeking an OGF is often not the operator of the PA'd well and may not have authority to enter onto the surface, or even access the PA'd well. As such, there can be no obligation to test the abandoned well or even any ability to access the surface lands upon which the well is located.

v. ~~Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well prior to hydraulic fracturing~~

vi. ~~Comment: COGA reiterates that the adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181. Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well within one year and then every three years after production has commenced.~~

Comment: COGA reiterates that the adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181.

vii. ~~Notification of the results of the soil gas survey to the County and the COGCC within three weeks of conducting the survey or advising the County that access to the abandoned wells could not be obtained from the surface owner.~~

Comment: COGA reiterates that the adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181.

~~viii. In the event that contamination is detected during any soils testing, no further operations may continue until the cause of the contamination is detected and resolved and the county has given its approval for additional operations to continue.~~

Comment: COGA reiterates that the adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181.

Further, this requirement is overbroad and unduly burdensome. The existence of any soil contamination—including from abandoned wells not associated with the operator and for which the operator has no obligation to re-enter—should not provide the County with unfettered discretion to halt development. The proposed rule also does not define what constitutes "soil contamination" and in particular the relevant threshold for each potential soil contaminant.

~~e.d. Marking of plugged and abandoned wells. The operator shall permanently mark by a brass-plaque standard marker set in concrete, similar to a permanent bench mark to monument the plugged and abandoned well's existence and location. Such plaque shall contain all information required on a dry hole marker by the COGCC and the County.~~

Comment: COGA reiterates that the adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181. The requirement that the plaque be in brass is unnecessary and the County has not provided any rationale for that limiting factor. At least some operators weld on steel plates, which is sufficient to effectuate the intent of the proposed rule.

~~13.12.~~ Noise. The Operator shall control noise levels as follows:

- ~~a. Prior to operations operator will obtain a baseline noise study that encompasses at least three days, one of those days being a weekend.~~
- ~~b. Beginning with construction and up to production, the County may require continuous noise monitoring and may require that this be conducted by an approved third party consultant.~~

Comment: Requiring continuous noise monitoring is overly burdensome and unnecessary. Given existing regulations and thresholds for noise and the extensive mitigation measures imposed to reduce noise, continuous noise monitoring is not likely to be cost-effective, reasonable or necessary. The proposed regulation also does not identify the specific parameters for when this may be required or how the monitoring would be conducted—for example, whether it will be dBA, dBc or both, where the monitors must be placed, and how to account for wind and ambient noise levels. COGA suggests striking this provision in its entirety, as existing COGCC regulations and the remainder of these rules will ensure noise remains at acceptable levels. But at a minimum, if retained, Adams County should enumerate the specific, and limited, conditions under which continuous noise monitoring could be required and when should continuous noise monitoring could be discontinued.

e.b. The Operator must follow COGCC Regulations for noise level.

d.c. The Operator shall post 24-hour, 7 days per week contact information to in the event of deal with all noise complaints arising from Operator's oil and gas facility. This can be satisfied by posting relevant contact information on the company website.

Comment: The provision does not specify where such information must be posted. The location of the posting should be clarified. Any postings must be required only in a location that is publicly accessible without having members of public proceeding onto operator's property or facilities. For example, operators' websites often include a community relations phone number and email.

e.d. If necessary To ensure the Operator controls noise to the allowable levels set forth above in COGCC Rule 802, one or more of the following may be required the County may require the Operator to comply with one or more of the following requirements as needed and based on considerations of technical feasibility and cost-effectiveness:

Comment: This should clearly reference the COGCC regulations that establish the applicable noise level. It should also make clear that the appropriate mitigation measures will be determined based on technical and economic feasibility, as determined by discussions between the County and Operator.

The proposed rule should define what is meant by "acoustically insulated." Is there is a decibel level requirement and how will the decibel measurement be

taken. Consistent with our comment above, COGA also wants to emphasize that Adams County should adopt considerations of technical feasibility and cost-effectiveness into evaluating whether these shall be required otherwise these requirements may be unreasonable.

- i. Acoustically insulated housing or cover enclosing the motor or engine;
- ii. Noise management plan identifying hours of maximum noise emissions, type, frequency, and level of noise to be emitted, and proposed mitigation measures;

Comment: COGA has no comments on this if Adams County adopts considerations of technical feasibility and cost-effectiveness into evaluating whether these shall be required.

~~iii. Obtain all power from utility line power or renewable sources;~~

Comment: COGA notes that obtaining line power is often not economically or otherwise feasible and does not agree that it would ever be cost effective solely to address noise issues. This measure would only be feasible where highline power is already available on the location. Renewable sources are incapable of providing the power levels required. It is also unclear (with all the existing COGCC regulations and other provision) that this provision is necessary to address noise issues. For this reason, COGA proposes to strike this requirement.

- ~~iv.iii.~~ Utilize the most current equipment to minimize noise impact during drilling, completions, and all phases of operation including the use of "Quiet Fleet" noise mitigation measures for completions;

Comment: This should only be required in certain instances and when necessary to meet the regulatory thresholds. If noise levels are below the thresholds and development will not impact anyone from a noise perspective, these types of measures are not always appropriate and most certainly not necessary. Furthermore, Quiet Fleet is a proprietary technology of Liberty Oilfield Services. The regulations should ensure operators can employ equivalent services provided by other companies.

COGA has no further comments on this if Adams County adopts considerations of technical feasibility and cost-effectiveness into evaluating whether these shall be required.

- ~~v~~-iv. Sound walls around well drilling and completion activities to mitigate noise impacts;

Comment: COGA has no comments on this if Adams County makes clear it applies only if noise levels are in excess of the regulatory threshold and adopts considerations of technical feasibility and cost-effectiveness into evaluating whether these shall be required.(applicable for v, vi, vii)

- ~~vi~~-v. Restrictions on the unloading of pipe or other tubular goods between 6:00 p.m. and 8:00 a.m.;

- ~~vii~~-vi. Any abatement measures required by COGCC for high-density areas, if applicable.

- ~~14.13~~. Air Emissions: Air contaminant emission sources shall comply with the permit and control provisions of the state air quality control program (C.R.S. § 25-7-101 et seq.) and the rules and regulations promulgated by the State Air Quality Control Commission. The Operator shall employ the following control measures and operating procedures to ~~avoid or~~ minimize ~~all~~ emissions into the atmosphere.

Comment: COGA has concerns with the use of the term “avoid” and “minimize all” emissions with respect to those control measures and operating procedures that the operator shall employ. Air emissions are allowed pursuant to state law. Operators are constantly evaluating ways to further reduce emissions from its oil and gas operations. But oil and gas operations are not a zero emissions process and proposing that all emissions be “avoided” would set an untenable and unattainable standard.

- a. Air quality action days. Operator shall respond to air quality action day advisories posted by the CDPHE for the front range ~~ozone air quality action days in the Denver Metro North Front Range (DMNFR)~~ area by ~~evaluating opportunities for~~ implementing suggested air emission reduction measures as feasible ~~and cost-effective and implementing those determined to be feasible and cost-effective. Suggested Emissions~~ reduction measures ~~shall be implemented for the duration of an air quality action day advisory and~~ may include measures such as:

Comment: The measures identified in this section are voluntary measures suggested by CDPHE to be implemented on ozone action days. Operators are voluntarily to implementing these measures to the extent feasible on air quality actions days in order to reduce ground-level ozone formation. The proposed regulation, however, should remove any mandatory language to make clear

these measures are voluntary and should only require that operators evaluate whether the suggested air emission reduction measures are feasible.

- i. Minimize vehicle and engine idling;
- ii. Reduce truck traffic and worker traffic;
- iii. Delay vehicle refueling;
- iv. Suspend or delay use of fossil fuel powered ancillary equipment; and
- v. Postpone ~~construction or~~ maintenance activities, ~~if feasible.~~

Comment: COGA has removed the term “if feasible” here because it has made clear above that all of these measures must be feasible. Further, construction activities cannot be readily postponed due to existing third party and related contracts.

- b. Leak Detection and Repair. Operator shall develop and maintain an LDAR program using ~~modern leak detection~~ optical gas imaging technologies ~~or other division (Air Quality Control Division) approved instrument monitoring method (AIMM)~~ for equipment used at the facility that complies with the following requirements:

Comment: Operators have concerns with the use of the term “modern leak detection technologies.” This term is ambiguous and subjective. COGA recommends that this be changed to optical gas imaging, as that is the current “modern” leak detection technology.

- i. Inspections must occur at least semi-annually ~~or at the specified frequency of equivalent method that is approved by the CDPHE as required by AQCC Regulation 7 more frequent inspections may be required based on the design, location and size of the facility.~~

Comment: Operators are amenable to conducting LDAR at a semi-annual frequency for all facilities, even though it goes beyond what is currently required under the AQCC regulations. However, Regulation 7 identifies certain large facilities that require LDAR more frequent than semi-annual. Adams County should defer to Regulation 7 on the frequency of inspections beyond semi-annual inspections.

~~ii.~~ If an infrared (IR) camera is used, operator shall retain an infrared image or video of all ~~any~~ leaking components identified during the before and after repair. Such records shall be maintained for two years and shall be made available to the county upon request.

Comment: No video or image should be required. This requirement does not reduce emissions and is a very significant recordkeeping burden. The County should defer to the stringent recordkeeping requirements already mandated by Regulation 7 for any LDAR inspections beyond semi-annual.

~~iii.ii.~~ Any leaks discovered by operator during an LDAR inspection, as well as any ~~including any~~ verified leaks that are reported to operator by a member of the public, shall be provided to the County in a publicly-available LDAR report substantially similar to that submitted by operator pursuant to AQCC Regulation 7 but containing information related only to LDAR in Adams County. ~~reported to the County no later than twenty-four hours after discovery. The operator shall maintain a weekly log of all reported leaks and shall make that log available upon request from the County.~~

Comment: Regulation 7 imposes robust recordkeeping and reporting requirements and authorizes inspection of records by the Division. The requirement to report all leaks discovered during LDAR inspections would be overly burdensome for both operators and the County. Under such a requirement, operators will spend more time focusing on reporting efforts than preventative efforts, repair and inspection. Adams County has not identified the need for having leaks reported within twenty-four hours of discovery. The requirement suggests that reporting is needed to ensure that repairs are completed timely; however, existing LDAR data submitted to the Division does not support that assumption, and in fact most leaks are repaired at the time of inspection. The County should defer to the stringent recordkeeping and reporting requirements under federal and state law. However, operators can agree to provide County specific information in a report to Adams County.

~~iv.iii.~~ Operator shall repair leaks as soon as possible, but at least within seventy-two hours, unless technically or operationally infeasible. First attempt must be made within 5 working days and repairs must be completed within 30 working days after discovery, unless parts are unavailable, the equipment requires shutdown to complete repair, or other good cause exists. If the

~~County determines that the leak presents an imminent hazard to persons or property, the operator may not operate the affected component, equipment or pipeline segment until the operator has corrected the problem and the County agrees that the affected component, equipment or pipeline segment no longer poses a hazard to persons or property. In the event of leaks that the County believes do not pose an imminent hazard to persons or property, if more than 48 hours repair time is needed after a leak is discovered, operator shall contact the County and provide an explanation of why more time is required~~

Comment: Repair timelines should be consistent with those imposed under state and federal regulations. The proposed 72 hour deadline far exceeds current requirements under federal or state law. Under state law, operators are required to make a first attempt at repair within 5 days of discovery and under federal law are not required to undertake repair for 30 days. In reality, repairs typically occur as soon as possible – often at the time of the inspection. However, because not all repairs can be completed within specified timeframes, it is inappropriate to develop a regulation requiring such immediate repair. Adams County has presented no basis for suggesting that a first attempt at repair within 5 days is not sufficient or demonstrated a need that would be served by a seventy-two hour repair requirement. In fact, mandating a different timeframe for repair and recordkeeping will create duplicative and inconsistent recordkeeping burdens with respect to the same leaking component.

This duplication is even more problematic with the seemingly inconsistent and two-tiered structure proposed here by Adams County. The first part of the provision states that leaks shall be repaired within seventy-two hours, but then states that leaks which do not pose an imminent hazard shall be repaired within 48 absent an explanation as to why that 48 hour requirement cannot be met. This adds substantial confusion and procedure to this process.

COGA also strongly disagrees with the language authorizing the County to essentially shut down an operator's facility if it, in the County's sole discretion, determines that a leak presents an imminent hazard to persons or property. First, the County does not have the relevant expertise to make this assessment. Second, the County has provided no standard for when such a requirement would be triggered. Finally, the language preventing the operator from re-initiating operations without the County's approval is unduly burdensome and inappropriate. If a leak has been fixed, then there should be no need for the County to have to weigh in on re-initiation of the facility, component or equipment.

~~v.iv.~~ The LDAR program~~Plan~~ shall include ~~the detailed~~ records~~keeping~~ required by AQCC Regulation 7 Sections XII.L.6 and XVII.F.8 for ~~of the LDAR inspections conducted pursuant to this section. for~~ ~~leaking components.~~

Comment: COGA notes that nowhere else does this provision reference a “plan,” but instead refers only to “an LDAR program.. Operators agree to keep recordkeeping of the inspections consistent with AQCC regulations, but do not agree to develop a “plan” regarding its methods for complying with those detailed recordkeeping requirements.

~~vi.v.~~ At least once per year, the operator shall notify the County five business days prior to an LDAR inspection of ~~its facilities~~each facility subject to this provision to provide the County the opportunity to observe the inspection. Only County personnel complying with personal operators’ personal protection equipment requirements will be authorized to observe the inspection.

Comment: Operators can agree to notifying the County once per year for each new facility that is subject to these requirements. Any County official planning to observe the inspection must provide and wear proper personal protection equipment that will be described by operators during any notice of the LDAR inspection.

c. Well Completions and Emissions Control

i. Operators shall comply with the well completion requirements at 40 C.F.R. § 60.60.5375a(a) and COGCC Rule 805~~utilize EPA Reduced Emission Completions~~ for oil wells and gas wells.

Comment: Operators complete “green” completions consistent with COGCC Rule 805 and New Source Performance Standard 40 C.F.R. § 60.60.5375a(a). The current reference to “EPA Reduced Emissions Completions” is unclear, however, and the specific requirements intended to be referenced should be included here. COGA has made a proposed change to reflect the appropriate references.

~~ii.~~ ~~Operators must utilize closed loop , pitless drilling, completions and production systems without permanent on-site storage tanks for containment and/or~~

recycling of all drilling, completion, flowback and produced fluids and any required venting routed to at least 98% effective emissions control devices.

Comment: COGA first notes that this provision contains confusing and broad-based language. COGA has deleted those requirements it believes are not technically and economically feasible.

COGCC Rules currently only require closed loop or pitless drilling systems if a new well is proposed to be drilled within the 1000' setback or the external buffer of a public surface water supply source. Adams County has provided no justification for requiring similar measures at other sources or an explanation as to why the expansion of this requirements is necessary and reasonable to protect public health or the environment. However, operators would be willing to consider on a case-by-case basis utilizing closed loop or pitless drilling.

With respect to utilizing completions and production systems without permanent on-site storage tanks for containment, COGA has strong objections to this requirement as it relates to both completion and production. First, while a significant portion of the completions activities utilize skid-mounted temporary frac tanks, operators do seek to employ permanent equipment on-site during the completion process in order to reduce emissions. These permanent storage tanks (which are controlled by combustion devices) would be prohibited by this provision. Such prohibition could result in an increase in emissions during the completions process.

The requirement to use production systems without permanent on-site storage tanks appears to be an attempt to mandate tankless operations. Such a requirement is technologically and economically infeasible and could result in operators being unable to develop their mineral resources. While operators continue to look for opportunities to utilize tankless operations, there are significant impediments to doing so including the availability of oil pipelines that are capable of and willing to transport liquids with a high Reid vapor pressure and in the amount needed to remove tanks from the facility. Further, companies that cannot transport their own liquids face more significant costs in operating tankless facilities

To the extent Adams County intended this provision to require routing of temporary tank emissions for flowback and produced fluids to an emission control device, such a requirement significantly exceeds current requirements under both Regulation 7 and NSPS OOOOa. Both of these regulations exempt temporary tanks used for the drilling and flowback period from the control requirements applicable to permanent storage tanks. See 77 FR at 49,524–25 (revising definition of storage vessel to exclude storage vessels on site for less than 180 days).

d. Combustion Devices

- i. For any flares or combustion devices used, a manufacturer's test or other data demonstrating a hydrocarbon destruction or control efficiency with a design destruction efficiency of at least 98%.
- ii. ~~Flaring shall be eliminated other than during well maintenance, well stimulation flowback, purging operations, a productivity test, emergencies or upset conditions~~ Flaring of sales gas that would otherwise be routed to a gas gathering line at a well production facility shall be eliminated except during well maintenance, well stimulation flowback, purging operations, a productivity test, other than emergency or upset conditions and sales gas from wildcat wells; all flaring of high-pressure sales gas shall be reported to the county.

Comment: This requirement should be consistent with COGCC regulations and allow for flaring during certain maintenance and operation activities, in addition to emergencies or upset conditions. There are safety reasons beyond emergencies or upset conditions to allow flaring, and this is reflected in the proposed edits. This provision should also be subject to Adams County variance procedures should unforeseen circumstances arise under which an operator would need to request to flare beyond that allowed by this provision.

- iii. To the extent used, all flares, thermal oxidizers, or combustion devices shall be designed and operated as follows:
 1. The flare and or combustor shall be fired with natural gas when possible.
 2. The flare and or combustor shall be designed and operated in a manner that will ensure no visible emissions during normal operation. Visible emissions means observations of smoke for any period or periods of duration greater than or equal to one minute in any fifteen minute period during normal operation, pursuant to EPA Method 22. Visible emissions do not include radiant energy or water vapor.

3. The flare and or combustor shall be operated with a flame present at all times when emissions may be vented to it.

Comment: COGA notes that this is not currently required by AQCC regulations but agrees to this requirement for new facilities. Agreement to this for new facilities or at substantially modified facilities (as COGA has proposed that be defined) does not indicate support for this requirement at existing facilities and COGA does not believe Adams County has the legal right to make this or other new proposed requirements apply to existing facilities.

4. All combustion devices shall be equipped with an operating auto-igniter.

Comment: COGA notes that this is already required by AQCC regulations.

5. If using a pilot flame ignition system, the presence of a pilot flame shall be monitored using a thermocouple or other equivalent device to detect the presence of a flame. A pilot flame shall be maintained at all times in the flare's pilot light burner. A telemetry system shall be in place to monitor pilot flame and shall activate a visible and audible alarm, in the case that the pilot goes out.

Comment: Through its discussions with the County, COGA understands that the proposed rules will apply only to new facilities or facilities that expand a certain amount beyond the scope of the original permit. Depending on the definition of expansion beyond the scope of the original permit, operators can agree to the requirement to install a telemetry system if limited to new facilities or substantially modified facilities (as COGA has proposed that be defined). Installing this type of system at existing facilities is not economically feasible.

6. If using an electric arc ignition system, the arcing of the electric arc ignition system shall pulse continually and a device shall be installed and used to continuously monitor the electric arc ignition system.

e. Liquids Unloading

- i. Best management practices during liquids unloading activities are required, which may include the installation of artificial lift, or automated plunger lifts if feasible. The County and Operator will determine

~~appropriate best management practices on a case-by-case basis based on technical and economic feasibility and at least 90% emissions reductions when utilizing combustion to control any venting.~~

Comment: COGA does not understand the need for this provision. AQCC regulations address liquids unloading and already provide for use of best management practices to reduce emissions. Thus, we believe that this provision should be deleted.

If retained, this proposed requirement should be consistent with AQCC regulations, which allow expressly for venting during liquids unloading. We have provided a mark-up in the event that the language is retained.

Finally, not all liquids unloading can be prevented. Installation of artificial lift and automated plunger lifts are mechanisms designed to reduce the need for well liquids unloading. But well flow characteristics must justify artificial lift methods. Importantly, artificial lift and plunger lifts are typically not appropriate on newer facilities and provide the greatest benefit when a well has moved further into its life cycle. Furthermore, there is currently no feasible way to control emissions from unloading activities through a combustion device. Several operators are actively exploring this technology, but it is not currently able to be implemented due to safety concerns. For this reason, COGA strongly suggests the County strike the language relating to control of emissions from unloading activities.

- ii. ~~If—When~~ manual unloading ~~is—permitted occurs,~~
operator shall remain onsite.

Comment: COGA does not understand the need for this requirement given the requirements in the AQCC regulations.

- f. General air quality protection measures.

- i. Operators should ~~explore options to work to limit~~
~~reduce~~ truck traffic to and from the site.

Comment: COGA does not believe it is appropriate for this to be deemed as a mandatory requirement. Truck traffic is highly dependent on the feasibility of pipelines for water and oil – both of which have significant economic and other limitations. We propose changes to indicate that operators need only explore options to reduce truck traffic.

- ii. ~~Combustion devices with a design destruction efficiency Hydrocarbon control~~ of at least 98% or
~~better shall be installed~~ for crude oil, condensate, and
produced water tanks at a well production facility

with uncontrolled actual emissions of VOCs greater than twosix TPY VOCs per tank battery.

Comment: The reference to “hydrocarbon control” is unclear and should be clarified. We assume that this is intended to mean that crude oil, condensate and produced water tanks should be controlled by a combustion device with a design destruction efficiency of 98%. Note also that manufacturers certify a destruction efficiency of 98%

It is also unclear from the provision whether Adams County intends to refer to each individual tank with emissions greater than 2 tons per year per tank or whether it intends the 2 ton per year requirement to apply to each tank battery of crude oil, condensate or produced water tanks. If the former, Adams County is creating a threshold inconsistent with that set forth in the AQCC regulations – which establishes thresholds for tank batteries – not individual tanks. Furthermore, if based on a per tank requirement, it raises significant technical questions regarding how emissions on a per tank basis should be determined, an issue that is currently being evaluated at the federal level. Finally, if on a per tank basis, given the number of tanks at a battery for new and substantially modified facilities, the threshold would likely be above that currently required under the AQCC regulations. Thus, it would not make sense to have a threshold established on a per tank basis.

By contrast, if this provision applies to each tank battery, this requirement significantly exceeds existing requirements. Given that this requirement will only apply to new facilities or those expanded beyond the original permit, this will not achieve any additional emissions reductions beyond existing AQCC regulations. For crude oil and condensate, tanks at new facilities will already be required to be controlled either under the existing systemwide reduction requirements in Regulation No. 7, XII or pursuant to the requirements in Regulation No. 7, XVII to control tank batteries greater than 6 tons per year. While a threshold of 2 tons per year may require additional produced water tanks to be controlled (because produced water tanks tend to have the most significant emissions shortly after production begins), a requirement to install and maintain controls gains little benefit over time, especially when compared with the Regulation No. 7, XVII requirements. In addition, we understand that as part of rulemaking this fall at the AQCC, the Division plans to propose a new threshold in the nonattainment for controlling produced water tanks, though that threshold has not yet been finalized. Adams County should defer to that threshold and not create potential duplicative or inconsistent thresholds.

- iii. No venting, unless venting is reasonably required for maintenance, gauging, or safety of personnel and equipment, other than if necessary for safety or during an emergency

Comment: The regulation should allow for venting under the circumstances allowed in AQCC regulations. AQCC has some of the most extensive and comprehensive regulations against venting in the country. However, the AQCC recognizes that venting can be required during maintenance, gauging, and in circumstances for safety of personnel and equipment. These same circumstances for venting must be allowed here. Oil and gas operations cannot be operated with no venting during the circumstances described above.

- iv. ~~Operators should consolidate product treatment and storage facilities within a facility.~~

Comment: The County should clarify the purpose and rationale for this requirement. First it is unclear what is meant by “product treatment.” Typically, gas, crude oil, condensate and produced water do not undergo “treatment” at the well facility – only separation. Furthermore, it is not clear whether “storage facilities” are intended to mean something other than storage tanks. Other than storage tanks, well facilities tend to have one storage location for other products and thus requirements to consolidate are unnecessary. If intending to refer to storage tanks, it is not clear what is required to comply with this provision or the intent that is sought. Additionally, it is inconsistent with other provisions (such as the berm and secondary containment provisions) that would actually result in a greater footprint and less consolidation among product treatment and storage facilities.

- v. ~~Operators should centralize the compression units needed for the well production facilities within one facility where possible. should centralize compression facilities within a facility.~~

Comment: Further clarification is needed on the County’s purpose and rationale for this requirement and the environmental benefits it hopes to obtain. Emissions from a site’s compression facilities will remain the same regardless of where they are located within a facility. Compression is already located in relative proximity to the equipment it is servicing in order to reduce extra piping and connections. COGA strongly objects if the intent is to require separate compression facilities.

- vi. ~~For operators with existing oil and gas facilities in Adams County, demonstration that the facility will not result in any increase of VOCs from operator’s existing and planned development in the County. Operator may include anticipated reductions from plugging and abandoning existing wells located in the County when modeling total VOCs from existing and future development and related activities.~~

Comment: COGA understands that Adams County plans to eliminate this requirement. COGA very much supports that. However, since, COGA has not seen proposed language or revisions eliminating that requirement it includes its objections to this requirement for the record. Adams County's proposed rule will result in a strict zero-emission offset program – i.e., to mandate that no new VOC emissions are emitted in Adams County above and beyond existing the existing baseline only for operators with existing facilities. The scope of the offset program—which references both planned and existing development—is also not clear. Regardless of how the regulation is formulated, such. Such a requirement is unduly onerous, burdensome, and would prevent operators from developing their mineral interests and likely would constitute a taking of private property.

Colorado has the most stringent VOC requirements in the country – particularly in the nonattainment area in which Adams County resides. Additionally, the ozone nonattainment area will be moving into serious nonattainment and will have more stringent requirements on existing sources. Even accounting for the significant emission reduction requirements on new oil and gas sources, there will not be enough VOC emissions to offset new facilities. In most cases, plugging and abandoning existing, low-producing wells will not fully offset emissions from a new, modern facility. The existing, low-producing facilities just do not produce enough emissions. The only scenario under which this is potentially feasible, is where there is full electrification of the site and the ability to install tankless systems. Under this circumstance an operator can significant reduce emissions from a new facility. However, as discussed below, very few facilities have this capability because of lack of grid structure and because the operator needs to own and operate their midstream operations in order to install tankless facilities. Outside of this limited scenario, this provision will act as a de-facto ban on future development.

Adams County has failed to provide any justification for why a complete offset of new emissions, i.e., a zero-emission limit, which would prohibit new development from existing operators only, is both reasonable and necessary to protect public health, welfare, or the environment as required under Senate Bill 19-181 and the Colorado Land Use Control Enabling Act. Adams County has failed to identify the baseline emission level based on current development and operations and articulate the rationale for why limiting emissions beyond that baseline is necessary to protect public health, welfare, or the environment. The fact that the proposed rule only applies to operators with existing oil and gas facilities also belies the arbitrary nature of the rule and makes clear it is not based on a quantifiable emission level necessary to protect public health or the environment. As drafted, an operator with no existing operations in the county could develop an entirely new facility unconstrained from the offset requirement. Adams County also does not require any other industries to comply with similar offset standards. Development and industrial activity of all types results in some emissions, including VOC emissions. Adams County has not articulated why oil and gas production – and VOC emissions in particular – necessitate complete offset in order to protect public health, welfare, or the environment.

Finally, the proposed rule also conflicts with AQCC regulations implementing the federal Non-Attainment New Source Review (NNSR) Program. Under the NNSR program, major sources of ozone precursors must meet certain offset requirements. To qualify as an offset under the NNSR program, the proposed emission reduction must be “surplus.” See AQCC Reg. 3, Part A § V.E.I. This means the proposed offset cannot be “required by current regulations, relied on

for state implementation plan planning purposes, and not used to meet any other regulatory requirement.” Id. § V.C.13. The County’s proposed rule potentially imposes a regulatory requirement that would then prohibit operators from using the reductions obtained to both comply with the Adams County rules and the AQCC’s offset requirements. This could put sources that need to comply with NNSR permitting requirement in an untenable position.

- g. Site-specific air quality protection measures. To ~~eliminate or minimize air emissions—~~and depending on the potential volume of uncontrolled air emissions, location and nature of the OGF facility—some or more of the following measures may be required if available and demonstrated by credible research to provide a material air emissions reduction that is not otherwise achievable through other technologies or means and is economically feasible: the County may require any or all of the following depending on the size, location and nature of the facility:

Comment: COGA has concerns with the addition of the term “eliminate” or “minimize” emissions with respect to those control measures and operating procedures that the Operator shall employ. Air emissions are allowed pursuant to state law. Oil and gas operations are not a zero emissions process. Proposing that all emissions be avoided would set an untenable and unattainable standard. Minimizing emissions is a sufficient standard – particularly with the specific requirements articulated below – to achieve environmental protection.

Furthermore, this provision appears to grant the County complete discretion to “require any or all of the following depending on the size, location and nature of the facility” to minimize air emissions. This broad and undefined grant of authority does not include any specific standards or identify when the listed mitigation measures may apply. In this manner, the proposed regulation is wholly unsupportable under the law as the County has not identified any rational, non-arbitrary explanation or basis for requiring any of the proposed mitigation measures.

The proposed rule should at the very least identify the relevant emission thresholds or circumstances that could trigger a requirement to implement one or more of the identified mitigation measures.

Finally, COGA also understands that it is the County’s intent that the appropriate mitigation measures will be determined based on technical and economic feasibility as determined by discussions between the County and Operator. The proposed rule should make this clear.

- i. ~~Ambient Air Monitoring.~~ An air monitoring plan that describes how the operator will conduct baseline monitoring within 500 feet of a proposed facility prior

to construction and conduct monitoring during the drilling, completion and production phases of development shall be approved by the county prior to any activity. The plan shall include monitoring for all potential hydrocarbon emissions from the Oil and Gas Facility, which may include methane and VOCs, including but not limited to, methane, VOCs, Hazardous Air Pollutants (HAPs), Oxides of Nitrogen (NOx), Particulate Matter (PM), Fine Particulate Matter (PM 2.5), and Carbon Monoxide (CO). Operator shall pay for the baseline and ongoing monitoring. Baseline and continuous monitoring shall be done by a consultant approved of by the County. Monitoring at the production facility shall be limited to one (1) year, and may be excluded if the facility has no condensate tanks. Any AQCC regulation that is developed for ambient air monitoring for oil and gas facilities, drilling and/or completion activities shall supersede this requirement. Any continuous monitoring system shall be able to alert the operator of increases in monitored air pollutant concentrations.

Comment: COGA recommends that this provision be deleted. A requirement for the AQCC to consider development of continuous emissions monitoring was proposed in Senate Bill 181. The Air Pollution Control Division plans to hold a rulemaking on continuous emissions monitoring in the next year to fulfill the statutory mandate. However, the APCD has been clear that it does not have enough information at the current time to understand: (1) the technologies available to conduct continuous emissions monitoring; (2) the pollutants for which continuous emissions monitoring is available and reasonable; (3) the cost of technologies for conducting continuous emissions monitoring; (4) concerns regarding implementation of continuous emission monitoring systems; and (5) the value of continuous emission monitoring systems from an emissions perspective.

*Considerations regarding pollutant transport, wind direction, pollutant load and ambient air quality are extremely complex issues. It is premature for Adams County to be mandating any requirements for continuous emissions monitoring, particularly for the range of pollutants proposed which includes pollutants that are not found in any significant level at oil and gas facilities. **We recommend that this provision be eliminated at this time.** However, if this is to be maintained, we recommend that the above provisions must be made to ensure implementation is achievable.*

Adams County has not articulated why it believes continuous emissions monitoring should be required. There has been no demonstration that continuous emissions monitoring will result in fewer emissions. Additionally,

Adams County proposes that the continuous monitoring be conducted by a consultant – which will have a significant cost associated with it and may be untenable given that the primary value of continuous emissions monitoring is related to the ability to respond to results.

~~ii. The use of electric drill rigs.~~

Comment: As a threshold matter, a blanket requirement to use electric drill rigs would not be economically feasible or practical given the current supply of electric drill rig engines and the difficulty in accessing electric grid power. And as a potential mitigation measure to be decided upon on a case-by-case basis, this provision is also unworkable. These are long-term contracts that must be planned well in advance. Because electric drill rigs are in short supply, this would be impossible to comply with in most instances without significant advance notice.

Furthermore, constraints associated with bringing electrical power to locations in time for drilling operations are significant. State and local regulations generally force the location of O&G facilities into areas with less surrounding development and infrastructure. Usually, the access point to grid electrical service with the voltage and amperage required to operate a drilling rig is too far from the drill pad to make using grid power feasible. The Colorado Statewide Hydrocarbon Emission Reduction (“SHER”) stakeholder group is currently evaluating constraints related to electrical power and infrastructure. Adopting requirements that mandate electrical use at a site would be premature and could constrain operators from developing their mineral resources.

Adams County also does not have the legal authority to adopt a requirement mandating that operators use electric drill rigs.

~~iii. Tier 4 or better diesel engines, diesel and natural gas co-fired Tier 2 or Tier 3 engines, natural gas-fired spark ignition engines, or electric line power for hydraulic fracturing pumps.~~

Comment: For the reasons discussed above, Adams County does not have the legal authority under the federal Clean Air Act to regulate the types of engines used at oil and gas production facilities.

~~iv.ii. The use of liquefied natural gas dual fuel hydraulic fracturing pumps.~~

~~v.iii. Implementation of well production facility design that eliminates the need to install atmosphere hydrocarbon~~

~~tanks, if technically and economically feasible tankless production techniques.~~

Comment: COGA has strong objections to this requirement as it relates to tankless production. Any requirement to utilize tankless production techniques is inappropriate. Such a requirement may be technologically and economically infeasible and could result in operators being unable to develop their mineral resources. While operators continue to look for opportunities to utilize tankless operations, there are significant impediments to doing so including the availability of oil pipelines that are capable of and willing to transport liquids with a high Reid vapor pressure and in the amount needed to remove tanks from the facility. Moreover, it should be understood that even if facilities are connected to a liquid pipeline, they usually still have tanks on location as backup. This is an environmental and safety measure.

~~vi. Use of quiet design mufflers (also referred to as hospital grade or dual dissipative) or equivalent.~~

Comment: This is not an air issue and should not be included in this section. This should be included in the noise section. As mentioned in the comments on the noise section, COGA has no comments on this if Adams County makes clear it applies only if noise levels are in excess of the regulatory threshold and adopts considerations of technical feasibility and cost-effectiveness into evaluating whether these shall be required.

~~vii.iv. The use of zero emission controlled dehydrators or those that operate with a waste- and flash-gas recovery system.~~

~~viii.v. Use of a pressure-suitable separator and vapor recovery unit (VRU) where applicable.~~

Comment: What does "pressure-suitable" mean?

~~ix.vi. Pipeline infrastructure for produced water, natural gas, crude oil and condensate constructed and placed into service prior to the start of any fluid flow from any wellbore.~~

Comment: As noted above, any requirement to utilize tankless production techniques or require pipelines for all liquids is inappropriate. Operators can typically commit to constructed and in service placement of natural gas infrastructure before the start of any fluid flow from any wellbore, but cannot agree with such a requirement for produced water and crude oil. Such a requirement is technologically and economically infeasible and could result in operators being unable to develop their mineral resources. While operators continue to look for opportunities to utilize tankless operations, there are

significant impediments to doing so, including the availability of oil pipelines that are capable of and willing to transport liquids with a high Reid vapor pressure and in the amount needed to remove tanks from the facility.

~~xi.vii.~~ The use of ~~no~~low-bleed continuous and intermittent pneumatic devices. Operators must utilize pneumatic controllers that do not bleed or vent natural gas into the atmosphere where on-site electrical grid power is being used and the use of a no-bleed pneumatic controller is technically and economically feasible. This requirement can be met by replacing natural gas with electricity or instrument air, or routing the discharge emissions to a closed loop system or process.

Comment: The proposed language suggests that this requirement applies to existing facilities (e.g, the reference to “replacing natural gas”). As noted elsewhere, these provisions do not and cannot apply to existing facilities. Only new facilities and those triggering the permitting process are subject to these requirements. Furthermore, it is not technically or economically feasible to replace all natural gas pneumatics with electricity or instrument air, or to route the discharge emissions to a closed loop-system or process. This would go far beyond what is currently required under existing federal and state regulations, which already require the use of low-bleed or intermittent pneumatics for new facilities.

COGA believes that it is premature for Adams County to adopt no-bleed pneumatic controllers. The SHER process has been discussing no-bleed pneumatic controllers, and it continues to gather data, including from environmental organizations. Furthermore, the Division will be proposing pneumatic controller regulations for consideration by the AQCC this fall – the scope of which is not yet known. Adams County should not adopt pneumatic controller regulations at this time.

~~xi.viii.~~ Automated tank gauging.

Comment: COGA has no comments on the potential requirements related to automated tank gauging since the provision applies only to new or substantially modified facilities.

~~15.14.~~ Odors:

- a. ~~Operator must implement and maintain and make available to the County upon request, an odor mitigation plan that demonstrates how operator will minimize odors from its operations and~~ comply with Colorado Department of Public

Health and Environment, Air Quality Control Commission, Regulation No. 2 Odor Emissions, ~~Part A-5 CCR 10014, Part A Regulation No. 3, 5 CCR 1001-5, and Regulation No. 7, 5 CCR 1001-9 sections VII and VIII.~~ The plan shall also provide a plan for timely ~~evaluating~~responding to odor complaints from the community, and ~~process~~ for identifying and implementing ~~(to the extent necessary to achieve compliance with Regulation No. 2, Part A)~~ additional odor control measures to control odors emanating from ~~the Oil and Gas Facility, and a plan for coordinating such efforts with the County and Tri County Health Department Staff.~~

Comment: Regulations No. 3 and No. 7 do not address odor. Those regulations address permitting and controls of hydrocarbons, respectively. Thus, there is no pre-existing legal basis for requiring an odor mitigation plan to include information on an operator's plan to comply with existing regulations – particularly those not pertaining to odor.

The term “minimize odors” is vague and uncertain. Regulation No. 2 reflects the standards established by the Air Quality Control Commission that are unacceptable and need to be mitigated. Specifically, Regulation No. 2, Part A distinguishes between areas used predominantly for residential or commercial purposes and all other areas, and establishing a lower standard of odorous air in residential and commercial areas. If an operator's odor mitigation plan demonstrates compliance with Regulation No. 2, Part A, operators should not be required to undertake additional, significant and costly measures to eliminate all odors associated with the facilities.

- b. Operator must notify the County's LGD ~~no later than 24 hours~~by the end of the next business day after receiving odor complaint ~~or notice of an odor complaint.~~

Comment: Odor complaints do not constitute emergency or hazardous situations. Thus, requiring notification within 24 hours (which could include a weekend) is unnecessary for odor complaints. Rather, COGA proposes that notifications must be made by the end of the next business day after receiving the odor complaint.

- c. Operator must prevent odors from ~~Oil and Gas Facilities~~ from affecting the health and welfare of the public by proactively addressing and, to the fullest extent, resolving ~~verified~~ complaints filed by members of the community, in coordination with County and Tri-County Health Department staff.

Comment: Given the requirement to implement a plan to address odors and respond to complaints, this section is redundant and unnecessary. COGA agrees that operators can implement a plan to reduce and limit odors and can respond to and work to resolve complaints filed by members of the community. However, if the odors do not exceed those allowed pursuant to Regulation No. 2, Part A, then operators should not be required to undertake additional, significant and costly measures to eliminate all odors associated with the facilities.

- d. To ensure compliance with the odor mitigation plan, the County may require the Operator ~~to implement any of the following measures depending on the size, location and nature of the facility to comply with one or more of the following requirements as needed to ensure compliance with Regulation No. 2, Part A while taking into consideration technical and economic feasibility of any such requirement:~~

Comment: As a threshold matter, the County's authority needs to be further defined. COGA understands that it is the County's intent that the appropriate mitigation measures will be determined based on technical and economic feasibility as determined by discussions between the County and Operator. The proposed rule should make this clear.

It is also not clear what is meant by an "odorant which is not a masking agent." COGA understands odorants and masking agents to be synonymous. COGA is also not aware of any evidence that chillers reduce odor. The County has not provided any evidence on the technical feasibility of either of these proposed requirements.

- i. Adding an odorant ~~which is not a masking agent or adding chillers to the muds.~~
- ii. Using filtration systems or additives to minimize odors from drilling and fracturing fluids except that operator shall not mask odors by using masking fragrances.
- ~~iii. Enclose shale shaker to contain fumes from exposed mud, where safe and feasible~~

Comment: Operators have advised that the use of enclosed shale shakers is virtually never safe or feasible.

- ~~iv.~~ iii. Wipe down drill pipe each time drilling operation "trips" out of hole

Comment: The proposed rule needs to further define what is meant by “wipe down” and what compliance with this would require. It cannot be that this establishes a zero-mud threshold.

~~v.~~iv. Increasing **additive odorant** concentration during peak hours.

~~16.~~15. Water source sampling and testing: Using records of the Colorado Division of Water Resources, the applicant will be required to identify and offer to sample all available water sources, **as defined in the COGCC regulations**, located within one-half mile of the proposed well or facility **that the operator has permission to sample**. All sampling must be conducted by third-party consultant approved of by the County. Sampling requirements include:

Comment: COGA believes that this entire section is unnecessary and duplicative of existing COGCC requirements. Though Adams County proposes to be more stringent than COGCC in certain ways, Adams County has provided no justification (particularly given the data that has resulted from COGCC’s existing baseline water testing program) that justifies such additional measures and explains why they are reasonable and necessary. Thus, COGA recommends deleting this entire Section 16 and deferring to existing COGCC regulations.

However, to the extent that Adams County retains these provisions, Adams County needs to be clearer that this is intended to refer to water wells registered with the Colorado Division of Water Resources. The reference to the Colorado Division of Water Resources suggests that is the intent; however, this needs to be clarified. Under COGCC regulations, operators are only required to test sources registered with the Division of Water Resources, except in certain limited areas. Any requirement to test surface waters would be inappropriate given the other potential contributors to those water bodies and the complex regulatory regimes associated with protection of those water bodies.

Operators currently comply with COGCC baseline sampling and its historic data does not suggest that additional monitoring beyond that required by COGCC is necessary. We note, however, that COGA does not think that third-party consultant approval is necessary in light of the fact that COGCC Rule 609.e requires that all sampling be performed in accordance with an accepted industry standard as stated in the COGCC Model Sampling and Analysis Plan.

a. Initial baseline samples and subsequent monitoring samples **consistent with the methodologies set forth in COGCC regulations.**

- b. Initial collection and testing of baseline samples from available water sources shall occur within twelve months prior to the commencement of drilling a well, ~~or within twelve months prior to the re-stimulation of an existing well for which no samples were collected and tested during the previous twelve months.~~

Comment: COGA does not agree that the sampling requirements should apply prior to re-stimulation of an existing well for which no samples were collected or tested during the previous twelve months. Only activities that require a Form 2 trigger new baseline sampling under COGCC regulations, and stimulation (as compared to re-completion) does not require a Form 2. Adams County should not exceed COGCC's authority in this area, particularly given that the results from historic baseline sampling have shown no need for concern.

- c. Post-~~completion~~stimulation samples of available water sources shall be collected and tested pursuant to the following time frame:
1. One sample within six months after completion;
 2. One sample between twelve and eighteen months after completion; and
 3. One sample between sixty and seventy-two months after completion.

~~4. For multi well pads, collection shall occur annually during active drilling and completion.~~

Comment: COGCC regulations require only sampling between six and twelve months of completion of the well and within sixty and seventy-two months after completion of the well. This adds at least one additional sample and potential additional sampling during drilling and completion. Though COGA can agree to this additional sampling for new wells, it continues to have concerns that Adams County is proposing additionally sampling when existing sampling has not shown any evidence or indications of concern.

- d. Operator shall collect a sample from at least ~~one up-gradient and two down-gradient~~ water sources within a one-half mile radius of the facility. If no such water sources ~~are-is~~ available, operator shall collect at least one samples from ~~additional~~ water sources within a radius of up to one mile from the facility ~~until samples from a total of at least~~

~~one up-gradient and two down-gradient water sources are collected.~~ Operators should give priority to the selection of water sources closest to the facility.

Comment: COGA disagrees with this provision. The COGCC only indicates that samples from both downgradient and up-gradient are preferred over cross-gradient locations. However, if up-gradient locations cannot be located within ½ mile, the COGCC does not require the operator to extend the area of sampling. In fact, it is inappropriate to expand the area of sampling as it creates a baseline data sample that is much further away and less accurate. As noted throughout this section, COGA disagrees with the duplication of COGCC's baseline sampling program.

- e. An operator may rely on existing groundwater sampling data collected from any water source within the radii described above, provided the data was collected within the twelve months preceding the commencement of drilling the well, the data includes measurement of all of the constituents measured in Table 1, and there has been no significant oil and gas activity within a one-mile radius in the time period between the original sampling and the commencement of drilling the well.

*Comment: COGA has no comments on this requirement except that it duplicates COGCC's requirements.
(applicable to e, f, g, h)*

- f. The operator shall make good faith, reasonable efforts to obtain the consent of the owner of the water source. If the operator is unable to locate and obtain permission from the surface owner of the Water Source, the operator shall advise the CED Director that the applicant could not obtain access to the water source from the surface owner.
- g. Testing for the analytes listed in Table 1, and subsequent testing as necessary or appropriate.

Comment: The analytes listed in Table 1 exceed current COGCC's requirements. COGA has proposed revisions to Table 1 to align with current requirements.

- h. Standard industry procedures in collecting samples, consistent with the COGCC model Sampling and Analysis Plan, shall be followed.
- i. Reporting the location of the water source using a GPS with sub-meter resolution.

Comment: The proposed rule exceeds current COGCC requirements. Adams County should defer to COGCC's regulations (381A.f(6) and (7) on this issue.

- j. Field observations. Reporting on damaged or unsanitary well conditions, adjacent potential pollution sources, odor, water color, sediment, bubbles, and effervescence.
- k. Test results. Provide copies of all test results described above to the County, the COGCC, and the water source owners within three months after collecting the samples.
- l. Subsequent sampling. If sampling shows water contamination above the levels described below, additional measures may be required including the following:
 - 1. If free gas or a dissolved methane concentration level greater than one milligram per liter (mg/l) is detected in a water sample source, determination of the gas type using gas compositional analysis and stable isotope analysis of the methane (carbon and hydrogen).

Comment: As noted above, the majority of these requirements are duplicative of those required by the COGCC. However, the COGCC's regulations and the County's proposed regulations differ with respect to reporting requirements, and this will create confusion. Only one set of results needs to be reported to all the interested parties. We believe that this further supports deferring to COGCC rules on baseline monitoring.

- 2. If the test results indicate thermogenic or a mixture of thermogenic and biogenic gas, an action plan to determine the source of the gas.
- 3. Immediate notification to the County, the COGCC, and the owner of the water source if the methane concentration increases by more than five mg/l between sampling periods, or increases to more than ten mg/l.
- 4. Immediate notification to the County, the COGCC and the owner of the water source if BTEX and/or TPH are detected as a result of testing. Such detections may result in

required subsequent sampling for additional analytes.

5. Further water source sampling in response to verified complaints from water source owners.
6. Timely production and distribution of test results, well location, and analytical data in electronic deliverable format to the CED Director, the COGCC and the water source owners.

Table 1. Water Quality Analytes

GENERAL WATER QUALITY	Alkalinity Conductivity (only pre-drilling) & TDS Ph (only pre-drilling) Dissolved Organic Carbon (or Total Organic Carbon) Bacteria Hydrogen Sulphide
MAJOR IONS	Bromide Chloride Fluoride Magnesium Potassium Sodium Sulfate Nitrate + Nitrite as N (total)(only pre-drilling)
METALS	Arsenic Barium (only pre-drilling) Boron (only pre-drilling) Chromium Copper Iron (only pre-drilling) Lead Manganese (only pre-drilling) Selenium (only pre-drilling) Strontium (only pre-drilling)
DISSOLVED GASES AND VOLATILE ORGANIC COMPOUNDS	Methane Ethane Propane BTEX as Benzene, Toluene, Ethylbenzene, Xylenes Total Petroleum Hydrocarbons (TPH)
OTHER	Water Level Stable isotopes of water (Oxygen, Hydrogen, Carbon)

Phosphorus (only pre-drilling)

~~17.16.~~ Dust:

- a. Operator shall minimize dust pollution associated with onsite activities and traffic.
- b. No untreated produced water or other process fluids shall be used for dust suppression.
- c. The operator will ~~minimize~~ avoid creating dust ~~and~~ avoid dust suppression activities within 300 feet of the ordinary high-water mark of any water body, unless the dust suppressant is water.

Comment: COGA has proposed minor revisions to reflect a duty to minimize dust creation and avoid any dust suppression activities other than water within 300 feet of the high-water mark. Additionally, below COGA has revised the regulation to reflect that these are now referred to as Safety Data Sheets and to include a requirement that they be maintained by the operator and provided upon request. COGA sees no value in additional submittals to the County.

- i. Safety Data Sheets (SDS) for any chemical-based dust suppressant shall be ~~maintained by the operator and submitted to the County upon request~~ prior to use.

~~18.17.~~ Visual Aesthetics.

- a. Operator shall submit a visual mitigation plan in compliance with COGCC Rules, including but not limited to, a list of the proposed colors for the Facilities, regardless of construction date, which are observable from any public highway, providing for paint that is uniform, noncontrasting, nonreflective color tones (similar to the Munsell Soil Color Coding System), and with colors matched to but slightly darker than the surrounding landscape, ~~a listing of the operations' equipment,~~ proposed fencing, and screening. Plan shall indicate the location of all outdoor lighting on the site ~~and any structures~~ and include cut sheets of all proposed fixtures. ~~If the well site is visible from a subdivision west of Imboden Road, Fencing shall be required around all well site equipment following drilling and completion, including, but not limited to, storage tanks, well heads, and meters if the well site is visible from a subdivision west of Imboden Road.~~ Such fencing shall screen equipment, provide safety precautions, and be compatible with the surrounding environment.

Should fencing apply to a well site, the design and construction of such fencing shall be approved by the Community and Economic Development Department ~~prior to the construction of any site~~. If a chain link fence is required to achieve safety requirements set by the COGCC, then landscaping and other screening mechanisms shall be required that comply with the County's Development Standards and Regulations and the Operator's safety requirements. Operator shall be responsible for obtaining consent by surface owner allowing any required fencing; however, if the surface owner will not grant consent after good faith efforts by the Operator to obtain such consent, then the fencing mandated by this provision shall not be required. The surface owner's preferences for fencing will also be taken into account when developing a visual mitigation and fencing plan.

Comment: the COGCC does not require a visual mitigation plan in all areas. Rather, mitigation may be presented as Best Management Practices in Form 2As. Despite this, COGA agrees with the development of a visual mitigation plan but has some concerns about the information to be included in the plan. COGA agrees with the proposal as it relates to paint, proposed fencing and screening. However, COGA disagrees with any requirement to list all of its operations equipment for safety reasons and confidential business reasons, COGA also does not agree with providing a list of all operations' equipment. Operators are only required to provide a "list of major equipment components" in the Form 2A, and this language contains no such limiting considerations.

The Plan is required to indicate the location of all outdoor lighting on the site "and any structures." The meaning of this term is unclear. We therefore recommend deleting or clarifying what is meant by "any structures."

Approval of the fencing should not be required prior to construction. Given the nature of drilling and completion activities, fencing may not be appropriate until moving into the production phase. Additionally, because sound walls are used during drilling and completion, fencing is generally not feasible at these stages.

COGA believes it appropriate to use all good and reasonable efforts to obtain authorization to install a fence; however, if an operator cannot do so or the surface owner demands unacceptable fees for erecting the fence as required by the County, then operators must have relief from this provision. COGA recommends the inclusion of language making this clear.

- b. Operator shall include as part of the visual mitigation plan ~~submit a~~ landscaping and berming plan that includes

maintenance and irrigation requirements for planted vegetation throughout the duration of operations, including production. Operator shall be required to provide maintenance funding through bonding to ensure funds are available for upkeep. Weed control is required at the facility and along access roads constructed by the operator until final reclamation and abandonment. Required Sound walls, if required shall be included in the visual mitigation plan and shall comply with the color scheme approved by the County, blending with natural background. All landscaping shall be in compliance with County requirements located at [] and in compliance with the safety requirements of the Operator. Existing vegetation shall be minimally impacted. Motorized equipment shall be restricted remain on to the areas designated for the well sites and access roads to the well sites. Operator is responsible for obtaining consent by surface owner allowing landscaping as well as automatic irrigation for landscaping in urban mitigation areas and/or parks/recreation areas; however, if the surface owner will not grant consent after good faith efforts by the Operator to obtain such consent, then the landscaping and irrigation mandated by this provision shall not be required. All plant materials shall be kept in a healthy growing condition at all times.

Comment: COGA proposes deleting the term “berming” here; as berming and secondary containment are addressed elsewhere in these provisions.

Additionally, there should not be excessive numbers of plans. We have proposed that the landscaping and sound plans be part of the visual mitigation plan. We have also suggested language to clarify that sound walls are not required in all instances. See 13.e.v. above.

COGA has deleted the phrase “and in compliance with the safety requirements of the Operator.” Operators will comply with their own safety requirements and has commented on the safety provisions proposed above. To the extent those safety requirements include provisions about landscaping, they will be contained in the safety plans developed by operators. Duplicating and cross-referencing requirements in multiple plans is inefficient and may create confusion.

COGA is not certain what is meant by the term “motorized equipment shall be restricted to the wells sites and access roads to the well sites.” As written, it reads as though the use of motorized equipment to the well sites and access roads will be limited. However, significant motorized equipment will be used throughout the life of the facility. We believe that this was intended to indicate that motorized equipment should not be used either off the well site or off the

access roads. We have made proposed changes to the language to address these concerns.

As noted elsewhere, the County must provide relief if, after good faith negotiations and reasonable attempts, operators are unable to obtain land owner approval. By both mandating certain requirements and requiring surface owner approval for many of those requirements, the County is placing the surface owner in the position of potentially being able to withhold approval unless operators pay unreasonable amounts. The County's regulations should not be encouraging or mandating that outcome. Thus, we have included language that will provide relief should a land owner not agree to a landscaping plan.

COGA has deleted the requirement to keep all plant materials in healthy growing condition at all times. The plan itself requires provisions for ensuring the maintenance of the landscaping, and operators cannot ensure that no plants will die. Natural occurrences such as hail storms, sun exposure, and natural plant death make this requirement infeasible.

With respect to the maintenance bond, there should not be separate bonding for this. There is another draft regulation that will provide for an operator bond and site specific bonding which should cover this if needed. The bond is not needed given that any regulation adopted could be inspected and compliance required.

Finally, please confirm if the reference to "urban mitigation area" is intended to refer to an Urban Mitigation Area as defined by COGCC rules.

- c. Operator shall submit lighting mitigation plan for all phases of development and operation, which adheres to best management practices to minimize light escaping the facility including making all lighting downward-facing and fully shielding bulbs to ~~prevent light emissions above a horizontal plane drawn from the bottom of the fixture~~avoid glare on public roads and occupied structures within one thousand feet. ~~Operator shall conduct a photometric study prior to start of construction to indicate impact on surrounding properties and measure the lumens emitted from the facility outside of the walls.~~

Comment: COGCC regulations address lighting but recognize that these efforts must be taken "to the extent practicable." This requirement goes significantly beyond those requirements by mandating specific types of lighting in all instances – not just where practicable or where there are public roads and Building Units. We propose amendments that only mandate the shielding in circumstances similar to the COGCC rules – when it would cause a glare on public roads or impact occupied structures. The requirement to conduct a

photometric study is also not practicable. COGA is not aware of a method to conduct a photometric study that would isolate the light impact solely from the facility and not also account for cross-pollution from other sources.

- d. Site ~~light~~ access and security. Site shall be properly secured, ~~which may include~~ ing, but ~~is~~ not limited to, use of security fencing or barriers to prevent unauthorized access to site. Site shall be properly secured prior to the start of drilling. Proposed fencing, barriers, and screening shall be included in the visual mitigation plan.

Comment: COGA has made minor amendments to this provision to make clear that security fencing or barriers may not be used at all locations, but are one of a suite of options for properly securing the site.

~~19.18.~~ Flammable material. The area twenty-five feet around anything flammable shall be kept free of dry grass or weeds, conform to COGCC safety standards and applicable fire code. The operator's pre-application and application shall be reviewed by the serving fire district.

~~20.19.~~ Mud tracking. Operator shall take all practical measures to prevent mud and dirt tracking onto public right of ways and shall remove tracked mud and dirt within a reasonable time, ~~not to exceed two hours.~~

Comment: The "not to exceed two hours" should be deleted, as such timing may be impossible.

~~21.20.~~ Trailers. ~~A construction trailer~~ Construction trailers and residential trailers are ~~is~~ permitted during active drilling and completions only. ~~No residential trailers will be allowed.~~ Only equipment needed for project should be on site.

Comment: Operations may require this option during drilling and completions to accommodate the presence and safety of on-site personnel 24 hours per day.

~~22.21.~~ Private Roads. The Operator shall construct (unless already constructed) and maintain an access road designed to meet County and fire district standards and support an imposed load of 75,000 pounds that will accommodate emergency response vehicles such as, but not limited to, law enforcement, emergency command vehicles (cars/SUVs), ambulances, hazardous materials response vehicles, water tenders, and fire apparatus during construction and operation of new tank batteries, new drilling activity and reworks

or recompletions of existing wells, unless a local fire department or fire district agrees to a different or lesser standard or waived by the Board of County Commissioners or the Director of Economic and Community Development. With respect to new roads to new tank batteries, the Operator agrees to construct access roads at least twenty (20') feet wide (unless waived by the local fire district and the County's Public Works Department) with a Class 6 road base, or as approved by the local fire district, at least nine inches (9") thick. Best efforts will be made to improve inadequate access along private roads to existing tank battery sites identified by the fire district or County, based on service calls and demonstrated problems of accessing the site. Operator and County agree that spot inspections of access roads may be done by the County and/or appropriate emergency response agency, at such County or agency's sole risk and expense, to ensure that emergency access in accordance with this section is maintained. Operator is required to maintain and repair any damaged roads within ten (10) days of County notice, unless otherwise agreed to by the county and operator. Operator will assure that temporary access roads are reclaimed and revegetated within sixty days of discontinued use. Erosion shall be controlled in accordance with the Erosion and Sediment Control Plan while the roads are in use.

Comment: There should be flexibility for the operator to repair roads within 10 days in case there are issues outside of operators' control that prevent such repair. COGA recommends adding "unless otherwise agreed to by the County and operator" to this 10 day provision.

22. Public Roads. Operator shall utilize existing roads and access points where practical and apply for and obtain access permits for its oil and gas facilities from the County's Public Works Department. Requirements for the access permit may include the following: a) access location providing for a safe entrance/exit and utilization of main roadways to minimize impact /conflict with residents on local roadways; b) haul route and traffic data; c) pre/post inspection of roadways used by the Operator; d) collateral or bond to insure that road damage caused by the Operator is repaired; e) dust control (material used for dust control must be pre-approved by the County); f) road maintenance agreement during drilling phase; and g) payment of all applicable fees not otherwise covered by the Road Impact and Maintenance Fee. Operator shall exercise reasonable efforts to minimize heavy truck traffic on local roads within residential neighborhoods between the hours of 9 p.m. and 6 a.m., and shall work with and show written evidence that the applicable school district(s) has been consulted to minimize traffic conflicts with school buses when schools are in session. Operator shall obtain any legally valid and applicable

oversize and/or over weight moving permit from the County's Public Works Department. for all vehicles that exceed legal vehicle dimensions or weights as specified by the Colorado Department of Transportation and the County's Development Standards and Regulations.

Comment: Is this referencing the Road Impact and Maintenance Fee or is this intended to be another bond an operator must provide to the County? Please provide clarification on what additional fees this will be? Are these in addition to the Road Impact and Maintenance Fee?

23. Removal of debris. All excess debris shall be removed during construction activities. Site shall remain free of debris and excess materials at all times during operations. Burning of debris and other materials is strictly prohibited at all times.
24. Removal of equipment. No permanent storage of equipment. When no longer used, equipment shall be removed within thirty days unless a Temporary Use Permit for said storage is obtained from the County.
25. Maintenance of machinery. Routine field maintenance of equipment involving hazardous materials within 300 feet of any water body is prohibited. All fueling shall occur over impervious material and shall not be done during storm events. Operator shall operate and maintain all equipment in accordance with manufacturer specifications. Regular maintenance checks are required for all equipment.
26. Burning. No open burning of trash, debris or other flammable materials.
27. Chains. Traction chains shall be removed from heavy equipment on public streets.
28. Off-location flow lines and crude oil transfer lines
 - a. To the extent practicable, off-location flow lines and crude oil transfer lines regulated by the COGCC shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; surface water bodies; and city open space.

Comment: COGA believes this language is necessary to promote surface owners' desires and because operators may have the ability in some instances to consolidate crude oil transfer lines or their rights-of-way, which should be encouraged, as recognized by the County immediately below.

- b. Without compromising pipeline integrity and safety, applicant shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize impact.
- c. Setbacks from residential, commercial, or industrial buildings, places of public assembly, the high-water mark of any surface water body and sensitive environmental features will be determined on a case-by-case basis in consideration of the size and type of pipeline proposed and features of the proposed site.
- d. Operator must conduct leak detection inspections or pressure testing in order to identify flowline leaks or integrity issues.
- e. Operator must make available to County upon request all records required to be kept by COGCC
- f. Buried pipelines shall have a minimum of ~~four~~ three feet cover.

~~29. Gathering Lines~~

Comment: This suite of provision raises some concerns over whether the County is purporting to regulate gathering lines as OGF Facilities. COGA understands from the county that gathering lines will not be included in the OGF Permit process; accordingly, this entire section should be deleted.

- ~~a. To the extent practicable, gathering lines shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; surface water bodies; and city open space.~~
- ~~b. Without compromising pipeline integrity and safety, Operator shall share existing pipeline rights of way and consolidate new corridors for pipeline rights of way to minimize impact.~~
- ~~c. Setbacks from residential, commercial, or industrial buildings, places of public assembly, the high water mark of any surface water body and sensitive environmental features will be determined on a case-by-case basis in consideration of the size and type of pipeline proposed and features of the proposed site.~~
- ~~d. Operator must make available to County upon request all records submitted to PHMSA or the PUC including those~~

~~related to inspections, pressure testing, pipeline accidents and other safety incidents.~~

- ~~e. Well Connects. Well connects do not require permits. Well connects are defined as a pipeline, 10" or less inside diameter and 2 miles or less in length, laid running from the custody transfer point or production facility for a new well(s) to an existing gathering line connection point.~~

30.29. Temporary surface water lines

- a. Operator shall use temporary surface water lines, unless infeasible.
- b. Operator shall use County Road Right-of-Way and County drainage culverts for the laying and operation of temporary water lines on the surface and in accordance with Adams County Standards and Regulations, unless infeasible.
- c. Operator will bury temporary water lines at existing driveway and gravel road crossings, or utilize existing culverts, if available, with County approval.

31.30. Financial Assurance.

- ~~a. Operators shall be required to maintain environmental liability insurance to cover gradual pollution events.~~

Comment: This type of insurance can be very difficult or impossible for operators to obtain. Financial assurance is important but flexibility in how it is demonstrated is needed.

- ~~b.a.~~ Operator shall be required to file and maintain financial assurance as determined on a site-specific basis prior to commencing operations, and thereafter during the active life of the facility, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. Should any corrective actions be required by the County in order to protect the health, safety, welfare, and the environment which result from failure not involving a force majeure event of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.

Comment: Please provide clarification on the amount and renewal requirements of the bond? How will this sync with the COGCC bonding requirements?

- ~~32.31.~~ Mapping Information. Operator shall agree to provide coordinates and/or exact location of well sites to the County's GIS Department within forty-eight (48) hours of final completion of a well site in a format acceptable to the County. Any subsequent changes to a well site location shall also be provided to the County within forty-eight (48) hours of such changes.

4-10-02-03-03-04 *INSPECTION AND ENFORCEMENT*

1. Inspection: In recognition of the potential surface impacts associated with oil and gas facilities, all wells and accessory equipment and structures may be examined by the inspectors of the county at reasonable times to determine compliance with applicable provisions of this chapter, the International Fire Code, the International Building Code, and all other applicable standards in this title. For the purpose of implementing and enforcing the provisions of this chapter, the inspector and other authorized personnel have the right to enter upon private property the Oil and Gas Facility provided that they have provided twenty-four (24) hours notice to operator (except in the case of an emergency situation involving an immediate risk to public health, safety, welfare, the environment, or wildlife, or damage to the property of another.), received the appropriate safety training from the operator, are outfitted in the appropriate personal protective equipment, and comply with all applicable federal, state and local occupational safety laws while on the Oil and Gas Facility. The county may use the information collected on the inspections to enforce the requirements of this chapter. The county may also report this information to appropriate state and federal officials, including but not limited to information regarding alleged violations of state and federal rules. Any information collected from the inspection shall be provided to the operator and list the contact information of the inspecting party. Operator shall make available to County, upon request, all records required to be maintained by these regulations or to show compliance with these regulations, and the rules and regulations promulgated by the COGCC and the CDPHE, including permits, Air Pollutant Emission Notices (APENs) and other documents required to be maintained by the COGCC, CDPHE and these regulations. The County shall charge a yearly inspection fee for all Oil and Gas Facilities in the County. All fees shall be reasonable and adopted in accordance with applicable Colorado law~~Fees for Oil and~~

~~Gas Facility inspections shall be assessed according to the County's adopted fee schedule.~~

2. State Notification of Alleged Violations: Adams County will cooperate fully with the State of Colorado by notifying the Oil and Gas Conservation Commission of any and all violations of the Colorado Laws and Regulations.
3. Delinquent Taxes: One condition of any oil and gas well building permit is that all taxes as provided by statute, shall be paid.
4. Penalties and Fines: The County has authority under C.R.S. § 29-20-104, as amended, to impose fines for leaks, spills, and emissions covered by these regulations. The county shall not impose fines for leaks, spills and emissions that COGCC, CDPHE or other regulatory bodies with authority over.~~The following table summarizes the fine schedule for violations of these Development Standards and Regulations:~~

Comment: The County cites authority to impose fines for leaks, spills and emissions, but this fine schedule goes far beyond those issues and imposes penalties unrelated to leaks, spills and emission, such as paperwork violations.

In many instances, operators anticipate conditions of approval or best management practices required on its County OGF Permit to mirror requirements included on a COGCC Form 2A or Form 2. This could lead to an operator being assessed the same fine twice, once by the County and once by the state, for the exact same violation. This would lead to fines disproportionate to the conduct and raises concerns similar to double jeopardy where the State and County disagree about whether a violation did in fact occur and how the penalty policy should be assessed. COGA's members would appreciate more guidance on the County's proposed penalty schedule as well as how it will be implemented. The COGCC's penalty policy, for example, allows fines to be reduced where there are mitigating factors.

		Rule Classification		
		Class 1: Paperwork other ministerial regulations, a violation of which presents no direct risk of harm to public health, safety, welfare, and the environment.	Class 2: Regulations related at least indirectly to promoting the public health, safety, welfare, and the environment and wildlife resources, a violation of which presents a possibility of distinct, identifiable actual or threatened adverse impacts to those interests	Class 3: Regulations directly related to protecting public health, safety, welfare, the environment, and wildlife resources, a violation of which presents a significant probability of actual or threatened adverse impacts to those interests.
<i>Degree of threatened or actual impact to public health, safety, welfare, the environment, or wildlife</i>	<u>Major:</u> Actual significant adverse impacts	\$5,000	\$10,000	\$15,000
	<u>Moderate:</u> Threat of significant adverse impacts, or moderate actual adverse impacts	\$1,500	\$5,000	\$10,000
	<u>Minor:</u> No actual adverse impact and little or no threat of adverse impacts	\$200	\$2,500	\$5,000

5. County Violations: In addition to the fines outlined above, the County has authority to cite violations under its control over surface impacts from oil and gas operations pursuant to Section 1-05-06 Criminal Remedies and Enforcement.
6. Legal Non-conforming: Adams County recognizes that there are oil and gas operations locations and/or oil and gas facilities (and the

oil and gas operations occurring thereon) that were legally established prior to the effective date of these regulations that may or may not conform to these regulations. These ~~operation~~oil and gas locations and/or oil and gas facilities may ~~continue~~remain unaffected by the adoption of these regulations, provided the ~~operation~~oil and gas location is not extended, or expanded, by % of the disturbed area or the oil and gas facility is altered in a manner that ~~substantially~~ changes and/or alters the nature, character, or extent of the previously approved permit.

Comment: "Oil and gas operations" is an overly broad term for the purpose of a "non-conforming use". The "oil and gas location" or the "oil and gas facility" are what are deemed non-conforming, not the development or production operations. Further, there must be some boundaries around when a location requires a new OGF permit. This proposed language attempts to provide some of those sidebars.

04-10-02-03-05 **RESIDENTIAL CONSTRUCTION Standards**

1. **Residential Construction Standards:** The Director of Community and Economic Development may impose any one (1) or more of the following standards on a specific site basis as a condition of subdivision approval and/or building permits on platted or unplatted land:
 - a. The oil and gas well location shall include a two-hundred-fifty (250) foot buffer in the form of an easement on the Final Plat. No structures may be constructed within the buffer area.
 - b. Access to the oil and gas well location shall be provided by a public street or recorded easement for private access.
 - c. The Final Plat shall include notice to prospective buyers of the location of the oil and gas well and associated easements.
 - d. All oil and gas well flow lines and/or easements shall be graphically depicted on the Final Plat.
 - e. All surface and subsurface agreements shall be noted on the Final Plat by the recorded book and page number.
 - f. Pursuant to Section 4-06-01-02-01-12, where a new home and/or other permanent structure with plumbing is constructed within three hundred (300) feet of an existing oil and gas well, the property owner shall submit a signed waiver acknowledging the existence of the facility.

2. Plugged and Abandoned, and Former Oil and Gas Production

Sites: This Section is enacted to protect and promote the health, safety, morals, convenience, order, prosperity, or general welfare of the present and future residents of the County. These regulations are based upon the land use authority of the County.

- a. Prior to submittal of a final plat or site specific development plan, each plugged and abandoned well shall be located and surveyed. The plugged and abandoned well shall be permanently marked ~~by a brass plaque set in concrete similar to a permanent bench to the plugged and abandoned well's monument its~~ existence and location. ~~The marker shall be clearly legible and Such plaque~~ shall contain all information required on a dry hole marker by the Colorado Oil and Gas Conservation Commission and the County.
- b. As a condition of review of any final plat or site specific development plan which contains a plugged and abandoned well or former oil and gas production site or is within 200 feet of such well or site, the owner shall submit a location diagram of the location of the well.
- c. On every final plat or site specific development plan which contains a plugged and abandoned well, there shall be dedicated a well maintenance and workover setback depicted on the plat, the dimensions of which shall be not less than fifty feet in width and 100 feet in length. No structures shall be located within this setback. The plugged and abandoned well shall be located in the center of the setback. There shall be public access for ingress and egress to the setback of a width of not less than twenty feet.
- d. Every final plat and site specific development plan which contains a plugged and abandoned well or a site specific development that includes a property that is less than 200 feet from a plugged and abandon well, shall include the following notation: "The owner shall disclose to prospective purchasers of lots within a radius of 200 feet of the plugged and abandoned well of (1) the location of the plugged and abandoned well, (2) the location of the maintenance and workover setback, and (3) the purpose for the well maintenance and workover setback."
- e. As a condition of building permit review, no dwelling shall be constructed within fifty (50) feet of a plugged and abandoned well.

- f. Prior to issuance of a grading permit within a development containing a known reserve pit site, the reserve pit site shall be tested for expansive soils. Reserve pits containing expansive soils in locations proposed for buildings shall be subject to the provisions of the International Building Code.

g. ~~No utility lines shall be installed within ten feet of any plugged and abandoned well.~~

Comment: COGA does not understand the purpose of this regulation. A properly plugged and abandoned well presents no risk.

4-10-02-03-06 COGCC AND COUNTY APPROVALS REQUIRED

Development of the OGF shall not commence unless and until applicant receives an approved OGF Permit, including any approved waiver(s), and receives ~~all the~~ required ~~approvals and Form 2A.~~ permits from ~~the~~ COGCC.

Comment: The Form 2A is the necessary COGCC permit for siting of the surface location. As drafted, this expands to all COGCC approvals, which is unnecessary.



1800 GLENARM PLACE

SUITE 1100

DENVER, CO 80202

Phone 303.861.0362

WWW.COGA.ORG

August 13, 2019

VIA EMAIL – NO ORIGINAL TO FOLLOW

ATTN:

Adams County Commissioners

Adams County Planning Commission, c/o Erica Hannah

Christine Dougherty, Local Government Designee

Katie Keefe, Environmental Program Manager, Community & Economic Development
Department

Jill Jennings Golich, Director, Community & Economic Development

Jen Rutter, Manager, Development Services

Elizabeth Paranhos, Special Counsel to Adams County

RE: Colorado Oil & Gas Association – Mobile-Source Regulation Under the Federal
Clean Air Act

Dear Adams County Commissioners, Planning Commission, Staff, and Counsel,

COGA provides an attachment to this letter to supplement our redlines submitted to the County on August 12, 2019 to the County's proposed regulations. The attachment identifies legal challenges the County could face due to language regulating emissions from drill rig and completion engines. COGA submits that the County's intent to regulate emissions from drill rig and completion engines are preempted by the Federal Clean Air Act.

COGA thanks the County in advance for its close attention to the issues addressed in the attached document. Please consider COGA and our membership as resource when having discussions related to the oil and natural gas industry and during any potential future regulatory changes.

Sincerely,



Ryan Seastrom, Community Outreach Coordinator Colorado Oil & Gas Association

cc (via email):

Mark Mathews-Brownstein Hyatt Farber Schreck, LLP

Julia Rhine-Brownstein Hyatt Farber Schreck, LLP

Andrew Casper-Colorado Oil & Gas Association

Dan Haley-Colorado Oil & Gas Association

Heidi Miller-Adams County Attorney

PREEMPTION OF MOBILE-SOURCE REGULATION UNDER THE FEDERAL CLEAN AIR ACT

I. Adams County’s proposed regulation of emissions from drill rig and completion engines are preempted by the federal Clean Air Act.

In Chapter 4-10-02-03-03, § 14, of the Proposed Regulations, Adams County proposes to require: the use of electric drill rigs; and tier 4 or better diesel engines, diesel and natural gas co-fired Tier 2 or Tier 3 engines, natural gas fired spark ignition engines, or electric line power for hydraulic fracturing pumps. These proposed regulations are preempted by the federal Clean Air Act (“CAA”).

CAA section 209(e) sets in place a comprehensive framework for regulation of emissions from nonroad engines and vehicles. Section 209(e)(1) applies to “new engines which are used in construction equipment or vehicles or used in farm equipment or vehicles and which are smaller than 175 horsepower”; and section 209(e)(2) applies to all other nonroad vehicles and engines. 42 U.S.C. § 7543(e)(1)–(2). Under section 209(e)(2), EPA sets national emission standards for nonroad vehicles and engines and California is the only state allowed to seek a waiver from the EPA to adopt nonroad engine standards more stringent than the federal standards. *E.g., Pac. Merch. Shipping Ass’n v. Goldstene*, 517 F.3d 1108, 1113 (9th Cir. 2008) (“For nonroad engines and vehicles not covered by § 209(e)(1), Clean Air Act § 209(e)(2) creates a sphere of implied preemption surrounding those regulations for which California must obtain authorization.”). The only way that other states can adopt more stringent emissions standards for nonroad engines is if California has already applied for a waiver, that waiver has been approved by the EPA, and the state wishes to adopt the exact same standards. 42 U.S.C. § 7543(e)(2)(B); *c.f. Engine Mfrs. Ass’n v. E.P.A.*, 88 F.3d 1075, 1079 (D.C. Cir. 1996) (“California was granted an exemption from the § 209(a) preemption. Congress . . . permitted other states to ‘opt in’ to the California standards by adopting identical standards as their own. Thus, motor vehicles must be either ‘federal cars’ designed to meet the EPA’s standards or ‘California cars’ designed to meet California’s standards.”).

The preemptive force of Title II of the Clean Air Act implements important policy considerations—protecting against “the spectre of an anarchic patchwork of federal and state regulatory programs” governing mobile sources. *Engine Mfrs. Ass’n*, 88 F.3d at 1079 (internal quotations omitted). And like the regulations for motor-vehicle standards found in section 209(a), Congress enacted section 209(e)(2) with the “objective of creating national uniformity in emissions rules for nonroad engines and vehicles.” *Jensen Family Farms, Inc. v. Monterey Bay Unified Air Pollution Control Dist.*, 644 F.3d 934, 940 (9th Cir. 2011); *see also Engine Mfrs. Ass’n*, 88 F.3d at 1081, 1086 (describing Congress’s decision to adopt parallel preemption standards for motor-vehicle and nonroad-engine standards). This preemption is “the cornerstone” of the CAA’s mobile-source provisions. *Engine Mfrs. Ass’n*, 88 F.3d at 1079.

As described below, numerous court decisions and recent California waiver requests for oil and gas drilling rig engines confirm that CAA section 209(e)(2) prohibits Adams County from adopting or enforcing “standards and other requirements relating to the control of

emissions” from “any nonroad vehicles or engines,” including requirements that oil and gas drilling rig engines must be “electric” or “Tier 4 or better.”¹

A. Federal court decisions demonstrate that the County’s proposed regulations related to engines and drill rigs are preempted under federal law.

In *Engine Manufacturers Association v. South Coast Air Quality Management District* (“*SCAQMD*”), the Supreme Court held that local regulations prohibiting the sale or lease of vehicles that did not meet “stringent emissions requirements” were preempted by CAA section 209(a). 541 U.S. 246, 249 (2004). The local rules attempted to control vehicle emissions by requiring “the purchase or lease of ‘alternative-fuel vehicles,’ and... requir[ing] the purchase or lease of either ‘alternative-fueled vehicles’ or vehicles that meet certain emission specifications.” *Id.* at 249–50. In *SCAQMD*, the Court defined the word “standard” in section 209 broadly, finding that it encompasses much more than just manufacturer requirements for vehicles to meet certain emissions limits and includes regulations that a “vehicle or engine must not emit more than a certain amount of a given pollutant, must be equipped with a certain type of pollution-control device, or must have some other design feature related to the control of emissions.” *Id.* at 253. And the Court made clear that Section 209(a) preempts these types of “standards” regarding an engine’s or vehicle’s emission characteristics, regardless of whether the standards are enforced against the manufacturer, the purchaser, or the user. *Id.*

Similarly, the Second Circuit in *American Automobile Manufacturers Association v. Cahill*, held that a local regulation was a “standard” preempted by section 209 of the CAA, because it required that a certain percentage of vehicles sold by manufacturers had to be zero-emission vehicles (“ZEVs”). 152 F.3d 196, 199 (2d Cir. 1998). The court explained that this regulation was a preempted emissions standard because a requirement that a particular percentage of vehicle sales be ZEVs has no purpose other than to effect a general reduction in emissions.” *Id.* at 200. The requirement was, therefore, “in the nature of a command having a direct effect on the level of emissions.” *Id.* at 200. And the local government was prohibited from enforcing this type of standard. *Id.* at 201.

Although the *SCAQMD* and *Cahill* analyses of “standards” are in reference to section 209(a) rather than 209(e), other federal courts have cited *SCAQMD* when interpreting standards under 209(e) and have explained that the word “standard” means the same thing for nonroad engines as it does for vehicle engines. *See Engine Mfrs. Ass’n*, 88 F.3d at 1087 (“[T]he EPA was

¹ The drill rigs and portable engines in question in the Adams County regulations fall under section 209(e) based on the following definition of “nonroad engine” in the Code of Federal Regulations:

any internal combustion engine: (iii) That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

within the bounds of permissible construction in analogizing § 209(e) on nonroad sources to § 209(a) on motor vehicles.”); *see also California ex rel. Sacramento Metro. Air Quality Mgmt. Dist. v. Hardesty Sand & Gravel*, No. 2:11-CV-02278 JAM, 2012 WL 639344, at *6 (E.D. Cal. Feb. 24, 2012) (looking to the Court’s decision in *SCAQMD* for guidance on the types of “requirements contained in Title II of the CAA that would properly be considered ‘standards’ relating to the control of emissions for federal preemption purposes” under section 209(e)(2)). For example, in *Pacific Merchant Shipping Association v. Goldstene*, the Ninth Circuit evaluated a law similar to the ones being proposed by Adams County. 517 F.3d at 1112. The local law in question attempted to regulate emissions from nonroad engines in marine vessels by making it illegal to “operate any auxiliary diesel engine, while the vessel is operating in any of the Regulated California Waters, which emits levels of diesel PM, NO_x, or SO_x in exceedance of the emission rates of those pollutants” unless they used a certain type of lower-emission fuel. *Id.* The court held that the rules plainly fit within the *SCAQMD* definition of “standards” as a requirement that a “vehicle or engine must not emit more than a certain amount of a given pollutant” and thus the law was a preempted standard in prohibition of section 209(e). *Id.* at 1114. The exact same can be said of Adams County’s proposed requirements to mandate the use of electric drill rigs and certain tier engines—because the regulations seek to impose an emission limit by prescribing the type of engines that may be used, they are preempted by section 209(e)(2). *See also Hardesty Sand & Gravel*, 2012 WL 639344, at *6 (noting that state regulations that “impose equipment or design requirements on vehicles or engines” fall within section 209(e)(2)’s preemptive effect).

B. California waiver requests applicable to oil and gas drilling engines confirm the types of standards preempted under CAA section 209.

The California Air and Resources Board (“CARB”) has requested several waivers from the EPA under section 209(e)(2) for “portable engines” such as “oil-well drilling and workover rigs,” demonstrating the type of emissions standard that would otherwise be preempted. Because California was required to seek approval to enact these standards, other states are preempted from adopting similar requirements.

In 2012, the EPA approved a California waiver for a standard that required “portable engines” to be “either (a) certified to meet federal Tier 4 emission standards, (b) equipped with a properly functioning CARB Level-3 verified technology, or (c) equipped with a combination of control strategies that have been verified together with CARB to achieve at least an 85 percent reduction in diesel PM emission.” 77 Fed. Reg. 72,846-03 (Dec. 6, 2012). Included in the types of portable engines that this section would regulate were “oil-well drilling and workover rigs.” *Id.*

In 2015, the EPA approved CARB’s “New 2010 requirements” that were amendments to prior nonroad engine standards. 80 Fed. Reg. 76,685 (Dec. 10, 2015). These new standards included “(i) requiring low-use and emergency use engines to be removed or replaced with a current tier engine by January 1, 2017 . . . , (ii) no longer allowing local air districts to permit non-certified engines that had operated between March 1, 2004 and October 1, 2006, and (iii) specifying PM emission factors for certain engines in order to help determine fleet average standards.” *Id.*

Both of these more stringent California standards are only legal because CARB sought and received a waiver from the EPA in accordance with section 209(e). Further, these two waivers show the type of emissions “standards” for nonroad engines that state and local governments are not allowed to enact unless adopted consistently with pre-approved California waiver standards.

C. The Proposed Regulations are preempted because they are “standards” attempting to control emissions from nonroad engines.

Adams County’s Proposed Regulations attempt to directly regulate emissions of engines used in oil and gas drilling operations. The requirement that certain operators use “Tier 4 or better diesel engines, diesel and natural gas co-fired Tier 2 or Tier 3 engines” is an emissions standard regulating pollutants such as PM and NOx, and is more stringent than the federal standard, just like the state regulation that was struck down in *Goldstene*.

The Proposed Regulations are of the same type as those for which California sought a waiver in 2012 (which required “portable engines” such as “oil-well drilling and workover rigs” to be “either (a) certified to meet federal Tier 4 emission standards... or (c) equipped with a combination of control strategies... to achieve at least an 85 percent reduction in diesel PM emission.”). 77 Fed. Reg. at 72846-03. California was required to seek a waiver to enact this regulation under CAA section 209(e)(2), which confirms that even states enacting similar regulations would be preempted by the CAA.

The Proposed Regulations requiring oil and gas operators to use “electric drill rigs” is similarly a specific emissions standard that is preempted by the CAA. In *Cahill*, the local government attempted to reduce emissions by requiring the manufacture of ZEVs, which are primarily electric vehicles. The court held that this was an “emissions standard” and struck down the law since it had “no purpose other than to effect a general reduction in emissions.” 152 F.3d at 200. Likewise, in *SCAQMD*, the Supreme Court held that rules requiring “the purchase or lease of ‘alternative-fuel vehicles,’” such as electric vehicles, were also standards that were preempted under the CAA. Here, the requirement that operators must use “electric drill rigs” in order to improve air quality is an attempt by a local government to set an emissions standard. This is prohibited under CAA section 209(e).



August 4, 2019

Adams County Board of County Commissioners
4430 S. Adams County Parkway
Brighton, CO 80601

VIA EMAIL

SUBJECT: Adams County Proposed Oil and Gas Code

The Colorado Petroleum Council (“CPC”), a division of the American Petroleum Institute (“API”), represents all facets of the oil and natural gas industry here in Colorado. CPC truly appreciates the opportunity to provide written comments regarding the County’s proposed oil and gas code update.

CPC and our member companies are committed to ensuring a strong, viable oil and natural gas industry capable of meeting the energy needs of our nation and Colorado in a safe and environmentally responsible manner. It is always our goal to partner with local communities to ensure our industry addresses the needs of local residents in a responsible and respectful manner. CPC and its member companies have always enjoyed a very positive, collaborative, and engaging relationship with communities across the front range, and our hope is that we can continue that productive relationship with the county going forward. However, our members have some concerns with the county’s proposed oil and gas ordinance, and this letter is intended to convey those concerns in a manner conducive to our mutual shared respect. Finally, we would like to express our appreciation of the Adams counsel and staff for their willingness to host stakeholder meetings and discuss our concerns and comments.

Code Comments

The proposed code update contains several provisions that are of concern to our membership. In order to accurately convey the extent of our comments, we have attached a redline version with our comments on the various issues this code presents. However, we would like to highlight some of the more pressing areas of concern with this letter.

Our initial concern is the county’s proposed alternative site analysis. While we are aware that under SB19-181 the county does have authority to implement a higher standard of regulations, we believe this bill does have a backstop and its intent was not to allow outright bans on development. Nonetheless, in its proposal the county has retained the right to deny operators site locations based on several different factors, all of which are extremely broadly worded. Furthermore, in the instance a site is denied, the only avenue forward for permit applicants is the county’s newly amended waiver process that simply leaves very little room for future approvals. In addition, the county has indicated its desire to implement setback requirements in its code. Our concern is that if the county is reviewing each site location for its appropriateness under the various outlined conditions, we do not understand the purpose of adding in another layer of proposed conditions that should be addressed during the initial siting process. Further,

the siting process contains numerous undefined terms, and we believe it does not adequately address the existence of currently in place well sites that operators may want to utilize in order to minimize surface disturbance. Finally, the siting process does not make a distinction between urban and rural locations, which to our understanding was one of the desired goals of the proposed oil and gas code.

As noted above, we also have concerns about the limited waiver/alternative site approval process. As written, the process is extremely narrow, and simply does not allow for many variations from the county's proposed oil and gas process. For example, as our members expressed during the stakeholder process, each respective oil and gas well site is unique in character. These sites are picked based on a number of factors, and each site is thoroughly evaluated by operators prior to being proposed to the county. In the proposed code the county has retained ultimate authority for approval, with the appeal process being the only avenue available in the instance of a permit denial for any reason. Furthermore, this code is written as if many of the proposed well sites will be located within urban areas. Yet the county has zoned out site locations within residential neighborhoods. Thus, if operators develop in the proposed approved areas, the application of many standards contained within the proposed code may be moot. In the instance an applicant must appeal for a deviation of any standard, the process contained within the code is not only narrowly drafted but does not take into account the various factors applicable to each specific site proposal.

Some of the various provisions contained within the code are defined very broadly. While we understand that the staff desires to retain some amount of control over the development process, some of the definitions and proposed terms are written so broadly as to provide applicants very little certainty or guidance. Some of the terms contained within the code also address matters that could be construed as either private contractual matters or confidential (proprietary) business information. We are concerned that without either flexibility or clarity within the code some of these terms or provisions may cause confusion between private contractual partners, the county, and the applicants.

Some of the proposed code provision provisions also give us pause as we believe they may be construed as downhole regulations. While SB19-181 did provide the county some extended authority over surface operations, we are concerned that the regulations of such provisions as hydraulic fracturing chemicals may be outside the authority granted within SB19-181. Furthermore, provisions such as these provide some conflict with the code, for example the section on mandatory water recycling. We would request that perhaps in these proposed code sections, as well as other instances outlined in the submitted redline, the county could defer to the COGCC rules as this may better affect the county's desires, as well as allow operators some certainty as those COGCC standards are changed.

Finally, our members do have some significant concerns about the proposed air regulations. We do understand that air quality is of the utmost importance to the county. However, in the manner these rules are proposed, it could prove nearly impossible to develop or expand any operations within the county. By way of example, the hard emissions cap poses a significant problem. One concern is that operators may be limited on their ability to expand by virtue of their past compliance with county

ordinances. Because operators have worked to limit emission within the county in the past through private agreement, they will now be limited in their ability to expand their operations because of this proposal. Further, other parts of the air emission proposal either provide very limited value in terms of emission reductions, limit operators ability to efficiently run their development, or the provisions do not align with current technical standards or use.

Finally, our redline does indicate a few other issues such as the possibility of duplicative penalties for violations or duplicative fees such as is the case with the proposed code section related to roads.

* * *

As the county considers these new oil and gas regulations, we again appreciate your willingness to work with our industry. However, in its current drafted form, many of the proposed provisions provide uncertainty to operators or severely limit operator's ability to develop within the county. As always, CPC and our members are prepared to assist you in whatever fashion the county my need.

If you have any questions, please do not hesitate to contact me at (720) 878-7688, or mcgownec@api.org.

Sincerely,

Chris McGowne
Associate Director
Colorado Petroleum Council



STUDY SESSION AGENDA ITEM

DATE:	July 23, 2019
SUBJECT:	Oil & Gas Regulation Amendments
FROM:	Jill Jennings Golich, Director
AGENCY/DEPARTMENT:	Community & Economic Development
ATTENDEES:	Katie Keefe, Jen Rutter, Keith Huck, Christy Fitch
PURPOSE OF ITEM:	Update on oil and gas regulation amendments resulting from SB19-181.
STAFF RECOMMENDATION:	That Staff continue to work on the regulation amendments and perform public and stakeholder outreach.

BACKGROUND:

On March 1, 2019, Senate Bill 181 was introduced, which clarifies, reinforces, and establishes the regulatory authority of local governments over the surface impacts of oil and gas development. The Adams County Board of County Commissioners approved a six-month moratorium on all new oil and gas facility applications within unincorporated areas on March 20, 2019. Governor Polis signed SB-181 into law on April 16, 2019.

Staff is working to develop draft regulations that implement the broader authority over oil and gas surface impacts afforded by SB-181. Stakeholder meetings were held during the last two weeks in June to obtain feedback on the draft regulations. Staff met with groups such as Emergency Management and Fire Districts, School Districts, Oil & Gas Operators, Developers, Adjacent Local Governments, and resident organizations. With the input from the stakeholders, staff and the outside legal counsel for oil and gas have developed a preliminary draft of the regulations. A final draft will be brought before the Planning Commission and the Board of County Commissioners in a public hearing.

A Study Session was held on Tuesday, July 16, 2019 at which Staff and outside counsel presented the first draft of regulation amendments. The Commissioners directed staff to perform an analysis on options for potential setback distances to be evaluated as part of the alternative site analysis. These setbacks would be measured from homes, schools, licensed daycare centers, and other types of occupied dwellings.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

County Attorney
Elizabeth Paranhos, Outside counsel for oil and gas issues

ATTACHED DOCUMENTS:

Draft Regulations

FISCAL IMPACT:

Please check if there is no fiscal impact [g]. If there is fiscal impact, please fully complete the section below.

Fund:

Cost .Center:

	Object Account	Sobledger	Amonnt
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			

New FTEs requested: ☒ YES ☐ NO

Future Amendment Needed: ☒ YES ☐ NO

Additional Note:

APPROVAL SIGNATURES:

Raymond H. Gonzales, County Manager

Alisha Reis, Deputy County Manager

Bryan Ostler, Deputy County Manager

Chris Kline, Deputy County Manager

APPROVAL OF FISCAL IMPACT:

Budget

**2-2-12-7 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC
DEVELOPMENT FOLLOWING APPROVAL**

Upon final approval and fulfillment of all requirements of the Director of Community and Economic Development, the Director of Community and Economic Development shall issue a temporary use permit. The temporary use permit shall describe in detail the temporary use allowed by the permit, include all specific conditions applied by the permit issuing authority, and be accompanied by an official site plan modified by the applicant to reflect the conditions of the permit.

2-2-12-8 EFFECT OF APPROVAL

Issuance of a temporary use permit shall be deemed to authorize only the particular use and activity for which it is issued. The temporary use permit is nontransferable. The applicant shall be subject to all other permits required by these standards and regulations to use the land in accordance with the temporary use permit.

2-2-14

OIL AND GAS FACILITY (OGF) PERMIT

DRAFT

The purpose of the oil and gas facility regulation is to allow for reasonable

2-02-14-01 PURPOSE

development of oil and gas in unincorporated Adams County while ensuring that facilities are sited in appropriate areas and utilize best practices to protect the health, safety, and welfare of our residents.

The purpose of an OGF Permit is to regulate the surface land use of oil and gas production in order to protect the public safety, health, welfare and the environment of Adams County and its residents by ensuring that facilities are constructed and operated in accordance with best practices, to provide for sound environmental practices to protect the County's natural resources, to provide for the orderly siting and development of oil and gas operations, as well as to prevent damage to County roads and bridges.

The Colorado Oil and Gas Conservation Commission (COGCC) and the federal government have authority to regulate certain aspects of oil and gas mineral extraction. Requirements contained in this section shall not exempt the owner or operator of an oil and gas facility from compliance with the requirements of the COGCC or any other regulatory authority.

The provisions of these standards and regulations shall apply to the construction, installation, alteration, repair, erection, location, maintenance, and abandonment

Chapter 2—Application and Permitting Procedures

Specific Development Review Steps for Development Applications

of all new or substantially modified oil and gas facilities within the unincorporated areas of the County.

2-2-14-2 **APPLICABILITY**

All uses that require an OGF must be processed in accordance with this Section. The Director of Community and Economic Development is the permit issuing authority for OGF Permits that do not require any waiver from approval criteria or performance standards. OGF Permits requiring waivers from approval criteria or performance standards must be approved by the Board of County Commissioners through the designated Waiver process.

Commented [CJM1]: How does this code apply to new vs existing sites? In other words, will an alternative site analysis be required for an expansion of an existing site?

2-2-14-3 **WHO CAN INITIATE AN OGF PERMIT**

An OGF Permit may be requested, without limitation, by any owner of, or person demonstrating a legal interest in property on which the OGF use is proposed to be located. The applicant has the burden of proof to demonstrate the use fully

complies with these standards and regulations and meets the criteria for approval.

2-2-14-4 **OGF PERMIT REVIEW PROCEDURES**

An OGF Permit may be approved by the Director of Community and Economic Development if the application does not require waiver or modification from any approval criteria or performance standards. An OGF Permit requiring a waiver or modification from any of the approval criteria or performance standards must be approved by the Board of County Commissioners and requires a public hearing. The Director of Community and Economic Development or the Board of County Commissioners shall approve, approve with conditions, or deny the OGF Permit based on consideration of the staff report, the evidence from the public hearing (if applicable), and compliance with the criteria for approval.

2-2-14-5 **OGF PERMIT REVIEW STEPS**

The processing of a proposed OGF permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures (although not necessarily conducted in the following order) as follows:

1. Conceptual review. Operator shall identify three proposed locations for the oil and gas facility for the Alternative Site Analysis process outlined below. For each location, operator shall identify, and visually depict the same on a map, the following items that are located within a half-mile radius of the parcel boundary of the proposed facility: existing or platted residences, occupied buildings, parks, open space,

Commented [CJM2]: Could the application of this term be clarified with respect to existing/new well sites?

schools, state licensed daycares, known areas of environmental contamination such as Superfund sites, hospitals, water bodies, floodplains, floodways, existing active and decommissioned wells, and roadways. Proposed access routes to the site should also be provided. This information must be submitted to Community and Economic Development for review. Following that, a conceptual review meeting shall be held with the operator. Operators are encouraged to schedule a conceptual review prior to entering into any surface use agreements.

- a. **Alternative Site Analysis:** Prior to submittal of any spacing application or Form 2 or 2A to the COGCC and during the conceptual review, the applicant must consult with the County on an Alternative Site Analysis as outlined below:

1. In General. The County seeks to site OGFs in areas that have the least off-site impact possible in order to protect the health, safety, and welfare of its residents and to protect the environment and wildlife. In order to determine whether proposed siting is appropriate, CED staff must evaluate alternative sites.
2. Description of potential sites. Applicant must submit descriptions of at least three (3) potential sites for the OGF that were considered by applicant. Description must include description of site locations considered, whether mineral extraction is possible and reasonable from those sites, the off-site impacts associated with those sites, and why a particular site is proposed, if any.
3. Evaluation materials. CED staff will evaluate the potential sites to determine which site is likely to have the least off-site impacts. The CED Director will determine whether applicant is required to provide traffic impact studies, engineering studies, Environmental Impact Analysis as defined in these standards and regulations ~~environmental assessment~~, or other evaluation tools in order to adequately evaluate site options. If not required by CED Director as part of alternative site analysis, these site-specific evaluation tools can be submitted by applicant after site selection has occurred.
4. Evaluation criteria. In determining which sites are likely to have the least off-site impact, CED may consider the following:

Commented [CJM3]: We are concerned the code does not provide distinction between rural and urban areas, this is relevant we believe in light of the zoning changes removing oil and gas from urban areas

We also suggest that while some sites may be larger, this is due to reduction in overall surface disturbance by consolidation of well sites

There is some redundancy in this section, see (a)(2) which provides mineral extraction must be reasonable and possible, the standard by which site is already evaluated

Commented [CJM4]: We would request some clarity with respect to current or future impacts as standards being used to evaluate the sites

i. Distance from existing or platted residences, schools, state licensed daycares, occupied buildings, active open spaces, environmentally sensitive areas, or other areas likely to be adversely impacted; -

i.-;

ii. Traffic impacts and impact to roads, bridges, and other infrastructure;

iii. Access to water and other operational necessities;

iv. Whether the site allows for utilization of impact mitigation, such as use of proximate pipelines;

iv.v. Noise impacts;

v.vi. The impact on the surrounding land;

vii. The impact on wildlife; and

vi.viii. Impact on nearby environmental resources such as water bodies.

5. Site Selection. The county shall review all proposed locations in order to determine which location(s) best protects public health, safety, welfare, and the environment and will choose the location that best satisfies this goal. The Director of Community and Economic Development will determine if any proposed sites meet this goal. If no location satisfies this goal, Operator shall submit three new proposed locations. Alternatively, the County may suggest alternative location(s) or may recommend denial of the OGF Permit if it does not believe that any of the proposed sites meet the siting goal.

2. Neighborhood Meeting: Applicable, unless waived by the Director of Community and Economic Development. Director of Community and Economic Development will determine whether neighborhood meetings are required for one or more ~~all or some~~ of the proposed alternative sites. At the neighborhood meeting, the applicant shall provide an overview of its proposed oil and gas operation and allow those in attendance to provide input as to the proposed operation, including, but not limited to, issues that arise from application of these regulations to the proposed operation, and suggested mitigation to adequately ensure compliance with these regulations.

3. Development Application Submittal: Community and Economic Development has developed a check list of required submittals for OGF Permits that may change from time to time. At a minimum, the following items are required as part of an OGF application submittal:

- a. **Application Form**: a completed OGF Permit application form.
- b. **Application Fee**: OGF application fee

Commented [CJM5]: As noted, some provisions are broad or undefined. We have noted several of those and are happy to elaborate.

Commented [CJM6]: We would request some clarity on the process for any changes. Will stakeholder input be allowed? Further what standards would be used. In other words, we would like a clear standard so any decision not be arbitrary or capricious and be based on rational and technical input

c. **Operations Plan:**

1. Plan Format: Two hard copies of all plans shall be provided and one copy of the plans shall be provided in digital format, on either a thumb drive or CD. No plans shall contain copyright restrictions or public use restrictions.
2. Cover Sheet: The cover sheet shall have a title block with the reference to an Administrative Use by Special Review, project name, and location by section, township and range. The cover sheet shall also include a legal description of the area, date of the drawing, existing zoning of the site, a sheet key, a vicinity map with north arrow (scale of 1" = 2,000' preferred) with an emphasis on the major roadway network within two (2) miles of the proposal, and all applicable County notes, an approval signature block and a block to insert the COGCC Permit number when approved. Upon approval, the first sheet will be signed by the Director.
3. Impact Area Map: The second sheet shall contain an Impact Area Map that shows the proposed location of the Oil and Gas Facility, locations of all-all known existing oil and gas wells within the one-mile impact area, locations of all producing, closed, abandoned, and shut-in wells and other oil and gas operations within one (1) mile of the site, locations of all permitted water wells within ½ mile of the proposed Oil and Gas Operation, Existing improvements within 1,500 feet of the location on which the operation is proposed, and all existing and proposed roads within the one-mile impact area.
4. Drilling Operations Plan: The third sheet shall provide a site plan of drilling operations with drilling equipment with existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County. The applicant shall verify current information regarding what datum is acceptable to the County, prior to submitting the application for the Administrative Use by Special Review. The layout of the drilling equipment may be shown as a typical plan, if the County deems it appropriate for the extent of development of the proposed Oil and Gas Facility.
5. Production Plan: The fourth sheet shall provide a site plan of production operations with production equipment such as separators, tanks, emission control devices and compressor stations with

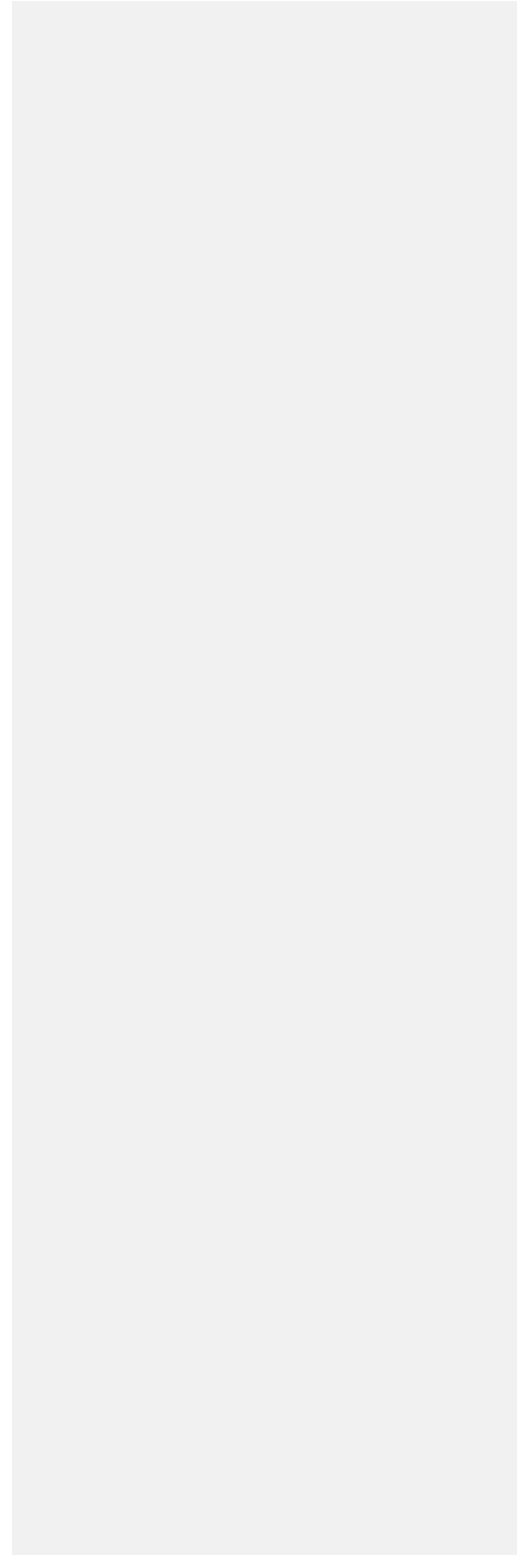
Commented [CJM7]: Some technical flexibility may be beneficial to the county and operator i.e. methods of information transfer change rapidly

Commented [CJM8]: We would suggest it should state "all known existing wells" throughout this subsection

Commented [CJM9]: Unsure of the term "closed" well

Commented [CJM10]: Un-permitted water wells are often located on private property and may not be possible to identify

Commented [CJM11]: Please clarify



existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County. The production plan shall also identify proposed drilling and completion schedules. A seed mix shall be provided for reseeding the well pad. Equipment layout may be a typical plan appropriate to the degree of development for the Oil and Gas Facility, if the County deems it appropriate for the extent of development of the proposed Oil and Gas Facility.

6. Signage Plan/Sign Detail: A dimensioned Signage Plan or Sign Detail shall be included on one of the sheets describing and illustrating the appearance, size, location, type, color, material, and illumination of all signs. Directional signs for emergency responders and inspectors shall be included, along with a 24-hour, 7-days per week contact information ~~in the event of to-deal-with all~~ noise complaints.

7. Final Plan: Once the review process is complete and staff has determined that all outstanding issues have been resolved, staff will request a final copy of the Oil and Gas Operations Plan. The final copy of the Plan shall be paper. The final Oil and Gas Operations Plan shall contain the information listed above unless otherwise specified by the County staff.

- d. **Emergency Preparedness and Response:** in accordance with the Emergency Preparedness and Response requirements in Section 4-10-02-03-03(8).

1. Emergency Service Providers: The applicant must provide a commitment to serve ("will serve") letter from the authority having jurisdiction for providing emergency services (fire protection and emergency medical services) for that facility, or, where no authority has jurisdiction, from an emergency services provider with the ability to provide such emergency services.

- e. **Engineering Documents:** The following technical Engineering documents are required by the CED staff unless otherwise waived:

1. Construction Plans: If applicable, Construction Plans for the proposed Oil and Gas Operation's public improvements including road plan and profile sheets, storm drainage improvements plans and other public

improvements, prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter 9).

2. Pavement Design Report: If applicable, a Pavement Design Report prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter 7).
3. Grading Erosion and Sediment Control: If applicable, a Grading, Erosion, Sediment Control Report and Plan as defined in the latest version of the Adams County Development Standards and Regulations (Chapter 9).
4. Transportation, roads, access standards, and fees:
 - a. The applicant's transportation plan must be designed and implemented to ensure public safety and maintain quality of life for other users of the county transportation system, adjacent residents, and affected property owners.
 - b. Where available, existing private roads shall be used to minimize land disturbance unless traffic safety, visual or noise concerns, or other adverse surface impacts clearly dictate otherwise.
 - c. Access roads on the site and access points to public roads as identified in the application materials shall be reviewed by the CED department and shall be built and maintained in accordance with the engineering specifications and access road standards defined in the Adams County Development Standards and Regulations (Chapter 8).
 - d. All applicable transportation fees shall be paid prior to issuance of a development plan review construction permit, including without limitation:
 - i. Access permit fees
 - ii. Oversize/overweight permit fees
 - iii. Right of way construction permit fees; and
 - iv. Traffic impact and road maintenance fees.

Commented [CJM12]: Concern that TIF fees are still applicable in addition to (e) which requires any cost to improve the roads be borne by operators. The statutory requirements for TIF fees mean that this would amount to double imposition of the same fee

- e. Oil and gas operations must minimize impacts to the physical infrastructure of the county transportation system. Any costs to improve county transportation system infrastructure necessitated by the proposed oil and gas operation shall be the responsibility of the Applicant. All transportation system infrastructure improvements and associated costs shall be determined by the CED department. The County shall perform the work or arrange for it to be performed. If the Applicant disagrees with the infrastructure improvements or associated costs as assessed by CED, it may request that the department approve a different route for its proposed oil and gas operation that avoids the need for such improvements. Alternatively, the Applicant may engage a licensed civil engineering firm to perform a traffic impact study in accordance with Chapter 8 of the Development Standards and Regulations to independently evaluate county transportation system infrastructure improvements and estimated costs necessitated by the proposed oil and gas operation.
- f. Drainage study/technical drainage letter/plan: If applicable, a Drainage Study/Technical Drainage Letter/Plan prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter 9).
- g. Floodplain Use Permit: The applicant must obtain a Floodplain Use Permit, in accordance with the latest version of the Adams County Development Standards and Regulations, if the proposed Oil and Gas construction disturbance or operation encroaches into the 100-year floodplain, or the access is crossing a major drainage way, as defined by the latest version of the Adams County Development Standards and Regulations (Chapter 9).
- f. **Water Supply:** the applicant must provide proof of adequate water supply. Operator shall identify a water resource lawfully available for industrial use, including oil and gas development.

Commented [CJM13]: Many of the determinations outlined in the code allow great deference to a unilateral determination by county staff. Clarification of applicable standards used by staff would provide clarity

Chapter 2—Application and Permitting Procedures
Specific Development Review Steps for Development Applications

close to the facility location, to be utilized by Operator and its suppliers.

- g. **Surface Owner Documentation:** Documentation as to whether the surface owner and others with interest in the property have authorized the proposed OGF.
 - h. **Additional Information:** Community and Economic Development will develop an application check list that may require additional information to process an OGF Permit application. In addition to the items required on the check list, the Director of Community and Economic Development may require additional information deemed necessary to evaluate particular applications.
4. **Determination of Sufficiency:** Applicable. No application shall be processed if after due notification to the responsible party, taxes due on the requested property(ies) are not paid, if inspection fees are not paid, or if fines assessed against the applicant have not been paid.
5. **Staff Report:** Applicable.
- a. Concurrent Referral and Review. County staff may refer the complete application for review by the various County Departments and the County Attorney's Office, as deemed appropriate. An application may require review by outside experts or agencies such as the U.S. Army Corps of Engineers, if the project impacts a floodplain, life-safety providers, adjacent jurisdictions, local public health departments, and others as may be deemed appropriate. Operator shall reimburse the County for reasonable costs incurred in connection with the use of third-party expert reviewers.
- 5.6. **Notice:** Applicable, except notice shall be sent by the applicant to all property owners and current residents within a half mile at a minimum, or greater, as determined by the Director of Community and Economic Development. The Notice shall meet the format prescribed by the County. The notice shall contain a statement informing the recipients of the notice that they may request written notification by the Applicant of the commencement of construction and commencement of drilling operations. The applicant shall provide written notification by U.S. Mail, which shall include an offer to consult, to any municipality or county whose boundaries are within ½ mile of the proposed parcel where an application for an Oil and Gas Facility has been filed with the County.
- 6.7. **Public Hearing.** Applicable if the OGF Permit requires waiver from any approval criteria or performance standards. In cases requiring a

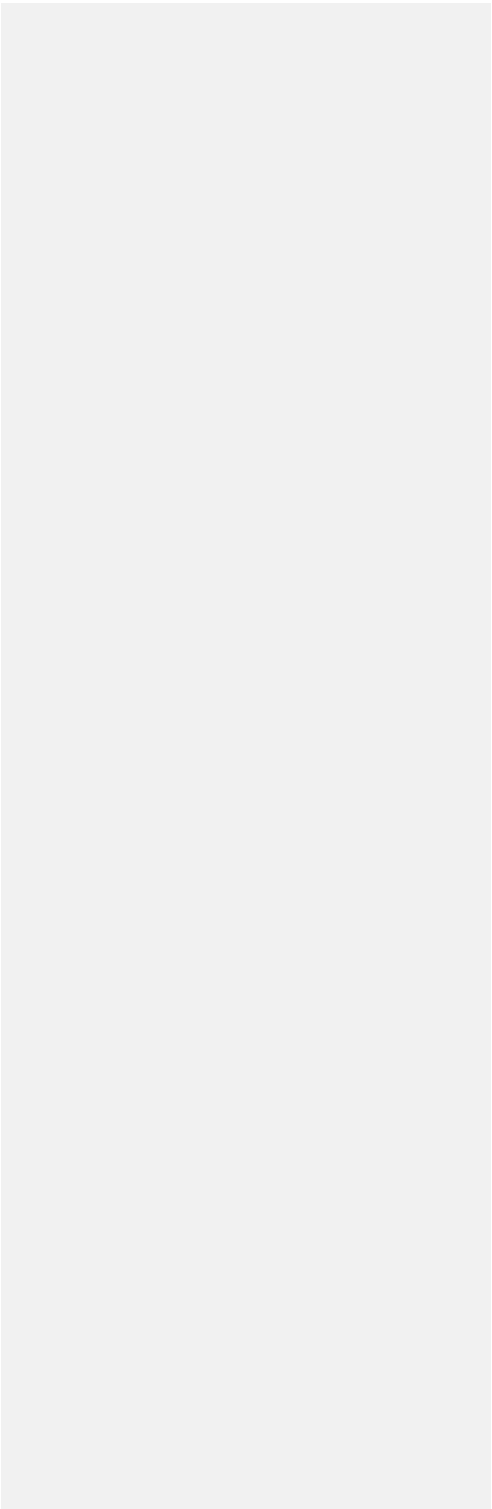
Commented [CJM14]: Clarification that the responsibility lies with the property owner

Commented [CJM15]: This language may be redundant as it refers to otherwise already required USACE authorizations.

Further there is some concern that the county is requiring operators to prepare extensive documentation and planning schemes, and then pay to have those reviewed by the county at the operators expense while retaining no input into the third party who will be reviewing the plans

Commented [CJM16]: If a property owner has tenants, that would likely be private business information. We would submit that operators are willing to utilize public property records, but are unable to determine residency by tenants

Commented [CJM17]: Will the waiver process be required if the landowner consents, or if there is a rural site location?



waiver, a public hearing shall be held in front of the Board of County Commissioners.

7.8. Standards: Applicable.

8.9. Conditions of Approval: Applicable. The Director of Community and Economic Development in approving a permit for an OGF may attach any conditions necessary to implement the Adams County Comprehensive Plan and to ensure the compatibility with adjacent uses. Conditions may include a requirement of an Access Permit or Oversize Load Permit prior to development of the Oil and Gas Facility, a Floodplain Use Permit prior to any work within the floodplain, or a building permit prior to construction of certain structures within the Oil and Gas Facility. In addition, the approving authority shall specify the term of the OGF Permit. An OGF Permit may be renewed following the same procedure used in granting the initial permit.

9.10. Amendments: Applicable.

2-2-14-6 CRITERIA FOR APPROVAL

The Board of County Commissioners or Director of Community and Economic Development, in approving an OGF Permit, shall consider:

1. The OGF is consistent with the purposes of these standards and regulations.
2. The OGF will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards, unless specifically waived or modified by the Board of County Commissioners after public hearing.
3. The siting of the OGF, after evaluation of alternative sites, is the most compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, welfare, the environment and wildlife of the County.
4. The siting of the OGF does not create any site specific conditions that present significant or material impacts to nearby land uses.
5. The OGF has addressed off-site impacts and complies with all applicable performance standards, unless specifically waived or modified by the Board of County Commissioners after public hearing.
6. The site is suitable for the use, including adequate usable space, adequate access, and absence of environmental constraints.

Commented [CJM18]: Again, these terms are very broad and provide little certainty or guidance. We would also suggest that the protections operators put in place for health safety and welfare be considered when evaluating these factors.

Commented [CJM19]: Does this not include landowner consent options

Commented [CJM20]: Please clarify

7. The site plan for the proposed use will provide adequate parking, traffic circulation, fencing, screening, and landscaping.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are available and adequate to serve the needs of the OGF as designed and proposed.
9. Cultural and Historical Resources: the OGF does not cause significant degradation of cultural, historic, or archaeological sites eligible for County landmarking, or the National Historic Register.
10. Water Bodies and Water Quality: the OGF does not cause adverse impacts to surface or ground waters within Adams County. The operator shall comply with all applicable water quality standards.
11. Emergency Preparedness and Response: the oil and gas facility does not cause unreasonable risks of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, and hazardous material vehicle accidents or spills.

11.12. Air Quality: The OGF does not cause significant degradation to air quality.

Commented [CJM21]: Again, we would suggest very broad terms that would need some definitions or criteria

Terms such as “spills”, “does not cause significant degradation”, and “adverse impacts” are ambiguous and allow for broad discretion to deny permits while providing no guidance on what may pose an issue for the county

Commented [CJM22]: We are concerned that the waiver process is extremely stringent, with little leeway for applicable situations such as the location of a well in a rural area.

We would further ask that it be clear that the zoning applies to siting only, and not the development of minerals underneath residential areas

Finally, we would request at least one off-ramp that allows for contractual agreements between the city and applicants. This would allow for more site-specific conditions as opposed to a one size fits all approach

Commented [CJM23]: How might this apply to pipeline right of way's

2-02-14-07

OIL AND GAS FACILITY PERMIT WAIVER

2-2-14-7-1

PURPOSE

The purpose of this section is to establish criteria and detail the steps whereby the Board of County Commissioners, at public meeting, may grant waivers or modifications from approval criteria or performance standards normally required for OGF Permits, allow the OGF use in an area not zoned for OGFs, or allow applicant to develop an OGF site not selected by Community and Economic Development.

2-2-14-7-2

APPLICABILITY

If the OGF permit application is denied based on noncompliance with the approval criteria or performance standards, if the applicant seeks to develop in an area not zoned for OGF development, or if an applicant seeks to develop on a site not approved by CED staff, an applicant may apply for an Oil and Gas Facility Permit Waiver.

2-2-14-7-3 WHO CAN INITIATE A WAIVER

A waiver may be proposed by any applicant that may apply for an OGF.

Commented [CJM24]: Is a provision for landowner written consent an option

The applicant has the burden of proof to demonstrate that the waiver or proposed site selection meets the criteria for approval.

2-2-14-7-4 WAIVER REVIEW PROCEDURES

Any waiver shall be processed through a public hearing before the Board of County Commissioners (See Steps 1 through 10 below). Waiver applications will be heard by the Board of County Commissioners at a public hearing. At such public hearing, the Board of County Commissioners may waive or modify specific regulations or standards requested by the applicant and approve the application, may approve with conditions, or may deny the application.

Applicants may only seek a waiver after submitting a complete application for an OGF Permit and participating in a conceptual review meeting with Community and Economic Development staff. If applicant is unable to meet all approval criteria and comply with all performance standards required for an OGF Permit, applicant may choose to seek a waiver from the Board of County Commissioners. The processing of a waiver shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Must be completed prior to application for waiver as part of OGF Permit process.
2. Neighborhood Meeting: Director of Community and Economic Development will determine whether neighborhood meetings are required after evaluating steps taken as part of OGF process.
3. Development Application Submittal: In addition to all requirements for an OGF Permit, applicant must provide a request for waiver that articulates the specific waivers sought and explains why waivers are necessary.
4. Determination of Sufficiency: Applicable. No application shall be processed if taxes due on the requested property(ies) are not paid, if inspection fees are not paid, or if fines assessed against the applicant have not been paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of County Commissioners. Any requested waiver shall be reviewed and acted upon by the Board of County Commissioners prior to issuance of an OGF Permit. The Board of County Commissioners may take testimony from the public at the public meeting.

Commented [CJM25]: Taxes due by applicant, or landowner

8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of County Commissioners, in approving a waiver for an OGF Permit, may attach any conditions necessary to implement the Adams County Comprehensive Plan and to ensure the compatibility with adjacent uses.
10. Amendments: Applicable.

2-2-14-7-5 CRITERIA FOR APPROVAL

The Board of County Commissioners, in approving a waiver, shall find:

1. Extraordinary hardships or practical difficulties result from strict compliance with these standards and regulations
2. The purpose of these standards and regulations are served to a greater extent by the alternative proposal.
3. The waiver does not have the effect of nullifying the purpose of these standards and regulations.

Commented [CJM26]: Provision 2 and 3 may be redundant if this is a conjunctive finding requirement.

2-2-14-7-6 ADDITIONAL CRITERIA FOR A ZONE DISTRICT WAIVER

The Board of County Commissioners, in approving zone district waiver, in addition to the criteria outlined above, shall find:

1. The proposed Oil and Gas Facility is consistent with the Adams County Comprehensive Plan.
2. The proposed Oil and Gas Facility is compatible with the surrounding area, harmonious with the character of the neighborhood, and not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, welfare or the environment of the inhabitants of the area and the County.

Commented [CJM27]: We would ask that all cumulative impacts be considered including the benefits oil and gas brings to the quality of life within the community

2-02-15 AMENDMENT TO TEXT OF THE STANDARDS AND REGULATIONS AND/OR ZONING MAP (REZONING) AND/OR COMPREHENSIVE PLAN

2-02-15-01 PURPOSE

The purpose of this section is to detail the steps to follow for changing the text of these standards and regulations, or the boundaries of the zone districts shown on the Zoning Map (Rezoning), or the Comprehensive Plan.

- d. Truck Washing: All trucks shall be washed at least once a week with a detergent and disinfectant to minimize nuisance conditions, unless spills or leaks are detected which must be disinfected immediately. All wash water shall be properly controlled to prevent runoff.
- e. Waste Incineration: Infectious waste incineration facilities shall be permitted to burn infectious waste only. Incineration of waste paper, contraband, or other materials is not permitted unless specifically approved as part of the wastestream.

7. *Hazardous Waste Disposal Site and Facility Standards:* All hazardous waste disposal sites and facilities shall meet the standards established by State and Federal regulatory requirements.

4-10-2-3-3 OIL AND GAS FACILITY

4-10-2-3-3-4 Purpose

This Section is enacted to protect and promote the health, safety, values, convenience, order, prosperity and general welfare of the current and future residents of the County. It is the County's intent by enacting this Section to facilitate the development of oil and gas resources within the unincorporated area of the County while avoiding or mitigating potential land use conflicts between such development and existing, as well as planned, land uses. It is recognized that under state law the surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Owners of subsurface mineral interests have certain legal rights and privileges, including the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests from a consenting surface owner, subject to compliance with the provisions of this Section and any other applicable statutory and regulatory requirements. Similarly, owners of the surface estate have certain legal rights and privileges, including the right to have the mineral estate developed in a reasonable manner and to have adverse impacts upon their property, associated with the development of the mineral estate, avoided or mitigated through compliance with this Section.

4-10-2-3-3-4 Definitions

Oil and Gas Facilities:

1. The site and associated equipment used for the production, treatment, and/or storage of oil and gas and waste products; or
2. An individual well pad built with one or more wells and operated to produce liquid petroleum and/or natural gas, including associated equipment required for such production; or

Commented [CJM28]: This definition does not include flowlines/gathering lines. Will siting of this critical infrastructure for oil and gas production be subject to this review?

3. Temporary storage and construction staging of oil and gas; or
4. Any other oil and gas operation which may cause significant degradation.

For any other definition not listed in this section, the definitions listed in Chapter 11 of the Adams County Development Standards and Regulations and the Colorado Oil and Gas Conservation Commission's regulations shall govern. If there is a conflict between the definitions in Chapter 11 and the COGCC's definitions, the COGCC's definitions shall prevail. If the term is not found in the COGCC's definitions or in Chapter 11, the term shall have its common meaning along with the spirit and intent of the Development Standards and Regulations and may be subject to interpretation by the Director of Community and Economic Development or his or her designee.

4-10-2-3-3-4

General Provisions

1. Access: Oil and gas well installation shall be located to provide convenient access, shall accommodate the traffic and equipment related to the oil and gas operations and emergency vehicles, and shall comply with COGCC rules and Adams County Development Standards and Regulations. Oil and gas operations must avoid or minimize impacts to the physical infrastructure of the county transportation system.
2. Building Permit Required: For all new or substantially modified wells, a building permit is required for the installation of permanent electrical, pumps, tank batteries, and all other above-ground structures as well as any other applicable permits including, but not limited to, culvert permits, oversized-load permits, and floodplain use permit.

Commented [CJM29]: Please clarify definition

2.3. Setbacks: Oil and Gas Facilities shall be at least _____ feet from the property line of any existing or platted residences, schools, state licensed daycares, or occupied buildings.

3.4. Fees and Permits: All applicable County fees adopted by the County, including postage fees and inspection fees, must be paid at time of application and prior to issuance of a building permit, including for all applicable permits required by the Adams County Development Standards and Regulations.

4.5. Oil and Gas Road Impact and Maintenance Fees:

- a. Operators must pay oil and gas road impact and maintenance fees, as approved by the Board of County Commissioners, for all proposed oil and gas wells and pads. This fee shall be paid at the time of issuance of an Oil and Gas Facilities Permit. Any person or entity required to pay the oil and gas road impact fee may elect to submit an independent study and fee calculation to demonstrate that the nature, timing, or location of the proposed oil and gas development is likely to generate impacts costing less to mitigate than the amount of the fee that would be generated by the use of the fee schedule. Any independent fee study

for oil and gas development shall generally follow the methodology established in the Adams County Oil & Gas Traffic Impact Study.

- i. The preparation of the independent fee calculation study shall be the sole responsibility of the electing party.
- ii. Any person or entity who requests to perform an independent fee calculation study shall pay an application fee for administrative review. An administrative decision related to the independent study may be appealed to the Board of County Commissioners. The appeal shall be filed within 14 days of staff decision and shall follow the appeal process established for OGF Permit Waivers .

5. **Safety Standards:**

- a. Operator shall implement a safety management plan and maintain a safety management system applicable to all covered processes at the facility. The safety management system shall provide for employees and systems to oversee implementation and periodic revision of the plan. The plan shall include the following elements and describe the manner in which each of the following elements will be applied to the covered processes:

- i. Process safety information. Compilation of written process safety information needed to conduct process hazard analysis. Process safety information shall include information pertaining to hazards of substances and chemicals used by the process, information pertaining to the technology of the process, information pertaining to the equipment used in the process, and information pertaining to the hazards of the substances or chemicals in the process. Documentation that equipment used in the process complies with recognized and generally accepted good engineering practices;
- ii. Operating procedures. Written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information, and at least annual review of operating procedures to ensure they reflect current operating practices;
- iii. Employee participation. Plan for ensuring employee participation in conduct and development of process hazards analysis and access to process hazards analysis;
- iv. Training. Written procedures detailing initial and refresher employee training requirements and documentation of employee training;

Commented [CJM30]: We would raise a general concern that some of these provisions may be preempted by federal laws including OSHA and/or EPCRA

Commented [CJM31]: Please clearly define what are generally accepted practices

Some of this information may be confidential business information

- v. **Mechanical integrity.** Written procedures designed to maintain the on-going integrity of process equipment, ensure employees involved in maintenance are properly trained to ensure the ongoing integrity of process equipment, ensure that process equipment is tested and inspected in accordance with manufacturer specifications, correct deficiencies in equipment in a safe and timely manner, and ensure that new equipment is installed or **constructed properly**;
- vi. **Management of change.** Written procedures to manage changes to covered processes, technologies, equipment and procedures;
- vii. **Pre-startup reviews.** Written procedures regarding pre-startup safety reviews;
- viii. **Compliance audits.** Written procedures requiring an audit every three years to verify compliance with the procedures and practices developed under the safety management plan, and procedures requiring correction of any deficiencies identified in audit; operator will make results of audit available to inspector upon request;
- ix. **Incident investigation.** Written procedures requiring investigations of all near-misses and incidents, including root cause analysis of all incidents resulting in fatalities or **serious environmental harm**, **establishing a system to promptly address** and resolve the incident, and requiring that all employees and contractors whose job tasks are relevant to the investigation of the near miss or incident review the investigation report.
- x. **Hot work.** The facility shall ensure that all hot work complies with city and state fire prevention and protection requirements.
- xi. **Contractors.** Written procedures describing how operator screens, oversees, shares process safety and emergency response and preparedness information with contractors;
- xii. **Process hazard analysis.** Process hazard analysis for each **covered process**;
- xiii. **Incident history.** List of all incidents that have occurred at the operator's facilities within the last ten years, along with any investigation reports, root cause analysis and operational or process changes that resulted from the investigation of the **accident**;
- xiv. **Safety culture assessment.** Written procedures requiring operator **to** periodically review **its** safety culture, and at a minimum conduct such review after each major accident; and

Commented [CJM32]: This may constitute a regulation of down hole activity, which was not delegated under SB19-181 as this suggests downhole regulation of the casing and annulus

Commented [CJM33]: Much of the equipment used for drilling and completions are owned and operated by service companies. Operators do not directly control the operations and personnel of service companies including the maintenance and mechanical integrity of the equipment. Need to clarify which process equipment this applies to – drilling, completions, production?

Commented [CJM34]: Please clarify

Commented [CJM35]: Please define

Commented [CJM36]: This is a broad provision which we would request be clarified. For example, an international company could be required to disclose an extensive log, or how would this be applied to a merger or acquisitions. We would suggest limiting this to Colorado only.

Further we would suggest that it be only incident investigations. Otherwise it would require reporting on even the smallest accidents requiring a simple band aide

- xv. Inherently safer systems analysis. Require analysis at least every 5 years, whenever a change is proposed at the facility that could result in an incident, after an incident if recommended by the investigation report or root cause analysis, and during the design of new processes, equipment or facilities.
- xvi. Operator shall make available safety management plan to Adams County at the County's request. Adams County may retain outside consultants to review safety management plan and may request modifications to safety management plan based on its review. Operator must reimburse County for any costs associated with retaining outside consultants.
- b. Automatic safety protective systems and surface safety valves. Operator is required to install automated safety system prior to commencement of production. Automated safety system shall include the installation, monitoring and remote control of a subsurface safety valve and shall be able to remotely shut in wells on demand. Subsurface safety valve shall be equipped to operate remotely via the automated safety protective system. Operator shall test automated safety system quarterly to ensure functionality and provide results of testing to County quarterly.
- c. Incident and accident reporting.
- i. Incidents. Within a week of any safety incident, operator shall submit a report to the County including the following, to the extent available:
1. Fuel source, location, proximity to residences and other occupied buildings, cause, duration, intensity, volume, specifics and degree of damage to properties, if any beyond the facility, injuries to persons, emergency response, and remedial and preventative measures to be taken within a specified amount of time.
- ii. County may require operator to conduct root cause analysis of any incidents or Grade 1 gas leaks, as defined by the COGCC.
- iii. Operator shall keep a daily incident log that shall be made available to Adams County upon request. Any spill or release that is reportable to the COGCC shall be simultaneously reported to the County's LGD and applicable fire district.
- iv. Notification to the County's LGD of all spills of a gallon or more that leaves the facility, all spills of any material on permeable ground at the facility that has a reportable spill quantity under any law and copies of any self-reporting submissions that operator provides to the COGCC.

Commented [CJM37]: Please define, this is very broad

Commented [CJM38]: We suggest only OSHA reportable events

Commented [CJM39]: It may be unreasonable to expect a report on cause within a week to which false statement liability and privilege waiver issues could presumably attach.

Commented [CJM40]: Please narrow definition

iv.v. Notification of the surface owner or the surface owner's tenant of spills and releases in conformance with COGCC Rules.

6. Spill Prevention and Containment. Oil and gas operations shall be in compliance with COGCC safety and spill and release requirements.
 - a. Requirements for reporting of spills and releases and rules to minimize liquid spills and releases include the following:
 - i. Berms or other secondary containment devices around crude oil, condensate, and produced water storage tanks enclosing an area sufficient to contain and provide secondary containment for 150% of the largest single tank.
 - ii. Berms or other secondary containment devices shall be sufficiently impervious to contain any spilled or released material.
 - iii. Inspection of all berms and containment devices at regular intervals, but not less than monthly. Berms shall be inspected within forty-eight (48) hours of a precipitation event of 1.0" or more, and Operator shall make necessary repairs as soon as possible, but not more than seventy-two (72) hours after the event.
 - iv. Maintenance of all berms and containment devices in good condition.
 - v. A prohibition on the storage of ignition sources inside the secondary containment area unless the containment area encloses a fired vessel.
 - vi. Construction of containment berms using steel rings, designed and installed to prevent leakage and resist degradation from erosion or routine operation.
 - vii. Construction of secondary containment areas with a synthetic or engineered liner that contains all primary containment vessels and flowlines and is mechanically connected to the steel ring to prevent leakage.
 - viii. A prohibition on more than two crude oil or condensate storage tanks within a single berm.
 - ix. For locations within 500 feet and upgradient of a surface water body, tertiary containment, such as an earthen berm, around oil and gas facilities.
 - x. Discharge valves shall be secured, inaccessible to the public and located within the secondary containment area. Open-ended discharge valves shall be placed within the interior of the tank secondary containment.

- b. Anchoring. Anchoring is required within floodplain or geological hazard areas, as needed to resist flotation, collapse, lateral movement, sinking, or subsidence, and in compliance with Federal Emergency Management Agency (FEMA). All guy line anchors left buried for future use shall be identified by a marker of bright color not less than four feet in height and not greater than one foot east of the guy line anchor.

7. Chemical Handling and Requirements

- a. The owner or operator of any installation that is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., and regulations promulgated under that Act, shall submit both a ~~material~~ safety data sheet (~~MSDS~~) for each such chemical and an annual emergency and hazardous chemical inventory form to the LEPC and the local fire district. A comprehensive and universal listing of all hazardous chemicals shall be organized based on the various phases of operation including test wells and drilling and other construction activities submitted prior to construction and with the necessary building permit applications for a Rig and Move Permit. In addition, operator shall have current ~~MSDS~~ and quantities on site at all times or available upon request.
- b. Operator shall not store onsite waste in excess of thirty days.
- c. Drilling and completion chemicals shall be removed at most sixty days after completion.
- d. Operator shall not use toxic, including orally toxic, chemicals in hydraulic fracturing fluids including but not limited to, the following:

1. Benzene
2. Lead
3. Mercury
4. Arsenic
5. Cadmium
6. Chromium
7. Ethylbenzene
8. Xylenesf
9. 1,3,5-trimethylbenzene
10. 1,4-dioxane
11. 1-butanol
12. 2-butoxyethanol

Commented [CJM41]: This should disclosure protection for trade secrets and may be too broad in terms of delegated authority

Commented [CJM42]: This may preclude reuse of produced water, and possibly fresh water
Due to upcoming changes, it may be more efficient to defer to COGCC rules in this instance
Further this likely could constitute down hole regulation

13. N,N-dimethylformamide
14. 2-ethylhexanol
15. 2-mercaptoethanol
16. Benzene, 1, 1'-oxybis-,tetrapropylene derivatives, sulfonated, sodium salts
17. Butyl glycidyl ether
18. Polysorbate 80
19. Quaternary ammonium compounds, dicoco alkyldimethyl, chlorides
20. Bis hexamethylene triamine penta methylene phosphonic acid
21. Diethylenetriamine penta
22. FD&C blue no 1.
23. Tetrakis (triethanolaminato) zirconium (IV) (TTZ)

8. Emergency Preparedness and Response

- a. In General. Oil and gas operations shall not cause unreasonable risks of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, and hazardous material vehicle accidents or spills.
- b. Emergency Preparedness Plan. Each Applicant with an operation in the County is required to implement an emergency preparedness plan for each specific oil and gas facility. The plan shall be referred to by ~~the~~ the Office of Emergency Management, and the applicable fire district and filed with the County and updated on an annual basis or as conditions change (responsible field personnel change, ownership changes, etc.). The emergency preparedness plan shall consist of at least the following information:
 - i. Name, address and phone number, including 24-hour emergency numbers for at least two persons located in or near Adams County who are responsible for emergency field operations.
 - ii. An as-built facilities map in a format suitable for input into the County's GIS system depicting the locations and type of above and below ground facilities including sizes, and depths below grade of all oil and gas gathering and transmission lines and associated equipment, isolation valves, surface operations and their functions, as well as transportation routes to and from exploration and development sites, for emergency response and management purposes. The information concerning pipelines

Commented [CJM43]: Please define unreasonable

Commented [CJM44]: Oil and gas production operators do not know or do not have access to detailed information on gathering lines and transmission lines and their associated valves owned and operated by wholly separate companies.

and isolation valves shall be held confidentially by the County's Office of Emergency Management, and shall only be disclosed in the event of an emergency. The County shall deny the right of inspection of the as-built facilities maps to the public pursuant to C.R.S. § 24-72-204.

- iii. Detailed information addressing each potential emergency that may be associated with the operation. This may include any or all of the following: explosions, fires, gas, oil or water pipeline leaks or ruptures, hydrogen sulfide or other toxic gas emissions, or hazardous material vehicle accidents or spills. For each potential emergency, threshold / trigger levels shall be pre-identified that govern when an emergency state is declared by the Applicant.
- iv. The plan shall include a provision that any spill outside of the containment area or which has the potential to leave the facility or to threaten a water body shall be reported to the emergency dispatch and the Director immediately.
- v. Detailed information identifying access or evacuation routes, zone of influence for each emergency scenario identifying impacted facilities and buildings and health care facilities anticipated to be used.
- vi. Project specific emergency preparedness plans are required for any project that involves drilling or penetrating through known zones of hydrogen sulfide gas.
- vii. The plan shall include a provision that obligates the Applicant to reimburse the appropriate emergency response service providers for costs incurred in connection with any emergency.
- viii. Detailed information that the Applicant has adequate personnel, supplies, and funding to implement the emergency response plan immediately at all times during construction and operations.
- ix. The plan shall include provisions that obligate the Applicant to keep onsite and make immediately available to any emergency responders the identification and corresponding ~~Material~~ Safety Data Sheets (~~M~~SDS) of all products used, stored or transported to the site. The ~~M~~SDS sheets shall be provided immediately upon request to the Director, a public safety officer, or a health professional. In cases of spills or other emergency events, the plan shall include provisions establishing a notification process to emergency responders of potential products they may encounter, including the products used in the hydraulic fracturing fluids.

Commented [CJM45]: What type of information?

Commented [CJM46]: This should disclosure protection for trade secrets and may be too broad in terms of delegated authority

- x. The plan shall include a provision establishing a process by which the Applicant engages with the surrounding neighbors and schools to educate them on the risks and benefits of the on-site operations and to establish a process for surrounding neighbors and schools within a half mile radius, unless determined otherwise by the Director of Community and Economic Development, to communicate with the Applicant.
- xi. Operator shall maintain ~~onsite~~ storage of aqueous film forming foam (which shall not contain PFAS), absorption boom and granulated materials for ready deployment in case of leaks or other emergencies. Operator shall notify first responders of the location of said materials.

9. Recycle, Reuse and Disposal of Fluids:

- a. Operator shall recycle drilling, completion, flowback and produced fluids unless technically infeasible.
- b. Waste may be temporarily stored in tanks while awaiting transportation to licensed disposal or recycling sites.
- c. Waste must be transported by pipelines unless technically infeasible.

10. Stormwater Controls:

- a. Oil and gas operations shall be in compliance with COGCC rules related to stormwater management regulations and Adams County Stormwater Quality Regulations as contained in the Adams County Development Standards and Regulations / Ordinances and other applicable federal, state, and county requirements.
- b. The Owner or Operator must provide a stormwater management plan that identifies possible pollutant sources that may contribute pollutants to stormwater, best management practices, sampling procedures (if required), and inspections that, when implemented, will reduce or eliminate any possible water quality impacts.

11. Water Bodies and Water Quality:

- a. General. Oil and gas operations shall not cause adverse impacts to surface or ground waters within Adams County. Operators shall comply with all Adams County rules, COGCC Rules, specifically with respect to spills and releases in floodplains and/or water bodies, and applicable water quality standards set by the Colorado Department of Public Health and Environment.
- b. Water quality plan. Operators shall implement a water quality plan and make available to Adams County upon request, such plan shall include details such as operator's plans for water quality testing, prevention of illicit or inadvertent discharges, stormwater discharge management,

Commented [CJM47]: County needs to support the planning and development of pipeline infrastructure to propose this mandate including waiving applications that may not fully satisfy review criteria or performance standards.

A shall provision is fairly restrictive, should take into consideration all relevant factors. In some instances, it may be feasible, but clarification is needed on who or how technically infeasible will be determined

containment of pollutants, and spill notification and response as required by federal and state agencies. The owner or operator shall provide the County with the information it provides to the COGCC ensuring compliance with the water quality protection standards contained in COGCC Rules. The owner or operator shall provide all water source test results to the county and maintain records of such results. The owner or operator shall provide its plans concerning downhole construction details and installation practices, including casing and cementing design, and shall inform the county how the plans establish that the facility does not create significant degradation to surface waters or drinking water aquifers.

c. Wastewater Injection Wells are prohibited in Adams County.

e.d. Floodplain. Disturbance within a 100-year floodplain will be allowed if the Operator has obtained a Floodplain Use Permit from the County and has complied with all of the County's legally adopted floodplain and engineering regulations. A "100-year floodplain" shall be, for purposes of this Section, a "Special Flood Hazard Area" as identified and mapped by the Federal Emergency Management Agency's National Flood Insurance Program and adopted by the County.

12. Well Plugging and Abandonment:

a. An operator shall comply with all COGCC rules regarding well abandonment and reclamation, including, but not limited to, removal of all equipment from the location and restoring the surface of the land to its original state. Notice of well plugging and abandonment shall be submitted by the operator to the Community and Economic Development Department within forty-eight (48) hours. Notice shall include surveyed coordinates of the decommissioned well.

b. Decommissioned oil and gas well assessment. Prior to any hydraulic fracturing, and at periods following hydraulic fracturing, the operator must perform assessment and monitoring of plugged and decommissioned or removed from use, and dry and removed from use oil and gas wells (abandoned wells) within one-quarter mile of the projected track of the borehole of a proposed well. The assessment and monitoring includes:

i. Identification of all abandoned wells located within one-quarter mile of the projected track of the borehole of a proposed well based upon examination of COGCC and other publicly available records,

ii. A Risk assessment of leaking gas or water to the ground surface or into subsurface water resources, taking into account plugging and cementing procedures described in any

Commented [CJM48]: This provision may exceed local authority

Commented [CJM49]: We would reserve our right to review whether a prohibition on all injection wells is permissible

Commented [CJM50]: Please clarify what documents or field screening measurements would be used

- recompletion or plugged and abandoned (P&A) report filed with the COGCC.
- iii. Notification to the County and COGCC of the results of the risk assessment of the plugging and cementing procedures.
- iv. Permission from each surface owner who has an abandoned well on the surface owner's property to access the property in order to test the abandoned well. If a surface owner has not provided permission to access after thirty days from receiving notice, the applicant shall not be required to test the abandoned well.
- v. Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well prior to hydraulic fracturing
- vi. Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well within one year and then every three years after production has commenced.
- vii. Notification of the results of the soil gas survey to the County and the COGCC within three weeks of conducting the survey or advising the County that access to the abandoned wells could not be obtained from the surface owner.
- viii. In the event that contamination is detected during any soils testing, no further operations may continue until the cause of the contamination is detected and resolved and the county has given its approval for additional operations to continue.
- c. Marking of plugged and abandoned wells. The operator shall permanently mark by a brass plaque set in concrete, similar to a permanent bench mark to monument the plugged and abandoned well's existence and location. Such plaque shall contain all information required on a dry hole marker by the COGCC and the County.

Commented [CJM51]: This is a private property issue with this provision. Are operators required to assume ownership of the abandoned well. I.e. there are environmental liability concerns here. Further it is unclear what tests will need to be conducted if this owner agrees

Commented [CJM52]: Are these required even in the event of no negative indicators?

13. Noise. The Operator shall control noise levels as follows:

- a. Prior to operations operator will obtain a baseline noise study that encompasses at least three days, one of those days being a weekend.
- b. Beginning with construction and up to production, the County may require continuous noise monitoring and may require that this be conducted by an approved third party consultant.
- c. The Operator must follow COGCC Regulations for noise level.

Commented [CJM53]: This is an example of distinction between urban and rural development

e.d. The Operator shall post 24-hour, 7 days per week contact information to respond to deal with all noise complaints arising from Operator's oil and gas facility.

d.e. To ensure the Operator controls noise to the allowable levels set forth above, one or more of the following may be required:

- i. Acoustically insulated housing or cover enclosing the motor or engine;
- ii. Noise management plan identifying hours of maximum noise emissions, type, frequency, and level of noise to be emitted, and proposed mitigation measures;
- iii. Obtain all power from utility line power or renewable sources;
- iv. Utilize the most current equipment to minimize noise impact during drilling, completions, and all phases of operation including the use of "Quiet Fleet" noise mitigation measures for completions;
- v. Sound walls around well drilling and completion activities to mitigate noise impacts;
- vi. Restrictions on the unloading of pipe or other tubular goods between 6:00 p.m. and 8:00 a.m.;
- vii. Any abatement measures required by COGCC for high-density areas, if applicable.

14. Air Emissions: Air contaminant emission sources shall comply with the permit and control provisions of the state air quality control program (C.R.S. § 25-7-101 et seq.) and the rules and regulations promulgated by the State Air Quality Control Commission. The Operator shall employ the following control measures and operating procedures to avoid or minimize all emissions into the atmosphere.

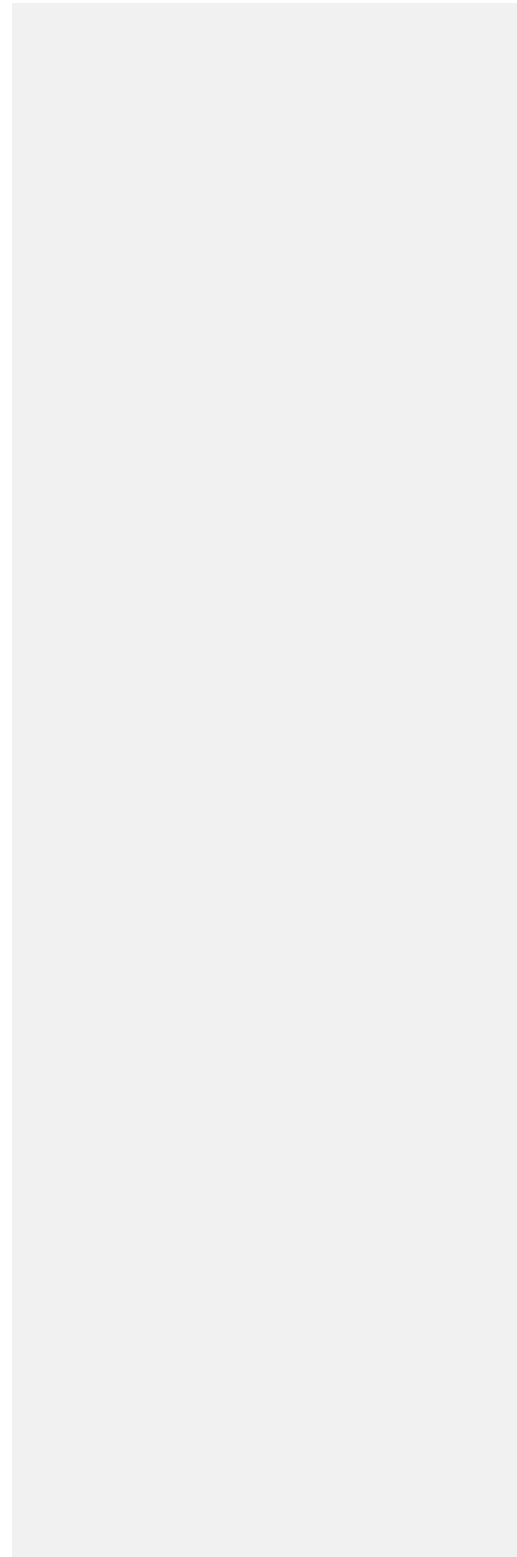
- a. Air quality action days. Operator shall respond to air quality action day advisories posted by the CDPHE for the Denver Metro/North Front Range ozone nonattainment area by implementing suggested air emission reduction measures as feasible. Emissions reduction measures shall be implemented for the duration of an air quality action day advisory and may include measures such as:
 - i. Minimize vehicle and engine idling;
 - ii. Reduce truck traffic and worker traffic;
 - iii. Delay vehicle refueling;
 - iv. Suspend or delay use of fossil fuel powered ancillary equipment; and
 - v. Postpone construction or maintenance activities, if feasible.

- b. Leak Detection and Repair. Operator shall develop and maintain an LDAR program using modern leak detection technologies for equipment used at the facility that complies with the following requirements:
- i. Inspections must occur at least semi-annually; or at the specified frequency of equivalent method that is approved by the CDPHE as required by AQCC Regulation 7 Section XIII.L.8. more frequent inspections may be required based on the design, location and size potential oil production volumes of of the well production facility.
 - ii. If an infrared (IR) camera is used, operator shall retain an infrared image or video of all leaking components before and after repair. Such records shall be maintained for two years and shall be made available to the county upon request. Any leaks
 - iii. Any leaks discovered by operator, including any operator verified leaks that are reported to operator by a member of the public, shall be reported to the County no later than twenty-four hours after immediately upon discovery. The operator shall maintain a weekly log of all reported leaks and shall make that log available upon request from the County in an annual report.
 - iv. Operator shall repair leaks as soon as possible, but at least within seventy-two hours five working days, unless technically or operationally infeasible, immediately. If the County determines that the leak presents an imminent immediate hazard to persons or property, shall report the leak to the county within 24 hours and the operator may not operate the affected component, equipment or pipeline segment until the operator has corrected the problem repaired the leak and the County agrees that the affected component, equipment or pipeline segment no longer poses a hazard to persons or property. In the event of leaks that the County believes do not pose an imminent immediate hazard to persons or property, if more than 48 hours five working days repair time is needed after a leak is discovered, operator shall contact the County and provide an explanation of why more time is required.
 - v. Plan shall include detailed recordkeeping of the inspections for leaking components.
 - vi. At least once per year, the operator shall notify the County five business days prior to an LDAR inspection of its facilities to provide the County the opportunity to observe the inspection.
- c. Well Completions and Emissions Control
- i. Operators shall utilize EPA Reduced Emission Completions for oil wells and gas wells.
 - ii. Operators must utilize closed loop, pitless drilling, completions and production systems without permanent on-site storage tanks for containment and/or recycling of all drilling,

Commented [CJM54]: This language would allow for other approved technologies.

Further please clarify if needed for all wells, or just new.

Commented [CJM55]: This requirement does not accomplish any type of emissions reductions and is a very significant recordkeeping burden. Not only will it take a significant amount of time and result in no emissions benefits, but it can also become difficult to store very large videos.



completion, flowback and produced fluids and any required venting routed to at least 98% effective emissions control devices.

Commented [CJM56]: The state requirement is 95% and available certification only extends to 98%

d. Combustion Devices

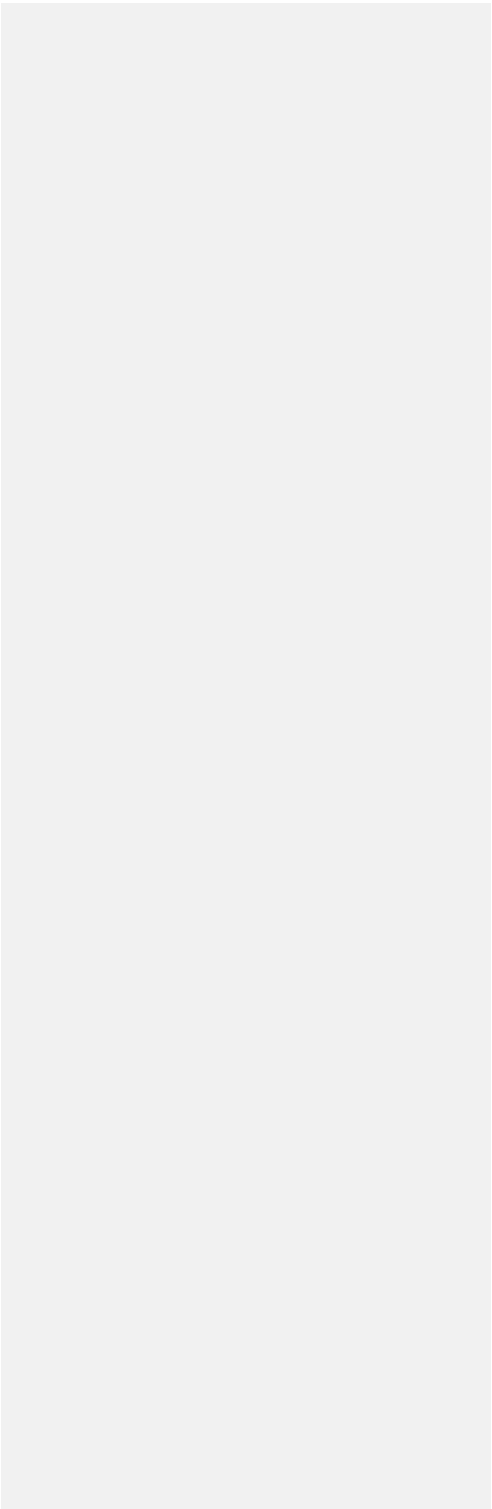
- i. For any flares or combustion devices used, to control hydrocarbon tank vapors manufacture test or other data demonstrating hydrocarbon destruction or control efficiency with a design destruction efficiency of at least 989%. ~~or better~~
- ii. Flaring of sales ~~gas that would otherwise be routed to a gas gathering line at a well production facility~~ shall be ~~eliminated prohibited except during other than~~ during emergencies, maintenance activities or upset conditions and sales gas from wildcat wells; all flaring shall be reported to the county
- iii. To the extent used, all flares, thermal oxidizers, or combustion devices shall be designed and operated as follows:

1. The flare and or combustor shall be fired with natural gas.
2. The flare and or combustor shall be designed and operated in a manner that will ensure no visible emissions during normal operation. Visible emissions means observations of smoke for any period or periods of duration greater than or equal to one minute in any fifteen minute period during normal operation, pursuant to EPA Method 22. Visible emissions do not include radiant energy or water vapor.
3. The flare and or combustor shall be operated with a flame present at all times when emissions may be vented to it.
4. All combustion devices shall be equipped with an operating auto-igniter.
5. If using a pilot flame ignition system, the presence of a pilot flame shall be monitored using a thermocouple or other equivalent device to detect the presence of a flame. A pilot flame shall be maintained at all times in the flare's pilot light burner. A telemetry system shall be in place to monitor pilot flame and shall activate a visible and audible alarm or shut in the well production facility in the case that the pilot goes out.
6. If using an electric arc ignition system, the arcing of the electric arc ignition system shall pulse continually and a device shall be installed and used to continuously monitor the electric arc ignition system.

Commented [CJM57]: Allow propane to be used as supplement fuel for low producing wells to achieve combustion destruction efficiency

Commented [CJM58]: In some cases, it's possible to have automation in place to prevent to shut in a facility and prevent the production of liquids to tanks when the pilot is not lit. This method can be more effective than an audible alarm, so the option should be added.

e. Liquids Unloading



- i. Best management practices during liquids unloading activities are required and may include the installation of artificial lift, automated plunger lifts and at least 90% emissions reductions when utilizing combustion to control any venting.
- ii. If manual unloading is permitted, operator shall remain onsite.
- f. General air quality protection measures.
- i. Operators should work to limit truck traffic to and from the site.
- ii. Hydrocarbon control of at least 98% or better for crude oil, condensate, and produced water tanks at a well production facility with uncontrolled actual emissions of VOCs greater than sixty TPY VOCs.
- iii. No venting other than if necessary for safety or during an emergency
- iv. Operators should consolidate product treatment and storage facilities within a facility.
- v. Operators should centralize the compression units needed for the well production facilities within one facility where possible.
- vi. For operators with existing oil and gas facilities in Adams County, demonstration that the facility will not result in any increase of VOCs from operator's existing and planned development in the County. Operator may include anticipated reductions from plugging and abandoning existing wells located in the County when modeling total VOCs from existing and future development and related activities.
- g. Site-specific air quality protection measures. To eliminate or minimize air emissions, the County may require any or all of the following depending on the size potential oil production volumes, location and nature of the well production facility:
- i. Ambient Air Monitoring. An air monitoring plan that describes how the operator will conduct baseline monitoring within 500 feet of a proposed facility prior to construction and conduct monitoring during the drilling, completion and production phases of development shall be approved by the County prior to any activity. The plan shall include monitoring for all potential emissions, including but not limited to, methane, VOCs, Hazardous Air Pollutants (HAPs), Oxides of Nitrogen (NOx), Particulate Matter (PM), Fine Particulate Matter (PM 2.5), and Carbon Monoxide (CO). Ambient Air Sampling shall occur using the following specific practices and procedures: (1) summa canisters capable of detecting hazardous air pollutants and VOCs in the parts per million range will be

Commented [CJM59]: The CDPHE is about to enter rulemaking that will include lowering control thresholds on tanks. The lower threshold will be determined in the coming months, so we should wait and see what this threshold is before a setting a new threshold here

Commented [CJM60]: What is meant by "product treatment"?

Commented [CJM61]: The redline is needed to make sure that this does not apply to midstream compressor stations.

Commented [CJM62]: We cannot agree on a VOC cap and trade program. These types of programs require very detailed rules on how they will work, and need to have the ability for trading/buying of credits from other operators. Nonattainment regulations will already require an operator to generate and use emission reduction credits if they wish to construct a major source. The area is going to be bumped up in severity very shortly, which would cut the major source threshold in half. These types of complex programs should be handled at the State level to prevent duplication or conflict.

Commented [CJM63]: what is meant by "size"?

Commented [CJM64]: Air monitoring should not be required for oil and gas facilities at remote locations or where previous air monitoring has demonstrated the consistent performance of an emission source. Continuous air monitoring should only be applied where occupied buildings are in close proximity.

Commented [CJM65]: Drilling and Completions operations are temporary in nature. These pollutants are products of combustion and the regulation proposes to minimize the emissions through the use of low-emissions technology. Production facilities typically only have small heaters and ECD with low emissions. The State has an air monitoring network and currently monitor all these pollutants. In reviewing the data, all pollutants are well below NAAQS.

deployed periodically, either automatically or manually, in response to measured elevated levels in methane or VOCs; (2) sampling protocol must take into account seasonal and operational variations including wind speed, wind duration and temperature to help separate ambient background from local pad impacts; (3) continuous monitoring shall occur during construction, drilling and completion phases, and production facility Continuous monitors will be capable of providing real-time data to County of any monitored elevated spikes in methane or VOC levels. Operator shall pay for the baseline and ongoing monitoring. Baseline and continuous monitoring shall be done by a consultant approved of by the County. All sampling shall occur at locations meeting the following criteria: (1) location(s) outside the sound walls for drilling and completion activities and outside the fence line of the production facility and (2) location(s) where monitoring is capable of sampling air quality at or near receptors such as residences, schools, parks, and other public places. Any continuous monitoring system shall be able to alert the operator of increases in monitored air pollutant concentrations. Monitoring at the production facility shall be limited to one (1) year. The Operator may submit for approval an alternative monitoring to utilize different technology to meet the intent of this section.

- ii. The use of electric drill rigs.
- iii. Tier 4 or better diesel engines, diesel and natural gas co-fired Tier 2 or Tier 3 engines, natural gas fired spark ignition engines, or electric line power for hydraulic fracturing pumps.
- iv. The use of liquefied natural gas dual fuel hydraulic fracturing pumps.
- v. Implementation well production facility design that eliminates the need to install atmosphere-hydrocarbon tank that operate at atmospheric pressures of tankless production techniques.
- vi. Use of quiet design mufflers (also referred to as hospital grade or dual dissipative) or equivalent.
- vii. The use of zero-emission dehydrators that operate with a waste and flash gas recovery system.
- viii. Use of a pressure-suitable separator and vapor recovery unit (VRU) where applicable.
- ix. Pipeline infrastructure for produced water, natural gas, crude oil and condensate constructed and placed into service prior to the start of any fluid flow from any wellbore.
- x. The use of no-bleed continuous and intermittent pneumatic devices that do not bleed natural gas to the atmosphere. This requirement can be met by replacing natural gas with electricity or instrument air, or routing the discharge emissions to a closed loop-system or process.
- xi. Automated tank gauging.

Commented [CJM66]: Need a more thorough description of what is meant here.

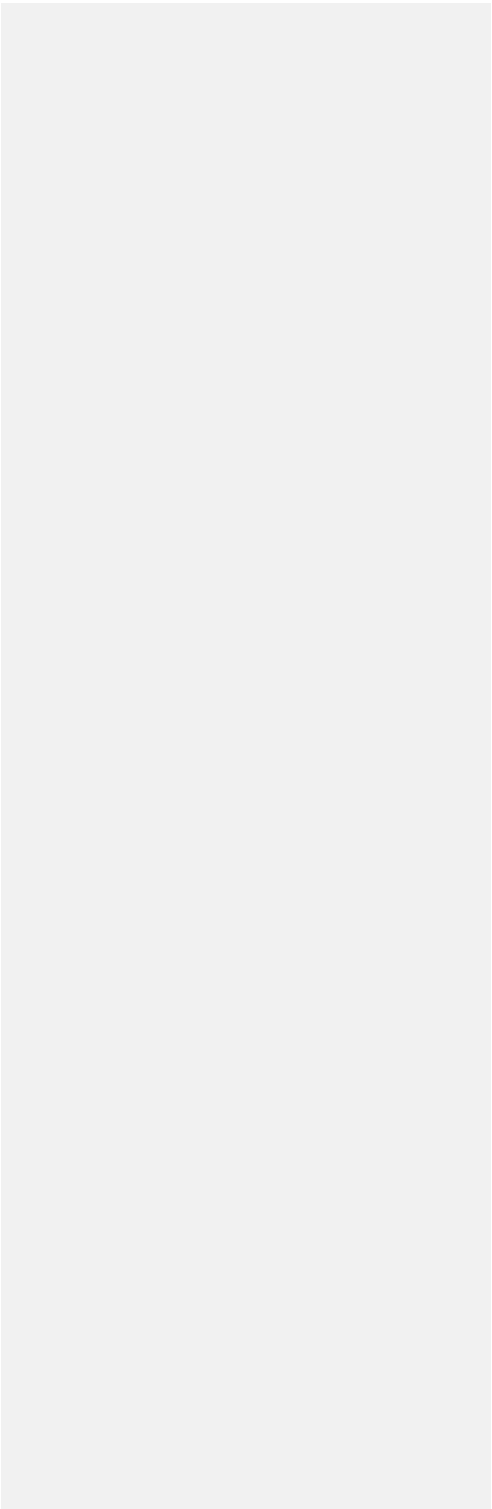
Even if facilities are connected to a liquid pipeline has tanks on location as backup. This is an environmental and safety measure.

Commented [CJM67]: Please add more details on what is meant by "pressure suitable" and how that reduces emissions.

Commented [CJM68]: Editing to add clarity. Devices with instrument air will bleed but the gas will be air instead of natural gas. The term "no bleed" was likely taken from the CDPHE air regulations, but the Pneumatics Task Force will be looking at definitions in the coming year and will likely recommend similar changes.

15. Odors:

- a. Operator must implement and maintain and make available to the County upon request, an odor mitigation plan that demonstrates how operator will minimize odors from its operations and comply with Colorado Department of Public Health and Environment, Air Quality Control Commission, Regulation No. 2 Odor Emissions, 5 CCR 1001-4, Regulation No. 3, 5 CCR 1001-5, and Regulation No. 7, 5 CCR 1001-9 sections VII and VIII. The plan shall also provide a plan for timely responding to odor complaints from the community, and for identifying and implementing additional odor control measures to control odors emanating from the oil and gas facility.
- b. Operator must notify the County's LGD no later than 24 hours after receiving odor complaint.
- c. Operator must prevent odors from oil and gas facilities from affecting the health and welfare of the public by proactively addressing and, to the fullest extent, resolving complaints filed by members of the community, in coordination with County and Tri-County Health Department staff.



- d. To ensure compliance with the odor mitigation plan, the County may require the Operator to implement any of the following measures depending on the size, location and nature of the facility:
 - i. Adding an odorant which is not a masking agent or adding chillers to the muds.
 - ii. Using filtration systems or additives to minimize odors from drilling and fracturing fluids except that operator shall not mask odors by using masking fragrances.
 - iii. Enclose shale shaker to contain fumes from exposed mud, where safe and feasible
 - iv. Wipe down drill pipe each time drilling operation “trips” out of hole
 - v. Increasing additive concentration during peak hours.
16. Water source sampling and testing:—Using records of the Colorado Division of Water Resources, the applicant will be required to identify and offer to sample all available water sources located within one-half mile of the proposed well or facility. All sampling must be conducted by third-party consultant approved of by the County. Sampling requirements include:
- a. Initial baseline samples and subsequent monitoring samples.
 - b. Initial collection and testing of baseline samples from available water sources shall occur within twelve months prior to the commencement of drilling a well, or within twelve months prior to the re-stimulation of an existing well for which no samples were collected and tested during the previous twelve months.
 - c. Post-stimulation samples of available water sources shall be collected and tested pursuant to the following time frame:
 - 1. One sample within six months after completion;
 - 2. One sample between twelve and eighteen months after completion; and
 - 3. One sample between sixty and seventy-two months after completion.
 - 4. For multi-well pads, collection shall occur annually during active drilling and completion.
 - d. Operator shall collect a sample from at least one up-gradient and two down-gradient water sources within a one-half mile radius of the facility. If no such water sources are available, operator shall collect samples from additional water sources within a radius of up to one mile from the facility until samples from a total of at least one up-gradient and two down-gradient water sources are collected. Operators

Commented [CJM69]: We would request a consultant agreed to by all impacted parties

should give priority to the selection of water sources closest to the facility.

- e. An operator may rely on existing groundwater sampling data collected from any water source within the radii described above, provided the data was collected within the twelve months preceding the commencement of drilling the well, the data includes measurement of all of the constituents measured in Table 1, and there has been no significant oil and gas activity within a one-mile radius in the time period between the original sampling and the commencement of drilling the well.
- f. The operator shall make reasonable efforts to obtain the consent of the owner of the water source. If the operator is unable to locate and obtain permission from the surface owner of the Water Source, the operator shall advise the CED Director that the applicant could not obtain access to the water source from the surface owner.
- g. Testing for the analytes listed in Table 1, and subsequent testing as necessary or appropriate.
- h. Standard industry procedures in collecting samples, consistent with the COGCC model Sampling and Analysis Plan, shall be followed.
- i. Reporting the location of the water source using a GPS with sub-meter resolution.
- j. Field observations. Reporting on damaged or unsanitary well conditions, adjacent potential pollution sources, odor, water color, sediment, bubbles, and effervescence.
- k. Test results. Provide copies of all test results described above to the County, the COGCC, and the water source owners within three months after collecting the samples.
- l. Subsequent sampling. If sampling shows water contamination, additional measures may be required including the following:
 - 1. If free gas or a dissolved methane concentration level greater than one milligram per liter (mg/l) is detected in a water source, determination of the gas type using gas compositional analysis and stable isotope analysis of the methane (carbon and hydrogen).
 - 2. If the test results indicate thermogenic or a mixture of thermogenic and biogenic gas, an action plan to determine the source of the gas.
 - 3. Immediate notification to the the County , the COGCC, and the owner of the water source if the methane concentration

- increases by more than five mg/l between sampling periods, or increases to more than ten mg/l.
4. Immediate notification to the County , the COGCC and the owner of the water source if BTEX and/or TPH are detected as a result of testing. Such detections may result in required subsequent sampling for additional analytes.
 5. Further water source sampling in response to complaints from water source owners.
 6. Timely production and distribution of test results, well location, and analytical data in electronic deliverable format to the CED Director, the COGCC and the water source owners.

Table 1. Water Quality Analytes

GENERAL WATER QUALITY	Alkalinity Conductivity & TDS Ph Dissolved Organic Carbon (or Total Organic Carbon)Bacteria Hydrogen Sulphide
MAJOR IONS	Bromide Chloride Fluoride Magnesium Potassium Sodium Sulfate Nitrate + Nitrite as N (total)
METALS	Arsenic Barium Boron Chromium Copper Iron Lead Manganese Selenium Strontium
DISSOLVED GASES AND VOLATILE ORGANIC COMPOUNDS	Methane Ethane Propane BTEX as

	Benzene, Toluene, Ethylbenzene, Xylenes Total Petroleum Hydrocarbons (TPH)
OTHER	Water Level Stable isotopes of water (Oxygen, Hydrogen, Carbon) Phosphorus

17. Dust:

- a. Operator shall minimize dust pollution associated with onsite activities and traffic.
- b. No untreated produced water or other process fluids shall be used for dust suppression.
- c. The operator will avoid creating dust or dust suppression activities within 300 feet of the ordinary high-water mark of any water body, unless the dust suppressant is water.
 - i. ~~Material~~ Safety Data Sheets (MSDS) for any chemical-based dust suppressant shall be submitted to the County prior to use.

18. Visual Aesthetics.

- a. Operator shall submit a visual mitigation plan in compliance with COGCC Rules, including but not limited to, a list of the proposed colors for the Facilities, regardless of construction date, which are observable from any public highway, providing for paint that is uniform, noncontrasting, nonreflective color tones (similar to the Munsell Soil Color Coding System), and with colors matched to but slightly darker than the surrounding landscape, a listing of the operations' equipment, proposed fencing, and screening. Plan shall indicate the location of all outdoor lighting on the site and any structures and include cut sheets of all proposed fixtures. Fencing shall be required around all well site equipment, including, but not limited to, storage tanks, well heads, and meters if the well site is visible from a subdivision west of Imboden Road. Such fencing shall screen equipment, provide safety precautions, and be compatible with the surrounding environment. Should fencing apply to a well site, the design and construction of such fencing shall be approved by the Community and Economic Development Department prior to the construction of any site. If a chain link fence is required to achieve safety requirements set by the COGCC, then landscaping and other screening mechanisms shall be required that comply with the County's Development Standards and Regulations and the Operator's safety requirements. Operator shall be responsible for obtaining consent by surface owner allowing any required fencing.

- b. Operator shall submit landscaping and berming plan that includes maintenance and irrigation requirements for planted vegetation throughout the duration of operations, including production. Operator shall be required to provide maintenance funding through bonding to ensure funds are available for upkeep. Weed control is required at the facility and along access roads until final reclamation and abandonment. Required sound walls shall be included in the visual mitigation plan and shall comply with the color scheme approved by the County, blending with natural background. All landscaping shall be in compliance with County requirements and in compliance with the safety requirements of the Operator. Existing vegetation shall be minimally impacted. Motorized equipment shall be restricted to the well sites and access roads to the well sites. Operator is responsible for obtaining consent by surface owner allowing landscaping as well as automatic irrigation for landscaping in urban mitigation areas and/or parks/recreation areas. All plant materials shall be kept in a healthy growing condition at all times.
- c. Operator shall submit lighting mitigation plan for all phases of development and operation, which adheres to best management practices to minimize light escaping the facility including making all lighting downward-facing and fully shielding bulbs to prevent light emissions above a horizontal plane drawn from the bottom of the fixture. Operator shall conduct a photometric study prior to start of construction to indicate impact on surrounding properties and measure the lumens emitted from the facility outside of the walls.
- d. Sight access and security. Site shall be properly secured, including, but not limited to, security fencing or barriers to prevent unauthorized access to site. Site shall be properly secured prior to the start of drilling. Proposed fencing, barriers, and screening shall be included in the visual mitigation plan.
19. Flammable material. The area twenty-five feet around anything flammable shall be kept free of dry grass or weeds, conform to COGCC safety standards and applicable fire code. The operator's pre-application and application shall be reviewed by the serving fire district.
20. Mud tracking. Operator shall take all practical measures to prevent mud and dirt tracking onto public right of ways and shall remove tracked mud and dirt within a reasonable time not to exceed two hours.
21. Trailers. A construction trailer is permitted during active drilling and completions only. No residential trailers will be allowed. Only equipment needed for project should be on site.
22. Private Roads. The Operator shall construct (unless already constructed) and maintain an access road designed to meet County and fire district standards and support an imposed load of 75,000 pounds that will accommodate

emergency response vehicles such as, but not limited to, law enforcement, emergency command vehicles (cars/SUVs), ambulances, hazardous materials response vehicles, water tenders, and fire apparatus during construction and operation of new tank batteries, new drilling activity and reworks or recompletions of existing wells, unless a local fire department or fire district agrees to a different or lesser standard or waived by the County. With respect to new roads to new tank batteries, the Operator agrees to construct access roads at least twenty (20') feet wide (unless waived by the local fire district and the County's Public Works Department) with a Class 6 road base, or as approved by the local fire district, at least nine inches (9") thick. Best efforts will be made to improve inadequate access to existing tank battery sites identified by the fire district or County, based on service calls and demonstrated problems of accessing the site. Operator and County agree that spot inspections of access roads may be done by the County and/or appropriate emergency response agency, at such County or agency's sole risk and expense, to ensure that emergency access in accordance with this section is maintained. Operator is required to maintain and repair any damaged roads within ten (10) days of County notice. ~~Temporary access roads.~~ Operator will assure that temporary access roads are reclaimed and revegetated within sixty days of discontinued use. Erosion shall be controlled in accordance with the Erosion and Sediment Control Plan while the roads are in use.

22.23. Public Roads. Operator shall utilize existing roads and access points where practical and apply for and obtain access permits for its oil and gas facilities from the County's Public Works Department. Requirements for the access permit may include the following: a) access location providing for a safe entrance/exit and utilization of main roadways to minimize impact /conflict with residents on local roadways; b) haul route and traffic data; c) pre/post inspection of roadways used by the Operator; d) collateral or bond to insure that road damage caused by the Operator is repaired; e) dust control (material used for dust control must be pre-approved by the County); f) road maintenance agreement during drilling phase; and g) payment of all applicable fees. Operator shall exercise reasonable efforts to minimize heavy truck traffic on local roads within residential neighborhoods between the hours of 9 p.m. and 6 a.m., and shall work with and show written evidence that the applicable school district(s) has been consulted to minimize traffic conflicts with school buses when schools are in session. Operator shall obtain any legally valid and applicable oversize and/or over weight moving permit from the County's Public Works Department, for all vehicles that exceed legal vehicle dimensions or weights as specified by the Colorado Department of Transportation and the County's Development Standards and Regulations.

23.24. Removal of debris. All excess debris shall be removed during construction activities. Site shall remain free of debris and excess materials at all times during operations. Burning of debris and other materials is strictly prohibited at all times. .

24.25. Removal of equipment. No permanent storage of equipment. When no longer used, equipment shall be removed within thirty days unless a Temporary Use Permit for said storage is obtained from the County.

25.26. Maintenance of machinery. Routine field maintenance of equipment involving hazardous materials within 300 feet of any water body is prohibited. All fueling shall occur over impervious material and shall not be done during storm events. Operator shall operate and maintain all equipment in accordance with manufacturer specifications. Regular maintenance checks are required for all equipment.

26.27. Burning. No open burning of trash, debris or other flammable materials.

27.28. Chains. Traction chains shall be removed from heavy equipment on public streets.

28.29. Off-location flow lines and crude oil transfer lines

- a. Off-location flow lines and crude oil transfer lines regulated by the COGCC shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; surface water bodies; and city open space.
- b. Without compromising pipeline integrity and safety, applicant shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize impact.
- c. Setbacks from residential, commercial, or industrial buildings, places of public assembly, the high-water mark of any surface water body and sensitive environmental features will be determined on a case-by-case basis in consideration of the size and type of pipeline proposed and features of the proposed site.
- d. Operator must conduct leak detection inspections or pressure testing in order to identify flowline leaks or integrity issues.
- e. Operator must make available to County upon request all records required to be kept by COGCC
- f. Buried pipelines shall have a minimum of four feet cover.

Commented [CJM70]: What if not technically feasible

Commented [CJM71]: Please clarify frequency

Commented [CJM72]: this could result in unnecessary surface disturbance and discharge risk

29.30. Gathering Lines

- a. Gathering lines shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; surface water bodies; and city open space.
- b. Without compromising pipeline integrity and safety, Operator shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize impact.
- c. Setbacks from residential, commercial, or industrial buildings, places of public assembly, the high-water mark of any surface water body and

sensitive environmental features will be determined on a case-by-case basis in consideration of the size and type of pipeline proposed and features of the proposed site.

- d. Operator must make available to County upon request all records submitted to PHMSA or the PUC including those related to inspections, pressure testing, pipeline accidents and other safety incidents.
- e. Well Connects. Well connects do not require permits. Well connects are defined as a pipeline, 10" or less inside diameter and 2 miles or less in length, laid running from the custody transfer point or production facility for a new well(s) to an existing gathering line connection point.

31. Temporary surface water lines

- a. Operator shall use temporary surface water lines, unless infeasible.
- b. Operator shall use County Road Right-of-Way, and County drainage culverts for the laying and operation of temporary water lines on the surface and in accordance with Adams County Standards and Regulations, unless infeasible.
- f.c. Operator will bury temporary water lines at existing driveway and gravel road crossings, or utilize existing culverts, if available, with County approval.

Commented [CJM73]: How will this be determined. Will technical evaluations be used?

30.32. Financial Assurance.

- a. Operators shall be required to maintain environmental liability insurance to cover gradual pollution events.
- b. Operator shall be required to file and maintain financial assurance as determined on a site specific basis prior to commencing operations, and thereafter during the active life of the facility, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. Should any corrective actions be required by the County in order to protect the health, safety, welfare, and the environment which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.

Commented [CJM74]: Please clarify how this will be applied, i.e. on a well by well basis?

30.33. Mapping Information. Operator shall agree to provide coordinates and/or exact location of well sites to the County's GIS Department within forty-eight

(48) hours of final completion of a well site in a format acceptable to the County. Any subsequent changes to a well site location shall also be provided to the County within forty-eight (48) hours of such changes.

4-10-2-3-3-4

INSPECTION AND ENFORCEMENT

1. Inspection: In recognition of the potential impacts associated with oil and gas facilities, all wells and accessory equipment and structures may be examined by the inspectors of the county at reasonable times to determine compliance with applicable provisions of this chapter, the International Fire Code, the International Building Code, and all other applicable standards in this title. The County reserves the right in its discretion to make spot inspections or to inspect without notice in the event of an issue potentially involving an immediate risk to public health, safety, welfare, the environment, or wildlife, or damage to the property of another. For the purpose of implementing and enforcing the provisions of this chapter, the inspector and other authorized personnel have the right to enter upon private property. The county may use the information collected on the inspections to enforce the requirements of this chapter. The county may also report this information to appropriate state and federal officials, including but not limited to information regarding alleged violations of state and federal rules. Operator shall make available to ~~Ce~~county, upon request, all records required to be maintained by these ~~regulations rules or to show compliance with these regulations, and the rules and regulations promulgated by and by the COGCC and the CDPHE, including permits, Air Pollutant Emission Notices (APENs) and other documents required to be maintained by the COGCC, CDPHE and these regulationsrules.~~ The County shall charge a yearly inspection fee for all Oil and Gas Facilities in the County. Fees for Oil and Gas Facility inspections shall be assessed according to the ~~Oil and Gas Fee Schedule-County's adopted fee schedule.~~ located in Appendix A of these Development Standards and Regulations.
2. State Notification of Violations: Adams County will cooperate fully with the State of Colorado by notifying the Oil and Gas Conservation Commission of any and all violations of the Colorado Laws and Regulations.
3. Delinquent Taxes: One condition of any oil and gas well building permit is that all taxes as provided by statute, shall be paid.
4. Penalties and Fines: The County has authority under C.R.S. § 29-20-104, as amended, to impose fines for leaks, spills, and emissions. The following table summarizes the fine schedule for violations of these Development Standards and Regulations:

Commented [CJM75]: This could pose significant issues as many sites are located on private land whereby any access would need to be approved by the private landowner. This is a safety issue for both operators as well as county staff, as well as a private property rights issue

Commented [CJM76]: Does this mean duplicative, and possible even triple fines?

		<i>Rule Classification</i>		
		Class 1: Paperwork other ministerial regulations, a violation of which presents no direct risk of harm to public health, safety, welfare, and the environment.	Class 2: Regulations related at least indirectly to promoting the public health, safety, welfare, and the environment and wildlife resources, a violation of which presents a possibility of distinct, identifiable actual or threatened adverse impacts to those interests	Class 3: Regulations directly related to protecting public health, safety, welfare, the environment, and wildlife resources, a violation of which presents a significant probability of actual or threatened adverse impacts to those interests.
<i>Degree of threatened or actual impact to public health, safety, welfare, the environment, or wildlife</i>	Major: Actual significant adverse impacts	\$5,000	\$10,000	\$15,000
	Moderate: Threat of significant adverse impacts, or moderate actual adverse impacts	\$1,500	\$5,000	\$10,000
	Minor: No actual adverse impact and little or no threat of adverse impacts	\$200	\$2,500	\$5,000

6. County Violations: In addition to the fines outlined above, the County has authority to cite violations under its control pursuant to Section 1-05-06 Criminal Remedies and Enforcement.
7. Legal Non-conforming: Adams County recognizes that there are oil and gas operations that were legally established prior to the effective date of these regulations that may or

may not conform to these regulations. These operations may continue, provided the operation is not extended, expanded, or altered in a manner that changes and/or alters the nature, character, or extent of the previously approved permit

Commented [CJM77]: This provision is vague

4-10-2-3-3-4

RESIDENTIAL CONSTRUCTION Standards

1. **Residential Construction Standards:** The Director of Community and Economic Development may impose any one (1) or more of the following standards on a specific site basis as a condition of subdivision approval and/or building permits on platted or unplatted land:

- a. The oil and gas well location shall include a two-hundred-fifty (250) foot buffer in the form of an easement on the Final Plat. No structures may be constructed within the buffer area.
- b. Access to the oil and gas well location shall be provided by a public street or recorded easement for private access.
- c. The Final Plat shall include notice to prospective buyers of the location of the oil and gas well and associated easements.
- d. All oil and gas well flow lines and/or easements shall be graphically depicted on the Final Plat.
- e. All surface and subsurface agreements shall be noted on the Final Plat by the recorded book and page number.
- f. Pursuant to Section 4-06-01-02-01-12, where a new home and/or other permanent structure with plumbing is constructed within three hundred (300) feet of an existing oil and gas well, the property owner shall submit a signed waiver acknowledging the existence of the facility.

2. **Plugged and Abandoned, and Former Oil and Gas Production Sites:** This Section is enacted to protect and promote the health, safety, morals, convenience, order, prosperity, or general welfare of the present and future residents of the County. These regulations are based upon the land use authority of the County.

- a. Prior to submittal of a final plat or site specific development plan, each plugged and abandoned well shall be located and surveyed. The plugged and abandoned well shall be permanently marked by a brass plaque set in concrete similar to a permanent bench mark to monument its existence and location. Such plaque shall contain all information required on a dry hole marker by the Colorado Oil and Gas Conservation Commission and the County.

- b. As a condition of review of any final plat or site specific development plan which contains a plugged and abandoned well or former oil and gas production site or is within 200 feet of such well or site, the owner shall submit a location diagram of the location of the well.
- c. On every final plat or site specific development plan which contains a plugged and abandoned well, there shall be dedicated a well maintenance and workover setback depicted on the plat, the dimensions of which shall be not less than fifty feet in width and 100 feet in length. No structures shall be located within this setback. The plugged and abandoned well shall be located in the center of the setback. There shall be public access for ingress and egress to the setback of a width of not less than twenty feet.
- d. Every final plat and site specific development plan which contains a plugged and abandoned well or a site specific development that includes a property that is less than 200 feet from a plugged and abandon well, shall include the following notation: "The owner shall disclose to prospective purchasers of lots within a radius of 200 feet of the plugged and abandoned well of (1) the location of the plugged and abandoned well, (2) the location of the maintenance and workover setback, and (3) the purpose for the well maintenance and workover setback."
- e. As a condition of building permit review, no dwelling shall be constructed within fifty (50) feet of a plugged and abandoned well.
- f. Prior to issuance of a grading permit within a development containing a known reserve pit site, the reserve pit site shall be tested for expansive soils. Reserve pits containing expansive soils in locations proposed for buildings shall be subject to the provisions of the International Building Code.
- g. No utility lines shall be installed within ten feet of any plugged and abandoned well.

4-10-02-03-06

COGCC AND COUNTY APPROVALS REQUIRED

Development of the OGF shall not commence unless and until applicant receives an approved OGF Permit, including any approved waiver(s), and receives all required approvals and permits from COGCC.

4-10-02-03-03-02 Definitions

3. Temporary storage and construction staging of oil and gas; or

COGCC Comment

Consider revising to:

Temporary storage and construction staging of oil and gas **equipment or supplies**; or

4-10-02-03-03-03 General Provisions

5. a. x. Hot work. The facility shall ensure that all hot work complies with **city** and state fire prevention and protection requirements.

COGCC Comment

We understand these on apply to unincorporated Adams County

Consider revising to:

Hot work. The facility shall ensure that all hot work complies with **local** and state fire prevention and protection requirements.

4-10-02-03-03-03 General Provisions

5. b. Automatic safety protective systems and surface safety valves.

Operator is required to install automated safety system prior to commencement of production. Automated safety system shall include the installation, monitoring and remote control of subsurface safety valve or a wellhead master control valve and shall be able to remotely shut in wells on demand. Subsurface safety valve **or a wellhead master control valve** shall be equipped to operate remotely via the automated safety protective system. Operator shall test automated quarterly to ensure functionality and provide results of testing to County quarterly.

COGCC Comment.

Subsurface safety valves (SSSV) are used in high pressure, high flow rate wells, generally offshore. These are self flowing wells without any gas lift or pump equipment in the tubing. Generally, SSSV operate with a pressure release flapper or ball valve to shut in flow in the tubing. This configuration requires the flowing pressure to be isolated and to be within the tubing, below upstream of the SSSV. This requires a tubing/packer configuration with the SSSV in the tubing.

After a well is placed on gas lift or pump assist, the SSSV would not function due to downhole equipment restricting the valve from closing.

In the DJ Basin, the new wells are placed with gas lift or pumps assist within 6 to 12 months of completion.

COGCC recommends the inclusion of a remotely operated master valve with automated pressure shut-in controls, which is a currently used technology in many of the new horizontal wells.

4-10-02-03-03 General Provisions

6.a. Requirements for reporting of spills and releases and rules to minimize liquid spills and releases include the following:

COGCC Comment.

Consider revising subsection (a) to clarify whether you are setting forth spill reporting requirements in this subsection, or exclusively addressing best management practices that will prevent spills and releases.

6 iv. Maintenance of all berms and containment devices in good condition.

COGCC Comment

Consider revising to:

Maintain all berms and containment devices **to ensure they are** in good condition.

6. v. A prohibition on the storage of ignition sources inside the secondary containment area unless the containment area encloses a fired vessel.

COGCC Comment

Consider revising to:

A prohibition on the storage **or use** of ignition sources inside the secondary containment area unless the containment area encloses a fired vessel.

6. ix. For locations within 500 feet and upgradient of a surface waterbody, tertiary containment, such as an earthen berm, around oil and gas facilities.

COGCC Comment

COCCC understands the intent here is to further protect surface water bodies. However tertiary containment can have a downside by creating a ponding effect during period of heavy moisture accumulation. Consideration might be given to stormwater management to include retention ponds.

4-10-02-03-03 General Provisions

11. Water Bodies and Water Quality:

b. Water quality plan. Operators shall implement a water quality plan and make available to Adams County upon request, such plan shall include details such as operator's plans for water quality testing, prevention of illicit or inadvertent discharges, stormwater discharge management containment of pollutants, and spill notification and response as required by federal and state agencies. The owner or operator shall provide the County with the information it provides to the COGCC ensuring compliance with the water quality protection standards contained in COGCC Rules. The owner or operator shall provide all water source test results to the county and maintain records of such results. The owner or operator shall provide its plans concerning downhole construction details and installation practices, including casing and cementing design, and shall inform the county how the plans establish that the facility does not create significant degradation to surface waters or drinking water aquifers.

COGCC Comment

If Adams County elects to 'go first' under SB 19-181, meaning that the COGCC may not proceed with a drilling and spacing unit application or a Form 2 Application for Permit to Drill until the County has made a final disposition on siting, there may not be the downhole construction details available. Operators will file with a Form 2 application downhole construction plans, including how the plans protect aquifers.

c. Wastewater Injection Wells are prohibited in Adams County

COGCC Comment

Do you mean "produced water" instead of "Wastewater Injection?"

4-10-02-03-03 General Provisions

12. Well Plugging and Abandonment:

b. Decommissioned oil and gas well assessment.

COGCC Comment

This is an area that the COGCC actively regulates. COGCC Staff would be happy to discuss with Adams County our regulatory efforts in this area.

c. Marking of plugged and abandoned wells. The operator shall permanently mark by a brass plaque set in concrete, similar to a permanent bench mark to monument the plugged and abandoned well's existence and location. Such plaque shall contain all information required on a dry hole marker by the COGCC and the County.

COGCC Comment

Dry hole markers can be problematic especially in agricultural areas. They must be farmed around and can damage farm equipment. At times the markers need to be removed. For example when agricultural land is being developed. Removal can cause damage to the plugged well, depending on how the marker is attached to the well casing.

The draft rule does not indicate diameter of marker or distance it must be exposed above ground. COGCC Rule 319. A. (5) requires the "diameter be no less than 4 inches and not less than 10 feet in length, of which four feet shall be above ground level and the remainder embedded in cement or welded to the surface casing."

It is important to note that COGCC requires all wells to have an "as built" GPS coordinate this is a requirement on all Form 6 Intent to Plug permits. This measurement is required to be accurate within 1 meter. These coordinates can be found both on the well scout card and COGCC online maps.

Consideration might be given to requiring researching at least these information avenues prior to development of surface lands

14. Air Emissions: f. General air quality protection measures.

ii. Hydrocarbon control of at least 98% or better for crude oil, condensate, and produced water tanks with uncontrolled actual emissions of VOCs greater than two TPY VOCs.

COGCC Comment

Consider revising to:

Hydrocarbon **vapor** control of at least 98% or better for crude oil, condensate, and produced water tanks with uncontrolled actual emissions of VOCs greater than two TPY VOCs.

15. Odors: d. To ensure compliance with the odor mitigation plan, the County may require the Operator to implement any of the following measures depending on the size, location and nature of the facility:

- i. Adding an odorant which is not a masking agent or adding chillers to the muds.
- v. Increasing additive concentration during peak hours.

COGCC Comment

For i. consider revising to; Adding an odorant which is not a masking agent or adding chillers to the mud **system**.

Chillers are part of the mud flow system, they are not added to the mud.

For v. COGCC has experienced situations where the operator has added too much additive which created a separate odor of itself.

Consider deleting or adding language that states “additive must be used per manufactures’ recommended level”.

Also consider adding;

- vi. Require the use of at a minimum low odor Tier III drilling fluid

21. Trailers. A construction trailer is permitted during active drilling and completions only. No residential trailers will be allowed. Only equipment needed for project should be on site.

COGCC Comment

This rule is a little unclear. At most drilling sites there are trailers that allow for sleeping and cooking quarters. There are personnel that do not live in the immediate area and reside on location during their shift. These shifts range by company, but can vary in lengths from a few days to weeks. Does this rule disallow that common practice?

4-10-02-03-05 RESIDENTIAL CONSTRUCTION Standards

2. Plugged and Abandoned, and Former Oil and Gas Production Sites:

- a. Prior to submittal of a final plat or site specific development plan, each plugged and abandoned well shall be located and surveyed. The plugged and abandoned well shall be permanently marked by a brass plaque set in concrete similar to a permanent bench mark to monument its existence and location. Such plaque shall contain all information required on a dry hole marker by the Colorado Oil and Gas Conservation Commission and the County.

COGCC Comment

Please see discussion in **4-10-02-03-03 General Provisions 12. Well Plugging and Abandonment** section above.

Exhibit 3.8 - CDPHE Comments

From: [Hackett - CDPHE, Sean](#)
To: [Katie Keefe](#)
Subject: Re: FW: Adams County - Draft Oil and Gas Facility Regulations
Date: Friday, August 9, 2019 11:21:47 AM
Attachments: [DSR Chapter 2 2-02-14 \(CDPHE comments\).docx](#)
[DSR Chapter 4 4-10-02-03-03 \(CDPHE comments\).docx](#)

Please be cautious: This email was sent from outside Adams County

Katie,

CDPHE appreciates the opportunity to review these draft regulations and provides the attached comments. Please let me know if you have any questions.

Have a great weekend!

Sean Hackett
Energy Liaison



P 303.692.3662 | F 303.691.7702
[4300 Cherry Creek Drive South, Denver, CO 80246](#)
sean.hackett@state.co.us | www.colorado.gov/cdphe

On Wed, Jul 17, 2019 at 12:52 PM Katie Keefe <KKeefe@adcogov.org> wrote:

Sean,

I'm waiting on verification from county attorney staff that sharing Word document at this stage is alright. Would you be compiling the in-document comments and edits into one document to then return to us?

In the meantime, our team made some a few revisions to Chapter 2 and 4 based on direction and comments provided by the Board of County Commissioners yesterday. Please circulate these versions to avoid duplicative efforts on review and revisions.

Thanks!

Katie Keefe



Environmental Program Manager, *Community & Economic Development
Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

- d. Truck Washing: All trucks shall be washed at least once a week with a detergent and disinfectant to minimize nuisance conditions, unless spills or leaks are detected which must be disinfected immediately. All wash water shall be properly controlled to prevent runoff.
 - e. Waste Incineration: Infectious waste incineration facilities shall be permitted to burn infectious waste only. Incineration of waste paper, contraband, or other materials is not permitted unless specifically approved as part of the wastestream.
7. *Hazardous Waste Disposal Site and Facility Standards:* All hazardous waste disposal sites and facilities shall meet the standards established by State and Federal regulatory requirements.

4-10-2-3-3

OIL AND GAS FACILITY (OGF)

4-10-2-3-3-1

Purpose

This Section is enacted to protect and promote the health, safety, values, convenience, order, prosperity and general welfare of the current and future residents of the County. It is the County's intent by enacting this Section to facilitate the development of oil and gas resources within the unincorporated area of the County while avoiding or mitigating potential land use conflicts between such development and existing, as well as planned, land uses. It is recognized that under state law the surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Owners of subsurface mineral interests have certain legal rights and privileges, including the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests from a consenting surface owner, subject to compliance with the provisions of this Section and any other applicable statutory and regulatory requirements. Similarly, owners of the surface estate have certain legal rights and privileges, including the right to have the mineral estate developed in a reasonable manner and to have adverse impacts upon their property, associated with the development of the mineral estate, avoided or mitigated through compliance with this Section.

4-10-2-3-3-2

Definitions**Oil and Gas FacilitiesOGF:**

1. The site and associated equipment used for the production, treatment, and/or storage of oil and gas and waste products; or
2. An individual well pad built with one or more wells and operated to produce liquid petroleum and/or natural gas, including associated equipment required for such production; or

3. Temporary storage and construction staging of oil and gas; or
4. Any other oil and gas operation which may cause significant degradation.

For any other definition not listed in this section, the definitions listed in Chapter 11 of the Adams County Development Standards and Regulations and the Colorado Oil and Gas Conservation Commission's regulations shall govern. If there is a conflict between the definitions in Chapter 11 and the COGCC's definitions, the COGCC's definitions shall prevail. If the term is not found in the COGCC's definitions or in Chapter 11, the term shall have its common meaning along with the spirit and intent of the Development Standards and Regulations and may be subject to interpretation by the Director of Community and Economic Development (CED) or his or her designee.

4-10-2-3-3-3

General Provisions

1. Access: Oil and gas well installation shall be located to provide convenient access, shall accommodate the traffic and equipment related to the oil and gas operations and emergency vehicles, and shall comply with COGCC rules and Adams County Development Standards and Regulations. Oil and gas operations must avoid or minimize impacts to the physical infrastructure of the county transportation system.
2. Building Permit Required: For all new or substantially modified wells, a building permit is required for the installation of permanent electrical, pumps, tank batteries, and all other above-ground structures as well as any other applicable permits including, but not limited to, culvert permits, oversized-load permits, and floodplain use permit.
3. Setbacks: ~~Oil and Gas Facilities~~ OGF shall be at least 1,000 feet from the property line of any existing or platted residences, schools, state licensed daycares, or occupied buildings.
4. Fees and Permits: All applicable County fees adopted by the County, including postage fees and inspection fees, must be paid at time of application and prior to issuance of a building permit, including for all applicable permits required by the Adams County Development Standards and Regulations.
5. Oil and Gas Road Impact and Maintenance Fees:
 - a. ~~Operators~~ must pay oil and gas road impact and maintenance fees, as approved by the Board of County Commissioners, for all proposed oil and gas wells and pads. This fee shall be paid at the time of issuance of an ~~Oil and Gas Facilities~~ OGF Permit Any person or entity required to pay the oil and gas road impact fee may elect to submit an independent study and fee calculation to demonstrate that the nature, timing, or location of the proposed oil and gas development is likely to generate impacts costing less to mitigate than the amount of the fee that would be generated by the use of the fee schedule. Any independent fee study

Commented [HS1]: Global comment (for Chapters 2 and 4)- "Operator" and "Applicant" are used interchangeably throughout and the County may want to consider using one or the other for consistency.

for oil and gas development shall generally follow the methodology established in the Adams County Oil & Gas Traffic Impact Study.

- i. The preparation of the independent fee calculation study shall be the sole responsibility of the electing party.
- ii. Any person or entity who requests to perform an independent fee calculation study shall pay an application fee for administrative review. An administrative decision related to the independent study may be appealed to the Board of County Commissioners. The appeal shall be filed within 14 days of staff decision and shall follow the appeal process established for OGF Permit Waivers .

5. Safety Standards:

- a. Operator shall implement a safety management plan and maintain a safety management system applicable to all covered processes at the facility. The safety management system shall provide for employees and systems to oversee implementation and periodic revision of the plan. The plan shall include the following elements and describe the manner in which each of the following elements will be applied to the covered processes:
 - i. Process safety information. Compilation of written process safety information needed to conduct process hazard analysis. Process safety information shall include information pertaining to hazards of substances and chemicals used by the process, information pertaining to the technology of the process, information pertaining to the equipment used in the process, and information pertaining to the hazards of the substances or chemicals in the process. Documentation that equipment used in the process complies with recognized and generally accepted good engineering practices;
 - ii. Operating procedures. Written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information, and at least annual review of operating procedures to ensure they reflect current operating practices;
 - iii. Employee participation. Plan for ensuring employee participation in conduct and development of process hazards analysis and access to process hazards analysis;
 - iv. Training. Written procedures detailing initial and refresher employee training requirements and documentation of employee training;

- v. Mechanical integrity. Written procedures designed to maintain the on-going integrity of process equipment, ensure employees involved in maintenance are properly trained to ensure the ongoing integrity of process equipment, ensure that process equipment is tested and inspected in accordance with manufacturer specifications, correct deficiencies in equipment in a safe and timely manner, and ensure that new equipment is installed or constructed properly;
- vi. Management of change. Written procedures to manage changes to covered processes, technologies, equipment and procedures;
- vii. Pre-startup reviews. Written procedures regarding pre-startup safety reviews;
- viii. Compliance audits. Written procedures requiring an audit every three years to verify compliance with the procedures and practices developed under the safety management plan, and procedures requiring correction of any deficiencies identified in audit; operator will make results of audit available to inspector upon request;
- ix. Incident investigation. Written procedures requiring investigations of all near-misses and incidents, including root cause analysis of all incidents resulting in fatalities or serious environmental harm, establishing a system to promptly address and resolve the incident, and requiring that all employees and contractors whose job tasks are relevant to the investigation of the near miss or incident review the investigation report.
- x. Hot work. The facility shall ensure that all hot work complies with city and state fire prevention and protection requirements.
- xi. Contractors. Written procedures describing how operator screens, oversees, shares process safety and emergency response and preparedness information with contractors;
- xii. Process hazard analysis. Process hazard analysis for each covered process;
- xiii. Incident history. List of all incidents that have occurred at the operator's facilities within the last ten years, along with any investigation reports, root cause analysis and operational or process changes that resulted from the investigation of the accident;
- xiv. Safety culture assessment. Written procedures requiring operator periodically review safety culture, and at a minimum conduct such review after each major accident; and

- xv. Inherently safer systems analysis. Require analysis at least every 5 years, whenever a change is proposed at the ~~facility~~ OGF that could result in an incident, after an incident if recommended by the investigation report or root— cause analysis, and during the design of new processes, equipment or facilities.
 - xvi. Operator shall make available safety management plan to Adams County at the County's request. Adams County may retain outside consultants to review safety management plan and may request modifications to safety management plan based on its review. Operator must ~~reimburse~~ County for any costs associated with retaining outside consultants.
- b. Automatic safety protective systems and surface safety valves. Operator is required to install automated safety system prior to commencement of production. Automated safety system shall include the installation, monitoring and remote control of a subsurface safety valve and shall be able to remotely shut in wells on demand. Subsurface safety valve shall be equipped to operate remotely via the automated safety protective system. Operator shall test automated safety system quarterly to ensure functionality and provide results of testing to County quarterly.
- c. Incident and accident reporting.
- i. Incidents. Within a week of any safety incident, operator shall submit a report to the County including the following, to the extent available:
 - 1. Fuel source, location, proximity to residences and other occupied buildings, cause, duration, intensity, volume, specifics and degree of damage to properties, if any beyond the facility, injuries to persons, emergency response, and remedial and preventative measures to be taken within a specified amount of time.
 - ii. County may require operator to conduct root cause analysis of any incidents or Grade 1 gas leaks, as defined by the COGCC.
 - iii. Operator shall keep a daily incident log that shall be made available to Adams County upon request. Any spill or release that is reportable to the COGCC shall be simultaneously reported to the County's Local Governmental Designee (LGD) and applicable fire district.
 - iv. Notification to the County's LGD of all spills of a gallon or more that leaves the facility, all spills of any material on permeable ground at the facility that has a reportable spill quantity under any law and copies of any self-reporting submissions that operator provides to the COGCC.

Commented [HS2]: May result in County incurring costs without adequate reimbursement. Consider revising to allow CED to determine whether such outside consultants would be necessary, what the cost would be and have the applicant/operator pay for it up front.

- v. Notification of the surface owner or the surface owner's tenant of spills and releases in conformance with COGCC Rules.
6. ~~(Spill Prevention and Containment)~~ Oil and gas operations shall be in compliance with COGCC safety and spill and release requirements.
- a. Requirements for reporting of spills and releases and rules to minimize liquid spills and releases include the following:
 - i. Berms or other secondary containment devices around crude oil, condensate, and produced water storage tanks enclosing an area sufficient to contain and provide secondary containment for 150% of the largest single tank.
 - ii. Berms or other secondary containment devices shall be sufficiently impervious to contain any spilled or released material.
 - iii. Inspection of all berms and containment devices at regular intervals, but not less than monthly. Berms shall be inspected within forty-eight (48) hours of a precipitation event of 1.0" or more, and Operator shall make necessary repairs as soon as possible, but not more than seventy-two (72) hours after the event.
 - iv. Maintenance of all berms and containment devices in good condition.
 - v. A prohibition on the storage of ignition sources inside the secondary containment area unless the containment area encloses a fired ~~pressure~~ vessel.
 - vi. Construction of containment berms using steel rings, designed and installed to prevent leakage and resist degradation from erosion or routine operation.
 - vii. Construction of secondary containment areas with a synthetic or engineered liner that contains all primary containment vessels and flowlines and is mechanically connected to ~~the~~ steel ring to prevent leakage.
 - viii. A prohibition on more than two crude oil or condensate storage tanks within a single berm.
 - ix. For locations within 500 feet and upgradient of a surface water body, tertiary containment, such as an earthen berm, around ~~oil and gas facilities~~ OGF.
 - x. Discharge valves shall be secured, inaccessible to the public and located within the secondary containment area. Open-ended discharge valves shall be placed within the interior of the tank secondary containment.

Commented [HS3]: Consider a line item indicating that if a local public water system has completed a source water protection plan for their community or water supply, the permittee is obligated to discuss potential impacts to the water provider and implement appropriate BMPs to reduce potential contamination agreed upon between the operator and water provider.

Commented [HS4]: Consider adding a section or creating standard operating procedures outside of this ordinance regarding environmental releases and how the county/operators will interact on these spills. Perhaps a requirement to follow up with any public water systems that could potentially be impacted by the release and provided communication and coordination on the clean up and progress.

- b. Anchoring. Anchoring is required within floodplain or geological hazard areas, as needed to resist flotation, collapse, lateral movement, sinking, or subsidence, and in compliance with Federal Emergency Management Agency (FEMA). All guy line anchors left buried for future use shall be identified by a marker of bright color not less than four feet in height and not greater than one foot east of the guy line anchor.

7. Chemical Handling and Requirements

- a. The owner or operator of any installation that is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., and regulations promulgated under that Act, shall submit both a safety data sheet (SDS) for each such chemical and an annual emergency and hazardous chemical inventory form to the LEPC and the local fire district. A comprehensive and universal listing of all hazardous chemicals shall be organized based on the various phases of operation including test wells and drilling and other construction activities submitted prior to construction and with the necessary building permit applications for a Rig and Move Permit. In addition, operator shall have current SDS and quantities on site at all times or available upon request.
- b. Operator shall not store onsite waste in excess of thirty days.
- c. Drilling and completion chemicals shall be removed at most sixty days after completion.
- d. Operator shall not use toxic, including orally toxic, chemicals in hydraulic fracturing fluids including the following:
 - 1. Benzene
 - 2. Lead
 - 3. Mercury
 - 4. Arsenic
 - 5. Cadmium
 - 6. Chromium
 - 7. Ethylbenzene
 - 8. Xylenes^f
 - 9. 1,3,5-trimethylbenzene
 - 10. 1,4-dioxane
 - 11. 1-butanol
 - 12. 2-butoxyethanol

13. N,N-dimethylformamide
14. 2-ethylhexanol
15. 2-mercaptoethanol
16. Benzene, 1, 1'-oxybis-,tetrapropylene derivatives, sulfonated, sodium salts
17. Butyl glycidyl ether
18. Polysorbate 80
19. Quaternary ammonium compounds, dicocooctyldimethyl, chlorides
20. Bis hexamethylene triamine penta methylene phosphonic acid
21. Diethylenetriamine penta
22. FD&C blue no 1.
23. Tetrakis (triethanolaminato) zirconium (IV) (TTZ)

8. Emergency Preparedness and Response

- a. In General. ~~Oil and gas operations~~OGF shall not cause unreasonable risks of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, and hazardous material vehicle accidents or spills.
- b. Emergency Preparedness Plan. Each Applicant with an operation in the County is required to implement an emergency preparedness plan for each specific ~~oil and gas facility~~OGF. The plan shall be referred to by the the Office of Emergency Management, and the applicable fire district and filed with the County and updated on an annual basis or as conditions change (responsible field personnel change, ownership changes, etc.). The emergency preparedness plan shall consist of at least the following information:
 - i. Name, address and phone number, including 24-hour emergency numbers for at least two persons located in or near Adams County who are responsible for emergency field operations.
 - ii. An as-built facilities map in a format suitable for input into the County's GIS system depicting the locations and type of above and below ground facilities including sizes, and depths below grade of all oil and gas gathering and transmission lines and associated equipment, isolation valves, surface operations and their functions, as well as transportation routes to and from exploration and development sites, for emergency response and management purposes. The information concerning pipelines

and isolation valves shall be held confidentially by the County's Office of Emergency Management, and shall only be disclosed in the event of an emergency. The County shall deny the right of inspection of the as-built facilities maps to the public pursuant to C.R.S. § 24-72-204.

- iii. Detailed information addressing each potential emergency that may be associated with the operation. This may include any or all of the following: explosions, fires, gas, oil or water pipeline leaks or ruptures, hydrogen sulfide or other toxic gas emissions, or hazardous material vehicle accidents or spills. For each potential emergency, threshold / trigger levels shall be pre-identified that govern when an emergency state is declared by the Applicant.
- iv. The plan shall include a provision that any spill outside of the containment area or which has the potential to leave the facility or to threaten a water body shall be reported to the emergency dispatch and the Director immediately.
- v. Detailed information identifying access or evacuation routes, zone of influence for each emergency scenario identifying impacted facilities and buildings and health care facilities anticipated to be used.
- vi. Project specific emergency preparedness plans are required for any project that involves drilling or penetrating through known zones of hydrogen sulfide gas.
- vii. The plan shall include a provision that obligates the Applicant to reimburse the appropriate emergency response service providers for costs incurred in connection with any emergency.
- viii. Detailed information that the Applicant has adequate personnel, supplies, and funding to implement the emergency response plan immediately at all times during construction and operations.
- ix. The plan shall include provisions that obligate the Applicant to keep onsite and make immediately available to any emergency responders the identification and corresponding ~~Safety Data Sheets (SDS)~~ of all products used, stored or transported to the site. The SDS sheets shall be provided immediately upon request to the Director, a public safety officer, or a health professional. In cases of spills or other emergency events, the plan shall include provisions establishing a notification process to emergency responders of potential products they may encounter, including the products used in the hydraulic fracturing fluids.

Commented [H55]: Already abbreviated above

- x. The plan shall include a provision establishing a process by which the Applicant engages with the surrounding neighbors and schools to educate them on the risks and benefits of the on-site operations and to establish a process for surrounding neighbors and schools within a half mile radius, unless determined otherwise by the Director of ~~Community and Economic Development~~CED, to communicate with the Applicant.
 - xi. Operator shall maintain storage of aqueous film forming foam (which shall not contain PFAS), absorption boom and granulated materials for ready deployment in case of leaks or other emergencies. Operator shall notify first responders of the location of said materials.
9. Recycle, Reuse and Disposal of Fluids:
- a. Operator shall recycle drilling, completion, flowback and produced fluids unless technically infeasible.
 - b. Waste may be temporarily stored in tanks while awaiting transportation to licensed disposal or recycling sites.
 - c. Waste must be transported by pipelines unless technically infeasible.
10. Stormwater Controls:
- a. ~~Oil and gas operations~~OGF shall be in compliance with COGCC rules related to stormwater management regulations and Adams County Stormwater Quality Regulations as contained in the Adams County Development Standards and Regulations / Ordinances and other applicable federal, state, and county requirements.
 - b. The Owner or Operator must provide a stormwater management plan that identifies possible pollutant sources that may contribute pollutants to stormwater, best management practices, sampling procedures (if required), and inspections that, when implemented, will reduce or eliminate any possible water quality impacts.
11. Water Bodies and Water Quality:
- a. General. ~~Oil and gas operations~~OGF shall not cause adverse impacts to surface or ground waters within Adams County. Operators shall comply with all Adams County rules, COGCC Rules, specifically with respect to spills and releases in floodplains and/or water bodies, and applicable water quality standards set by the Colorado Department of Public Health and Environment (CDPHE).
 - b. Water quality plan. Operators shall implement a water quality plan and make available to Adams County upon request, such plan shall include details such as operator's plans for water quality testing, prevention of illicit or inadvertent discharges, stormwater discharge management,

containment of pollutants, and spill notification and response as required by federal and state agencies. The owner or operator shall provide the County with the information it provides to the COGCC ensuring compliance with the water quality protection standards contained in COGCC Rules. The owner or operator shall provide all water source test results to the county and maintain records of such results. The owner or operator shall provide its plans concerning downhole construction details and installation practices, including casing and cementing design, and shall inform the ~~county~~ County how the plans establish that the facility does not create significant degradation to surface waters or drinking water ~~aquifers~~.

- c. Wastewater Injection Wells are prohibited in Adams County.
- d. Floodplain. Any disturbance within a 100-year floodplain will be allowed if the Operator has obtained a Floodplain Use Permit from the County and has complied with all of the County's legally adopted floodplain and engineering regulations. A "100-year floodplain" shall be, for purposes of this Section, a "Special Flood Hazard Area" as identified and mapped by the Federal Emergency Management Agency's National Flood Insurance Program and adopted by the County.

12. Well Plugging and Abandonment:

- a. An operator shall comply with all COGCC rules regarding well abandonment and reclamation, including, but not limited to, removal of all equipment from the location and restoring the surface of the land to its original state. Notice of well plugging and abandonment shall be submitted by the operator to the ~~Community and Economic Development Department~~ CED within forty-eight (48) hours. Notice shall include surveyed coordinates of the decommissioned well.
- b. Decommissioned oil and gas well assessment. Prior to any hydraulic fracturing, and at periods following hydraulic fracturing, the operator must perform assessment and monitoring of plugged and decommissioned or removed from use, and dry and removed from use oil and gas wells (abandoned wells) within one-quarter mile of the projected track of the borehole of a proposed well. The assessment and monitoring includes:
 - i. Identification of all abandoned wells located within one-quarter mile of the projected track of the borehole of a proposed well based upon examination of COGCC and other publicly available records,
 - ii. A Risk assessment of leaking gas or water to the ground surface or into subsurface water resources, taking into account plugging and cementing procedures described in any

Commented [HS6]: Consider a statement similar to the source water protection planning comment previously mentioned in "Spill Prevention and Containment" section.

recompletion or plugged and abandoned (P&A) report filed with the COGCC.

- iii. Notification to the County and COGCC of the results of the risk assessment of the plugging and cementing procedures.
 - iv. Permission from each surface owner who has an abandoned well on the surface owner's property to access the property in order to test the abandoned well. If a surface owner has not provided permission to access after thirty days from receiving notice, the applicant shall not be required to test the abandoned well.
 - v. Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well prior to hydraulic fracturing
 - vi. Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well within one year and then every three years after production has commenced.
 - vii. Notification of the results of the soil gas survey to the County and the COGCC within three weeks of conducting the survey or advising the County that access to the abandoned wells could not be obtained from the surface owner.
 - viii. In the event that contamination is detected during any soils testing, no further operations may continue until the cause of the contamination is detected and resolved and the County has given its approval for additional operations to continue.
- b-c. Marking of plugged and abandoned wells. The operator shall permanently mark by a brass plaque set in concrete, similar to a permanent bench mark, to monument the plugged and abandoned well's existence and location. Such plaque shall contain all information required on a dry hole marker by the COGCC and the County.

13. Noise. The Operator shall control noise levels as follows:

- a. Prior to operations operator will obtain a baseline noise study that encompasses at least three days, one of those days being a weekend.
- b. Beginning with construction and up to production, the County may require continuous noise monitoring and may require that this be conducted by an approved third party consultant.
- c. The Operator must follow COGCC Regulations for noise level.

- d. The Operator shall post 24-hour, 7 days per week contact information to deal with all noise complaints arising from Operator's ~~oil and gas facility~~ OGF.
 - e. To ensure the Operator controls noise to the allowable levels set forth above, one or more of the following may be required:
 - i. Acoustically insulated housing or cover enclosing the motor or engine;
 - ii. Noise management plan identifying hours of maximum noise emissions, type, frequency, and level of noise to be emitted, and proposed mitigation measures;
 - iii. Obtain all power from utility line power or renewable sources;
 - iv. Utilize the most current equipment to minimize noise impact during drilling, completions, and all phases of operation including the use of "Quiet Fleet" noise mitigation measures for completions;
 - v. Sound walls around well drilling and completion activities to mitigate noise impacts;
 - vi. Restrictions on the unloading of pipe or other tubular goods between 6:00 p.m. and 8:00 a.m.;
 - vii. Any abatement measures required by COGCC for high-density areas, if applicable.
14. Air Emissions: Air contaminant emission sources shall comply with the permit and control provisions of the state air quality control program (C.R.S. § 25-7-101 et seq.) and the rules and regulations promulgated by the ~~State~~ Colorado Air Quality Control Commission. The Operator shall employ the following control measures and operating procedures to avoid or minimize all emissions into the atmosphere.
- a. Air quality action days. Operator shall respond to air quality action day advisories posted by the CDPHE for the ~~front range~~ Denver Metro/North Front Range area by implementing suggested air emission reduction measures as feasible. Emissions reduction measures shall be implemented for the duration of an air quality action day advisory and may include measures such as:
 - i. Minimize vehicle and engine idling;
 - ii. Reduce truck traffic and worker traffic;
 - iii. Delay vehicle refueling;
 - iv. Suspend or delay use of fossil fuel powered ancillary equipment; and
 - v. Postpone construction or maintenance activities, if feasible.

- ~~vi.~~ Postpone well maintenance and liquids unloading activities that would result in emission to the atmosphere.

- b. Leak Detection and Repair (LDAR). Operator shall develop and maintain an LDAR program using modern leak detection technologies for equipment used at the facility that complies with the following requirements:
- i. Inspections must occur at least semi-annually; more frequent inspections may be required based on the design, location and size of the facility.
 - ii. If an infrared (IR) camera is used, operator shall retain an infrared image or video of all leaking components before and after repair. Such records shall be maintained for two years and shall be made available to the ~~county~~ County upon request.
 - iii. Any leaks discovered by operator, including any verified leaks that are reported to operator by a member of the public, shall be reported to the County no later than twenty-four hours after discovery. The operator shall maintain a weekly log of all reported leaks and shall make that log available upon request from the County.
 - iv. Operator shall repair leaks as soon as possible, but at least within seventy-two hours, unless technically or operationally infeasible. ~~If the County determines that the leak presents an imminent hazard to persons or property, the operator may not operate the affected component, equipment or pipeline segment until the operator has corrected the problem and the County agrees that the affected component, equipment or pipeline segment no longer poses a hazard to persons or property. In the event of leaks that the County believes do not pose an imminent hazard to persons or property, if more than 48 hours repair time is needed after a leak is discovered, operator shall contact the County and provide an explanation of why more time is required.~~
 - v. Plan shall include detailed recordkeeping of the inspections for leaking components.
 - vi. At least once per year, the operator shall notify the County five business days prior to an LDAR inspection of its facilities to provide the County the opportunity to observe the inspection.
- c. Well Completions and Emissions Control
- i. Operators shall utilize EPA ~~Reduced Emission Completions~~ for oil wells and gas wells.
 - ii. Operators must utilize closed loop, pitless drilling, completions and production systems without permanent on-site storage tanks for containment and/or recycling of all drilling,

Commented [H57]: This is a term that is defined in 40 C.F.R. Part 60, Subpart OOOOa (NSPS OOOOa). Adams County should consider citing a reference to the definition.

completion, flowback and produced fluids and any ~~required venting emissions~~ routed to ~~and controlled by at least 98% effective emissions control devices~~ destruction efficiency.

Commented [HS8]: This put too many requirements into a run on sentence. Consider breaking into bullets so that it is clear which activities are being regulated.

d. Combustion Devices

i. ~~For any flares or combustion devices used, manufacture test or other data demonstrating hydrocarbon destruction or control efficiency with a design destruction efficiency of at least 98% must be maintained and demonstrate that the device has a design destruction efficiency of at least 98% for hydrocarbons.~~

Commented [HS9]: Manufacturer data is typically based on 'destruction efficiency'. Control efficiency means a different thing. It's best to be consistent with Air Quality Control Commission regulations and require operators to have the device meet 98% destruction efficiency. Consider not using the term control efficiency in this language as it will confuse operators understanding between local and state regulations.

ii. Flaring ~~of production gas from separators~~ shall be eliminated other than during emergencies or upset conditions; ~~all flaring shall be reported to the county~~

Commented [HS10]: Consider clarifying what type of flaring you are trying to eliminate. CDPHE's Air Pollution Control Division recommends targeting flaring of associated gas and has offered this language for the County to consider.

iii. To the extent used, all flares, thermal oxidizers, or combustion devices shall be designed and operated as follows:

1. The flare and or combustor shall be fired with natural gas.
2. The flare and or combustor shall be designed and operated in a manner that will ensure no visible emissions during normal operation. Visible emissions means observations of smoke for any period or periods of duration greater than or equal to one minute in any fifteen minute period during normal operation, pursuant to EPA Method 22. Visible emissions do not include radiant energy or water vapor.
3. The flare and or combustor shall be operated with a flame present at all times when emissions may be vented to it.
4. All combustion devices shall be equipped with an operating auto-igniter.
5. If using a pilot flame ignition system, the presence of a pilot flame shall be monitored using a thermocouple or other equivalent device to detect the presence of a flame. A pilot flame shall be maintained at all times in the flare's pilot light burner. A telemetry system shall be in place to monitor pilot flame and shall activate a visible and audible alarm in the case that the pilot goes out.
6. If using an electric arc ignition system, the arcing of the electric arc ignition system shall pulse continually and a device shall be installed and used to continuously monitor the electric arc ignition system.

Commented [HS11]: Flaring is routinely required as a control system under AQCC regulations to reduce VOC from many sources of air pollution (tanks, dehydrators, etc). Does the County want this to be reported and if so, what will the County do with this information?

e. Well Liquids Unloading

- i. Best management practices during liquids unloading activities are required including the installation of artificial lift, automated plunger lifts and ~~at least 90% emissions reductions when utilizing combustion to control any venting~~ combustion devices achieving a minimum 90% emissions reduction to control any venting.
 - ii. If manual unloading is permitted, operator shall remain onsite.
- f. General air quality protection measures.
 - i. Operators should work to limit truck traffic to and from the site.
 - ii. Hydrocarbon emissions control of at least 98% or better for crude oil, condensate, and produced water tanks with uncontrolled actual emissions of Volatile Organic Compounds (VOCs) greater than two tons per year (TPY) VOCs.
 - iii. No venting other than if necessary for safety or during an emergency
 - iv. Operators should consolidate product treatment and storage facilities within a facility.
 - v. Operators should centralize compression facilities—engines within a facility.
 - vi. For operators with existing oil and gas facilities OGF in Adams County, demonstration that the facility—OGF will not result in any increase of VOCs from operator's existing and planned development in the County. Operator may include anticipated reductions from plugging and abandoning existing wells located in the County when modeling total VOCs from existing and future development and related activities.
- g. Site-specific air quality protection measures. To eliminate or ~~minimize-minimize~~ air emissions, the County may require any or all of the following depending on the size, location and nature of the facility:
 - i. Ambient Air Monitoring. An air monitoring plan that describes how the operator will conduct baseline monitoring within 500 feet of a proposed facility prior to construction and conduct monitoring during the drilling, completion and production phases of development. The plan shall include monitoring for all potential emissions, including but not limited to, methane, VOCs, Hazardous Air Pollutants (HAPs), Oxides of Nitrogen (NOx), Particulate Matter (PM), Fine Particulate Matter (PM 2.5), and Carbon Monoxide (CO). Operator shall pay for the baseline and ongoing monitoring. Baseline and continuous monitoring shall be done by a consultant approved of by the

Commented [HS12]: Why 90% reduction? Does this mean that they can vent some emissions? You may want to consider revising to "route to air pollution control equipment achieving a minimum 98% destruction efficiency" unless you allowing for some portion of emissions not to be controlled.

Commented [HS13]: What is the intent here? Consider revising to "compression engines."

Commented [HS14]: Are you essentially trying to set a cap on the emissions that a specific operator already has? Meaning a zero net emissions increase concept? What about new operators who wish to enter the County? Do they need to implement zero emitting facilities then?

How are you going to track and enforce this type of requirement? This analysis could require a very large emissions inventory evaluation and may require significant resources.

Commented [KK15R14]: Already removed from regulations

- County. Any continuous monitoring system shall be able to alert the operator of increases in monitored air pollutant concentrations.
- i. The use of electric drill rigs.
 - ii. The use of Tier 4 or better diesel engines, diesel and natural gas co-fired Tier 2 or Tier 3 engines, natural gas fired spark ignition engines, or electric line power for hydraulic fracturing pumps.
 - iii. The use of liquefied natural gas dual fuel hydraulic fracturing pumps.
 - iv. Implementation of tankless production techniques.
 - v. Use of quiet design mufflers (also referred to as hospital grade or dual dissipative) or equivalent.
 - vi. The use of zero emission dehydrators.
 - vii. Use of a pressure-suitable separator and vapor recovery unit (VRU) where applicable.
 - viii. Pipeline infrastructure for produced water, natural gas, crude oil and condensate constructed and placed into service prior to the start of any fluid flow from any wellbore.
 - ix. The use of no-bleed continuous and intermittent pneumatic devices. This requirement can be met by replacing natural gas with electricity or instrument air, or routing the discharge emissions to a closed loop-system or process.
 - x. Automated tank gauging.
15. Odors:

- a. Operator must implement~~and~~, maintain and make available to the County upon request, an odor mitigation plan that demonstrates how operator will minimize odors from its operations and comply with ~~Colorado Department of Public Health and Environment (CDPHE)~~, Air Quality Control Commission, Regulation No. 2 Odor Emissions, 5 CCR 1001-4, Regulation No. 3, 5 CCR 1001-5, and Regulation No. 7, 5 CCR 1001-9 sections VII and VIII. The plan shall also provide a plan ~~for describing how the operator will~~ timely responding to odor complaints from the community, and for identifying and implementing additional odor control measures to control odors emanating from the ~~oil and gas facility~~ OGF.
 - b. Operator must notify the County's LGD no later than 24 hours after receiving odor complaint.
 - c. Operator must prevent odors from ~~oil and gas facilities~~ OGF from affecting the health and welfare of the public by proactively addressing and, to the fullest extent, resolving complaints filed by members of the community, in coordination with County and Tri-County Health Department staff.
 - d. To ensure compliance with the odor mitigation plan, the County may require the Operator to implement any of the following measures depending on the size, location and nature of the facility:
 - i. Adding an odorant which is not a masking agent or adding chillers to the muds.
 - ii. Using filtration systems or additives to minimize odors from drilling and fracturing fluids except that operator shall not mask odors by using masking fragrances.
 - iii. Enclose shale shaker to contain fumes from exposed mud, where safe and feasible
 - iv. Wipe down drill pipe each time drilling operation "trips" out of hole
 - v. Increasing additive concentration during peak hours.
16. Water source sampling and testing: Using records of the Colorado Division of Water Resources, the applicant will be required to identify and offer to sample all available water sources located within one-half mile of the proposed well or facility. All sampling must be conducted by third-party consultant approved of by the County. Sampling requirements include:
- a. Initial baseline samples and subsequent monitoring samples.
 - b. Initial collection and testing of baseline samples from available water sources shall occur within twelve months prior to the commencement of drilling a well, or within twelve months prior to the re-stimulation of an existing well for which no samples were collected and tested during the previous twelve months.
 - c. Post-stimulation samples of available water sources shall be collected

Commented [HS16]: Already abbreviated above

and tested pursuant to the following time frame:

1. One sample within six months after completion;
 2. One sample between twelve and eighteen months after completion; and
 3. One sample between sixty and seventy-two months after completion.
 4. For multi-well pads, collection shall occur annually during active drilling and completion.
- d. Operator shall collect a sample from at least one up-gradient and two down-gradient water sources within a one-half mile radius of the facility. If no such water sources are available, operator shall collect samples from additional water sources within a radius of up to one mile from the facility until samples from a total of at least one up-gradient and two down-gradient water sources are collected. Operators should give priority to the selection of water sources closest to the facility.
- e. An operator may rely on existing groundwater sampling data collected from any water source within the radii described above, provided the data was collected within the twelve months preceding the commencement of drilling the well, the data includes measurement of all of the constituents measured in Table 1, and there has been no significant oil and gas activity within a one-mile radius in the time period between the original sampling and the commencement of drilling the well.
- f. The operator shall make reasonable efforts to obtain the consent of the owner of the water source. If the operator is unable to locate and obtain permission from the surface owner of the ~~Water—water Sources~~source, the operator shall advise the CED Director that the applicant could not obtain access to the water source from the surface owner.
- g. Testing for the analytes listed in Table 1, and subsequent testing as necessary or appropriate.
- h. Standard industry procedures in collecting samples, consistent with the COGCC model Sampling and Analysis Plan, shall be followed.
- i. Reporting the location of the water source using a GPS with sub-meter resolution.
- j. Field observations. Reporting on damaged or unsanitary well conditions, adjacent potential pollution sources, odor, water color, sediment, bubbles, and effervescence.
- k. Test results. Provide copies of all test results described above to the County, the COGCC, and the water source owners within three months after collecting the samples.
- l. Subsequent sampling. If sampling shows water contamination, additional measures may be required including the following:

March 19, 2019

Chapter 4—Design Requirements and Performance Standards
Industrial Uses Performance Standards

1. If free gas or a dissolved methane concentration level greater than one milligram per liter (mg/l) is detected in a water source, determination of the gas type using gas compositional analysis and stable isotope analysis of the methane (carbon and hydrogen).
2. If the test results indicate thermogenic or a mixture of thermogenic and biogenic gas, an action plan to determine the source of the gas.
3. Immediate notification to the ~~the~~ County, the COGCC, and the owner of the water source if the methane concentration

- increases by more than five mg/l between sampling periods, or increases to more than ten mg/l.
4. Immediate notification to the County, the COGCC and the owner of the water source if BTEX and/or TPH are detected as a result of testing. Such detections may result in required subsequent sampling for additional analytes.
 5. Further water source sampling in response to complaints from water source owners.
 6. Timely production and distribution of test results, well location, and analytical data in electronic deliverable format to the CED Director, the COGCC and the water source owners.

Table 1. Water Quality Analytes

GENERAL WATER QUALITY	Alkalinity Conductivity & TDS Ph Dissolved Organic Carbon (or Total Organic Carbon)Bacteria Hydrogen Sulphide
MAJOR IONS	Bromide Chloride Fluoride Magnesium Potassium Sodium Sulfate Nitrate + Nitrite as N (total)
METALS	Arsenic Barium Boron Chromium Copper Iron Lead Manganese Selenium Strontium
DISSOLVED GASES AND VOLATILE ORGANIC COMPOUNDS	Methane Ethane Propane BTEX as

	Benzene, Toluene, Ethylbenzene, Xylenes Total Petroleum Hydrocarbons (TPH)
OTHER	Water Level Stable isotopes of water (Oxygen, Hydrogen, Carbon) Phosphorus

17. Dust:

- a. Operator shall minimize dust pollution associated with onsite activities and traffic.
- b. No untreated produced water or other process fluids shall be used for dust suppression.
- c. The operator will avoid creating dust or dust suppression activities within 300 feet of the ordinary high-water mark of any water body, unless the dust suppressant is water.
 - i. ~~Safety Data Sheets (SDS)~~ for any chemical-based dust suppressant shall be submitted to the County prior to use.

Commented [H517]: Already abbreviated above

18. Visual Aesthetics.

- a. Operator shall submit a visual mitigation plan in compliance with COGCC Rules, including but not limited to, a list of the proposed colors for the Facilities, regardless of construction date, which are observable from any public highway, providing for paint that is uniform, noncontrasting, nonreflective color tones (similar to the Munsell Soil Color Coding System), and with colors matched to but slightly darker than the surrounding landscape, a listing of the operations' equipment, proposed fencing, and screening. Plan shall indicate the location of all outdoor lighting on the site and any structures and include cut sheets of all proposed fixtures. Fencing shall be required around all well site equipment, including, but not limited to, storage tanks, well heads, and meters if the well site is visible from a subdivision west of Imboden Road. Such fencing shall screen equipment, provide safety precautions, and be compatible with the surrounding environment. Should fencing apply to a well site, the design and construction of such fencing shall be approved by the ~~Community and Economic Development Department~~ CED prior to the construction of any site. If a chain link fence is required to achieve safety requirements set by the COGCC, then landscaping and other screening mechanisms shall be required that comply with the County's Development Standards and Regulations and the Operator's safety requirements. Operator shall be responsible for obtaining consent by surface owner allowing any required fencing.

- b. Operator shall submit landscaping and berming plan that includes maintenance and irrigation requirements for planted vegetation throughout the duration of operations, including production. Operator shall be required to provide maintenance funding through bonding to ensure funds are available for upkeep. Weed control is required at the facility and along access roads until final reclamation and abandonment. Required sound walls shall be included in the visual mitigation plan and shall comply with the color scheme approved by the County, blending with natural background. All landscaping shall be in compliance with County requirements and in compliance with the safety requirements of the Operator. Existing vegetation shall be minimally impacted. Motorized equipment shall be restricted to the well sites and access roads to the well sites. Operator is responsible for obtaining consent by surface owner allowing landscaping as well as automatic irrigation for landscaping in urban mitigation areas and/or parks/recreation areas. All plant materials shall be kept in a healthy growing condition at all times.
 - c. Operator shall submit lighting mitigation plan for all phases of development and operation, which adheres to best management practices to minimize light escaping the facility including making all lighting downward-facing and fully shielding bulbs to prevent light emissions above a horizontal plane drawn from the bottom of the fixture. Operator shall conduct a photometric study prior to start of construction to indicate impact on surrounding properties and measure the lumens emitted from the facility outside of the walls.
 - d. Sight access and security. Site shall be properly secured, including, but not limited to, security fencing or barriers to prevent unauthorized access to site. Site shall be properly secured prior to the start of drilling. Proposed fencing, barriers, and screening shall be included in the visual mitigation plan.
19. Flammable material. The area twenty-five feet around anything flammable shall be kept free of dry grass or weeds, conform to COGCC safety standards and applicable fire code. The operator's pre-application and application shall be reviewed by the serving fire district.
20. Mud tracking. Operator shall take all practical measures to prevent mud and dirt tracking onto public right of ways and shall remove tracked mud and dirt within a reasonable time not to exceed two hours.
21. Trailers. A construction trailer is permitted during active drilling and completions only. No residential trailers will be allowed. Only equipment needed for project should be on site.
22. Private Roads. The Operator shall construct (unless already constructed) and maintain an access road designed to meet County and fire district standards and support an imposed load of 75,000 pounds that will accommodate

emergency response vehicles such as, but not limited to, law enforcement, emergency command vehicles (cars/SUVs), ambulances, hazardous materials response vehicles, water tenders, and fire apparatus during construction and operation of new tank batteries, new drilling activity and reworks or recompletions of existing wells, unless a local fire department or fire district agrees to a different or lesser standard or waived by the County. With respect to new roads to new tank batteries, the Operator agrees to construct access roads at least twenty (20') feet wide (unless waived by the local fire district and the County's Public Works Department) with a Class 6 road base, or as approved by the local fire district, at least nine inches (9") thick. Best efforts will be made to improve inadequate access to existing tank battery sites identified by the fire district or County, based on service calls and demonstrated problems of accessing the site. Operator and County agree that spot inspections of access roads may be done by the County and/or appropriate emergency response agency, at such County or agency's sole risk and expense, to ensure that emergency access in accordance with this section is maintained. Operator is required to maintain and repair any damaged roads within ten (10) days of County notice. Operator will assure that temporary access roads are reclaimed and revegetated within sixty days of discontinued use. Erosion shall be controlled in accordance with the Erosion and Sediment Control Plan while the roads are in use.

23. Public Roads. Operator shall utilize existing roads and access points where practical and apply for and obtain access permits for its ~~oil and gas facilities~~ OGF from the County's Public Works Department. Requirements for the access permit may include the following: a) access location providing for a safe entrance/exit and utilization of main roadways to minimize impact /conflict with residents on local roadways; b) haul route and traffic data; c) pre/post inspection of roadways used by the Operator; d) collateral or bond to insure that road damage caused by the Operator is repaired; e) dust control (material used for dust control must be pre-approved by the County); f) road maintenance agreement during drilling phase; and g) payment of all applicable fees. Operator shall exercise reasonable efforts to minimize heavy truck traffic on local roads within residential neighborhoods between the hours of 9 p.m. and 6 a.m., and shall work with and show written evidence that the applicable school district(s) has been consulted to minimize traffic conflicts with school buses when schools are in session. Operator shall obtain any legally valid and applicable oversize and/or over weight moving permit from the County's Public Works Department. for all vehicles that exceed legal vehicle dimensions or weights as specified by the Colorado Department of Transportation and the County's Development Standards and Regulations.
24. Removal of debris. All excess debris shall be removed during construction activities. Site shall remain free of debris and excess materials at all times during operations. Burning of debris and other materials is strictly prohibited at all times. .

25. Removal of equipment. No permanent storage of equipment. When no longer used, equipment shall be removed within thirty days unless a Temporary Use Permit for said storage is obtained from the County.
26. Maintenance of machinery. Routine field maintenance of equipment involving hazardous materials within 300 feet of any water body is prohibited. All fueling shall occur over impervious material and shall not be done during storm events. Operator shall operate and maintain all equipment in accordance with manufacturer specifications. Regular maintenance checks are required for all equipment.
27. Burning. No open burning of trash, debris or other flammable materials.
28. Chains. Traction chains shall be removed from heavy equipment on public streets.
29. Off-location flow lines and crude oil transfer lines
 - a. Off-location flow lines and crude oil transfer lines regulated by the COGCC shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; surface water bodies; and city open space.
 - b. Without compromising pipeline integrity and safety, applicant shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize impact.
 - c. Setbacks from residential, commercial, or industrial buildings, places of public assembly, the high-water mark of any surface water body and sensitive environmental features will be determined on a case-by-case basis in consideration of the size and type of pipeline proposed and features of the proposed site.
 - d. Operator must conduct leak detection inspections or pressure testing in order to identify flowline leaks or integrity issues.
 - e. Operator must make available to County upon request all records required to be kept by COGCC
 - f. Buried pipelines shall have a minimum of four feet cover.
30. Gathering Lines
 - a. Gathering lines shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; surface water bodies; and city open space.
 - b. Without compromising pipeline integrity and safety, Operator shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize impact.
 - c. Setbacks from residential, commercial, or industrial buildings, places of public assembly, the high-water mark of any surface water body and

sensitive environmental features will be determined on a case-by-case basis in consideration of the size and type of pipeline proposed and features of the proposed site.

- d. Operator must make available to County upon request all records submitted to the Pipeline and Hazardous Materials Safety Administrative (PHMSA) or the Public Utilities Commission (PUC) including those related to inspections, pressure testing, pipeline accidents and other safety incidents.
- e. Well Connects. Well connects do not require permits. Well connects are defined as a pipeline, 10" or less inside diameter and 2 miles or less in length, laid running from the custody transfer point or production facility for a new well(s) to an existing gathering line connection point.

~~30.31.~~ Temporary surface water lines

- ~~i.a.~~ Operator shall use temporary surface water lines, unless infeasible.
- ~~j.b.~~ Operator shall use County Road Right-of-Way, and County drainage culverts for the laying and operation of temporary water lines on the surface and in accordance with Adams County Standards and Regulations, unless infeasible.
- ~~k.c.~~ Operator will bury temporary water lines at existing driveway and gravel road crossings, or utilize existing culverts, if available, with County approval.

~~31.32.~~ Financial Assurance.

- a. Operators shall be required to maintain environmental liability insurance to cover gradual pollution events.
- b. Operator shall be required to file and maintain financial assurance as determined on a site specific basis prior to commencing operations, and thereafter during the active life of the facility, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. Should any corrective actions be required by the County in order to protect the health, safety, welfare, and the environment which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.

~~31.33.~~ Mapping Information. Operator shall agree to provide coordinates and/or exact location of well sites to the County's GIS Department within forty-eight

(48) hours of final completion of a well site in a format acceptable to the County. Any subsequent changes to a well site location shall also be provided to the County within forty-eight (48) hours of such changes.

4-10-2-3-3-4

INSPECTION AND ENFORCEMENT

1. Inspection: In recognition of the potential impacts associated with ~~oil and gas facilities~~OGF, all wells and accessory equipment and structures may be examined by the inspectors of the county at reasonable times to determine compliance with applicable provisions of this chapter, the International Fire Code, the International Building Code, and all other applicable standards in this title. The County reserves the right in its discretion to make spot inspections or to inspect without notice in the event of an issue potentially involving an immediate risk to public health, safety, welfare, the environment, or wildlife, or damage to the property of another. For the purpose of implementing and enforcing the provisions of this chapter, the inspector and other authorized personnel have the right to enter upon private property. The county may use the information collected on the inspections to enforce the requirements of this chapter. The county may also report this information to appropriate state and federal officials, including but not limited to information regarding alleged violations of state and federal rules. Operator shall make available to County, upon request, all records required to be maintained by these regulations or to show compliance with these regulations, and the rules and regulations promulgated by the COGCC and the CDPHE, including permits, Air Pollutant Emission Notices (APENs) and other documents required to be maintained by the COGCC, CDPHE and these regulations. The County shall charge a yearly inspection fee for all ~~Oil and Gas Facilities~~OGF in the County. Fees for ~~Oil and Gas Facility~~OGF inspections shall be assessed according to the County's adopted fee schedule.
2. State Notification of Violations: Adams County will cooperate fully with the State of Colorado by notifying the Oil and Gas Conservation Commission of any and all violations of the Colorado Laws and Regulations.
3. Delinquent Taxes: One condition of any oil and gas well building permit is that all taxes as provided by statute, shall be paid.
4. Penalties and Fines: The County has authority under C.R.S. § 29-20-104, as amended, to impose fines for leaks, spills, and emissions. The following table summarizes the fine schedule for violations of these Development Standards and Regulations:

		<i>Rule Classification</i>		
		Class 1: Paperwork other ministerial regulations, a violation of which presents no direct risk of harm to public health, safety, welfare, and the environment.	Class 2: Regulations related at least indirectly to promoting the public health, safety, welfare, and the environment and wildlife resources, a violation of which presents a possibility of distinct, identifiable actual or threatened adverse impacts to those interests	Class 3: Regulations directly related to protecting public health, safety, welfare, the environment, and wildlife resources, a violation of which presents a significant probability of actual or threatened adverse impacts to those interests.
<i>Degree of threatened or actual impact to public health, safety, welfare, the environment, or wildlife</i>	<u>Major:</u> Actual significant adverse impacts	\$5,000	\$10,000	\$15,000
	<u>Moderate:</u> Threat of significant adverse impacts, or moderate actual adverse impacts	\$1,500	\$5,000	\$10,000
	<u>Minor:</u> No actual adverse impact and little or no threat of adverse impacts	\$200	\$2,500	\$5,000

6. County Violations: In addition to the fines outlined above, the County has authority to cite violations under its control pursuant to Section 1-05-06 Criminal Remedies and Enforcement.
7. Legal Non-conforming: Adams County recognizes that there are oil and gas operations that were legally established prior to the effective date of these regulations that may or

may not conform to these regulations. These operations may continue, provided the operation is not extended, expanded, or altered in a manner that changes and/or alters the nature, character, or extent of the previously approved permit

4-10-2-3-3-5

RESIDENTIAL CONSTRUCTION Standards

1. **Residential Construction Standards:** The Director of ~~Community and Economic Development~~CED may impose any one (1) or more of the following standards on a specific site basis as a condition of subdivision approval and/or building permits on platted or unplatted land:
 - a. The oil and gas well location shall include a two-hundred-fifty (250) foot buffer in the form of an easement on the Final Plat. No structures may be constructed within the buffer area.
 - b. Access to the oil and gas well location shall be provided by a public street or recorded easement for private access.
 - c. The Final Plat shall include notice to prospective buyers of the location of the oil and gas well and associated easements.
 - d. All oil and gas well flow lines and/or easements shall be graphically depicted on the Final Plat.
 - e. All surface and subsurface agreements shall be noted on the Final Plat by the recorded book and page number.
 - f. Pursuant to Section 4-06-01-02-01-12, where a new home and/or other permanent structure with plumbing is constructed within three hundred (300) feet of an existing oil and gas well, the property owner shall submit a signed waiver acknowledging the existence of the facility.
2. **Plugged and Abandoned, and Former Oil and Gas Production Sites:** This Section is enacted to protect and promote the health, safety, morals, convenience, order, prosperity, or general welfare of the present and future residents of the County. These regulations are based upon the land use authority of the County.
 - a. Prior to submittal of a final plat or site specific development plan, each plugged and abandoned well shall be located and surveyed. The plugged and abandoned well shall be permanently marked by a brass plaque set in concrete similar to a permanent bench mark to monument its existence and location. Such plaque shall contain all information required on a dry hole marker by the Colorado Oil and Gas Conservation Commission and the County.

- b. As a condition of review of any final plat or site specific development plan which contains a plugged and abandoned well or former oil and gas production site or is within 200 feet of such well or site, the owner shall submit a location diagram of the location of the well.
- c. On every final plat or site specific development plan which contains a plugged and abandoned well, there shall be dedicated a well maintenance and workover setback depicted on the plat, the dimensions of which shall be not less than fifty feet in width and 100 feet in length. No structures shall be located within this setback. The plugged and abandoned well shall be located in the center of the setback. There shall be public access for ingress and egress to the setback of a width of not less than twenty feet.
- d. Every final plat and site specific development plan which contains a plugged and abandoned well or a site specific development that includes a property that is less than 200 feet from a plugged and abandon well, shall include the following notation: "The owner shall disclose to prospective purchasers of lots within a radius of 200 feet of the plugged and abandoned well of (1) the location of the plugged and abandoned well, (2) the location of the maintenance and workover setback, and (3) the purpose for the well maintenance and workover setback."
- e. As a condition of building permit review, no dwelling shall be constructed within fifty (50) feet of a plugged and abandoned well.
- f. Prior to issuance of a grading permit within a development containing a known reserve pit site, the reserve pit site shall be tested for expansive soils. Reserve pits containing expansive soils in locations proposed for buildings shall be subject to the provisions of the International Building Code.
- g. No utility lines shall be installed within ten feet of any plugged and abandoned well.

4-10-2-3-3-6**COGCC AND COUNTY APPROVALS REQUIRED**

Development of the OGF shall not commence unless and until applicant receives an approved OGF Permit, including any approved waiver(s), and receives all required approvals and permits from COGCC.

2-2-12-7 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all requirements of the Director of Community and Economic Development, the Director of Community and Economic Development shall issue a temporary use permit. The temporary use permit shall describe in detail the temporary use allowed by the permit, include all specific conditions applied by the permit issuing authority, and be accompanied by an official site plan modified by the applicant to reflect the conditions of the permit.

2-2-12-8 EFFECT OF APPROVAL

Issuance of a temporary use permit shall be deemed to authorize only the particular use and activity for which it is issued. The temporary use permit is nontransferable. The applicant shall be subject to all other permits required by these standards and regulations to use the land in accordance with the temporary use permit.

2-2-14 OIL AND GAS FACILITY (OGF) PERMIT

2-02-14-01 PURPOSE

The purpose of ~~(these oil and gas facility regulation performance standards, approval criteria and regulations)~~ is to allow for the orderly and reasonable development of oil and gas in unincorporated Adams County while ensuring that facilities are sited in appropriate areas and utilize best practices to protect the health, safety, and welfare of our residents and to protect the environment and wildlife.

Commented [HS1]: The terms “ standards and regulations” and “ approval criteria” are used throughout 2-2-14 and this revision is proposed for consistency .

~~(The purpose of an OGF Permit is to regulate the surface land use of oil and gas production in order to protect the public safety, health, welfare and the environment of Adams County and its residents by ensuring that facilities are constructed and operated in accordance with best practices, to provide for sound environmental practices to protect the County’s natural resources, to provide for the orderly siting and development of oil and gas operations, as well as to prevent damage to County roads and bridges.)~~

Commented [HS2]: Given the preceding paragraph, this provision may be redundant and unnecessary.

The Colorado Oil and Gas Conservation Commission (COGCC) and the federal government have authority to regulate certain aspects of oil and gas mineral extraction. Requirements contained in this section shall not exempt the owner or operator of an ~~oil and gas facility~~ OGF from compliance with the requirements of the COGCC or any other applicable regulatory authority.

Chapter 2—Application and Permitting Procedures
Specific Development Review Steps for Development Applications

The provisions of these standards and regulations shall apply to the construction, installation, alteration, repair, erection, location, maintenance, and abandonment of all new or substantially modified ~~oil and gas facilities~~ OGF within the unincorporated areas of the County.

2-2-14-2 APPLICABILITY

All uses that require an OGF Permit must be processed in accordance with this Section. The Director of Community and Economic Development (~~CED~~) is the permit issuing authority for OGF Permits that do not require ~~any waiver or modification~~ from approval criteria or performance standards. OGF Permits requiring ~~a waivers-waiver or modification~~ from approval criteria or performance standards must be approved by the Board of County Commissioners through the designated Waiver process.

Commented [HS3]: Global comment – Community and Economic Development and CED are used interchangeably throughout 2-2-14 and the County may want to consider using one or the other for consistency.

2-2-14-3 WHO CAN INITIATE AN OGF PERMIT

An OGF Permit may be requested, without limitation, by any owner of, or person demonstrating a legal interest in property on which the OGF ~~use~~ is proposed to be located. The applicant has the burden of proof to demonstrate the ~~use~~ OGF fully complies with ~~these the performance~~ standards and regulations and meets the criteria for approval.

2-2-14-4 OGF PERMIT REVIEW PROCEDURES

An OGF Permit may be approved by the Director of ~~Community and Economic Development~~ CED if the application does not require a waiver or modification from any approval criteria or performance standards. An OGF Permit requiring a waiver or modification from any of the approval criteria or performance standards must be approved by the Board of County Commissioners and requires a public hearing. The Director of ~~Community and Economic Development~~ CED or the Board of County Commissioners shall approve, approve with conditions, or deny the OGF Permit based on consideration of the staff report, the evidence from the public hearing (if applicable), and compliance with the criteria for approval.

2-2-14-5 OGF PERMIT REVIEW STEPS

The processing of a proposed OGF permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures (although not necessarily conducted in the following order) as follows:

1. Conceptual review. ~~Operator Applicant~~ shall identify three proposed locations for the ~~oil and gas facility~~ OGF for the Alternative Site Analysis process outlined below. For each location, ~~operator-applicant~~ shall identify, and visually depict the same on a map, the following items that are located within a half-mile radius of the parcel boundary of

Commented [HS4]: Global comment (for Chapters 2 and 4)- “Operator” and “Applicant” are used interchangeably throughout and the County may want to consider using one or the other for consistency.

Chapter 2—Application and Permitting Procedures
Specific Development Review Steps for Development Applications

the proposed facility: existing or platted residences, occupied buildings, parks, open space, schools, state licensed daycares, known areas of environmental contamination such as superfund sites, hospitals, ~~water bodies~~, floodplains, floodways, existing active and decommissioned wells, and roadways. Proposed access routes to the ~~site location~~ should also be provided. This information must be submitted to ~~Community and Economic Development~~ CED for review. Following ~~that submittal~~, a conceptual review meeting shall be held with the ~~operator applicant and CED~~. ~~Operators Applicants~~ are encouraged to schedule a conceptual review prior to entering into any surface use agreements.

Commented [HS5]: Could benefit from a definition. Does this apply to manmade ditches and canals, intermittent and ephemeral streams? Consider including wetlands.

- a. **Alternative Site Analysis:** Prior to submittal of any spacing application or Form 2 or 2A to the COGCC and during the conceptual review, ~~the~~ applicant must consult with the County on an Alternative Site Analysis as outlined below:

1. ~~In~~ General. The County seeks to site OGFs in areas that ~~have the least minimize~~ off-site impacts possible in order to protect the health, safety, and welfare of its residents and to protect the environment and wildlife. In order to determine whether proposed siting is appropriate, CED staff must evaluate alternative sites.

Commented [HS6]: Could benefit from a definition or examples of what off-site impacts are included

2. ~~Description of potential sites~~. Applicant must submit descriptions of at least three (3) potential sites for the OGF that were considered by applicant. Description must include description of site locations considered, whether mineral extraction is possible and reasonable from those sites, the off-site impacts associated with those sites, and why a particular site is proposed, if ~~any~~.

Commented [HS7]: May want to consider a statement like: "Increased drilling and production costs cannot be used as sole justification for not selecting a more environmentally protective location."

3. ~~Evaluation materials~~. CED ~~staff~~ will evaluate the potential sites to determine which site is most likely to ~~have the least minimize~~ off-site impacts. The CED Director will determine whether applicant is required to provide traffic impact studies, engineering studies, ~~Environmental Impact Analysis as defined in these standards and regulations~~, or other evaluation tools in order to adequately evaluate site options. If not required by CED Director as part of alternative site analysis, these site-specific evaluation tools can be submitted by applicant after site selection has occurred.

Commented [HS8]: Where is this defined?

4. ~~Evaluation Siting~~ criteria. In determining which sites are most likely to ~~have the least minimize~~ off-site impacts, CED may consider the following:

- i. Distance from existing or platted residences, schools, state licensed daycares, occupied buildings, active open spaces, environmentally sensitive areas, or other areas likely to be adversely impacted;
 - ii. Traffic impacts and impact to roads, bridges, and other infrastructure;
 - iii. Access to water and other operational necessities;
 - iv. Whether the site allows for utilization of impact mitigation, such as use of proximate pipelines;
 - v. Noise impacts;
 - vi. The impact on the surrounding land;
 - vii. The impact on wildlife; and
 - viii. Impact on nearby environmental resources such as water bodies, public water systems and associated infrastructure.
5. Site Selection. ~~The county~~CED shall review all proposed locations in order to determine which location(s) best protects public health, safety, welfare, and the environment and will ~~choose~~recommend to the Director the location that best satisfies this goal. The Director of ~~Community and Economic Development~~CED will determine if any proposed sites meet this goal. If no location ~~satisfies~~meets this goal, ~~Operator~~Applicant shall submit three new proposed locations. Alternatively, ~~the County~~CED may suggest alternative location(s) or may recommend denial of the OGF Permit if it does not believe that any of the proposed ~~sites~~locations meet the siting goal.
2. Neighborhood Meeting: Applicable. At the neighborhood meeting, the applicant shall provide an overview of its proposed oil and gas operation and allow those in attendance to provide input as to the proposed operation, including, but not limited to, issues that arise from application of these regulations to the proposed operation, and suggested mitigation to adequately ensure compliance with these regulations.
3. Development Application Submittal: ~~Community and Economic Development~~CED has developed a check list of required submittals for OGF Permits that ~~(may change from time to time)~~is periodically updated. At a minimum, the following items are required as part of an OGF application submittal:
 - a. **Application Form:** a completed OGF Permit application form.
 - b. **Application Fee:** OGF application ~~(fee)~~
 - c. **Operations Plan:**
 1. Plan Format: Two hard copies of all plans shall be

Commented [HS9]: CED may want to consider additional provisions requiring public notice for these neighborhood meetings, the scope and type of public notice (newspaper, website publication?) and the timing of such notice.

Commented [HS10]: Consider rephrasing. “May change from time to time” may create regulatory uncertainty.

Commented [HS11]: CED may want to specify an amount or criteria for determining fee amount

Chapter 2—Application and Permitting Procedures
Specific Development Review Steps for Development Applications

provided and one copy of the plans shall be provided in digital format, on either a thumb drive or CD. No plans shall contain copyright restrictions or public use restrictions

2. Cover Sheet: The cover sheet shall have a title block with the reference to an Oil and Gas Facility Permit, project name, and location by section, township and range. The cover sheet shall also include a legal description of the area, date of the drawing, existing zoning of the site, a sheet key, a vicinity map with north arrow (scale of 1" = 2,000' preferred) with an emphasis on the major roadway network within two (2) miles of the proposal, and all applicable County notes, an approval signature block and a block to insert the COGCC Permit number when approved. Upon approval, the first sheet will be signed by the Director of CED.
3. Impact Area Map: The second sheet shall contain an Impact Area Map that shows the proposed location of the Oil and Gas Facility OGF, locations of all existing oil and gas wells within the one-mile impact area, locations of all producing, closed, abandoned, and shut-in wells and other oil and gas operations within one (1) mile of the site, locations of all water wells within ½ mile of the proposed Oil and Gas Operation, Existing improvements within 1,500 feet of the location on which the operation is proposed, and all existing and proposed roads within the one-mile impact area.
4. Drilling Operations Plan: The third sheet shall provide a site plan of drilling operations with drilling equipment with existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County CED. The applicant shall verify current information regarding what datum is acceptable to the County CED, prior to submitting the application for the Oil and Gas Facility OGF Permit. The layout of the drilling equipment may be shown as a typical plan, if the County CED deems it appropriate for the extent of development of the proposed Oil and Gas Facility OGF.
5. Production Plan: The fourth sheet shall provide a site plan of production operations with production equipment such as tanks and compressor stations with existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County CED. The production plan shall also identify

Commented [HS12]: Recommend quotation marks if CED intends for "Oil and Gas Facility Permit" to be explicitly referenced on the cover sheet. If explicit reference is not the intent, then consider abbreviating to OGF.

proposed drilling and completion schedules. A seed mix shall be provided for reseeding the well pad. Equipment layout may be a typical plan appropriate to the degree of development for the ~~Oil and Gas Facility~~ OGF, if the ~~County~~ CED deems it appropriate for the extent of development of the proposed ~~Oil and Gas Facility~~ OGF.

6. Signage Plan/Sign Detail: A dimensioned Signage Plan or Sign Detail shall be included on one of the sheets describing and illustrating the appearance, size, location, type, color, material, and illumination of all signs. Directional signs for emergency responders and inspectors shall be included, along with a 24-hour, 7-days per week contact information to deal with all noise complaints.
 7. Final Plan: Once the review process is complete and staff has determined that all outstanding issues have been resolved, staff will request a final copy of the Oil and Gas Operations Plan. The final copy of the Plan shall be paper. The final Oil and Gas Operations Plan shall contain the information listed above unless otherwise specified by the ~~County staff~~ CED.
- d. **Emergency Preparedness and Response:** in accordance with the Emergency Preparedness and Response requirements in Section 4-10-02-03-03(8).
1. Emergency Service Providers: The applicant must provide a commitment to serve (“will serve”) letter from the authority having jurisdiction for providing emergency services (fire protection and emergency medical services) for that facility, or, where no authority has jurisdiction, from an emergency services provider with the ability to provide such emergency services.
- e. **Engineering Documents:** The following technical Engineering documents are required by the CED ~~staff~~ unless otherwise waived:
1. Construction Plans: If applicable, Construction Plans for the proposed ~~Oil and Gas Operation’s~~ OGF’s public improvements including road plan and profile sheets, storm drainage improvements plans and other public improvements, prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter 9).

Chapter 2—Application and Permitting Procedures
Specific Development Review Steps for Development Applications

2. Pavement Design Report: ~~If applicable,~~ a Pavement Design Report prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter 7).
3. Grading Erosion and Sediment Control: If applicable, a Grading, Erosion, Sediment Control Report and Plan as defined in the latest version of the Adams County Development Standards and Regulations (Chapter 9).
4. Transportation, roads, access standards, and fees:
 - a. The applicant's transportation plan must be designed and implemented to ensure public safety and maintain quality of life for other users of the county transportation system, adjacent residents, and affected property owners.
 - b. Where available, existing private roads shall be used to minimize land disturbance unless traffic safety, visual or noise concerns, or other adverse surface impacts clearly dictate otherwise.
 - c. Access roads on the site and access points to public roads as identified in the application materials shall be reviewed by the CED ~~department~~ and shall be built and maintained in accordance with the engineering specifications and access road standards defined in the Adams County Development Standards and Regulations (Chapter 8).
 - d. All applicable transportation fees shall be paid prior to issuance of a development plan review construction permit, including without limitation:
 - i. Access permit fees
 - ii. Oversize/overweight permit fees
 - iii. Right of way construction permit fees; and
 - iv. Traffic impact and road maintenance fees.
 - e. ~~Oil and gas operations~~OGFs must minimize impacts to the physical infrastructure of the ~~county~~County transportation system. Any costs to improve ~~county~~County transportation system infrastructure

Commented [HS13]: When is this applicable. Shouldn't a grading and erosion/sediment control plan be required for every site?

necessitated by the proposed oil and gas operation shall be the responsibility of the Applicant. All transportation system infrastructure improvements and associated costs shall be determined by the CED-~~department~~. The County shall perform the work or arrange for it to be performed. If the Applicant disagrees with the infrastructure improvements or associated costs as assessed by CED, it may request ~~that the department approve a different approval of an alternate~~ route for its proposed ~~oil and gas operation~~OGF that avoids ~~or mitigates~~ the need for such improvements. Alternatively, the Applicant may engage a licensed civil engineering firm to perform a traffic impact study in accordance with Chapter 8 of the Development Standards and Regulations to independently evaluate ~~county-County~~ transportation system infrastructure improvements necessitated by the proposed ~~oil and gas operation~~OGF.

- f. Drainage study/technical drainage letter/plan: If applicable, a Drainage Study/Technical Drainage Letter/Plan prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter9).
- g. Floodplain Use Permit: The applicant must obtain a Floodplain Use Permit, in accordance with the latest version of the Adams County Development Standards and Regulations, if the proposed Oil and Gas construction disturbance or operation encroaches into the 100-year floodplain, or the access is crossing a major drainage way, as defined by the latest version of the Adams County Development Standards and Regulations (Chapter9).
- f. **Water Supply:** ~~the-The~~ applicant must provide proof of adequate water supply. ~~Operator-Applicant~~ shall identify a water resource lawfully available for industrial use, including oil and gas development, close to the facility location, to be utilized by ~~Operator-Applicant~~ and/or its suppliers.

- g. **Surface Owner Documentation:** Documentation as to whether the surface owner and others with interest in the property have authorized the proposed OGF.
 - h. **Additional Information:** ~~Community and Economic Development~~CED will develop an application check list that may require additional information to process an OGF Permit application. In addition to the items required on the check list, the Director of ~~Community and Economic Development~~CED may require additional information deemed necessary to evaluate particular applications.
4. Determination of Sufficiency: Applicable. No application shall be processed if taxes due on the requested property(ies) are not paid, if inspection fees are not paid, or if fines assessed against the applicant have not been paid.
5. Staff Report: Applicable.
- a. Concurrent Referral and Review. County staff may refer the complete application review by the various County Departments and the County Attorney's Office, as deemed appropriate. An application may require review by outside experts or agencies such as the U.S. Army Corps of Engineers, if the project impacts a floodplain, life-safety providers, adjacent jurisdictions, local public health departments, and others as may be deemed appropriate. ~~Operator~~Applicant shall ~~reimburse~~ the County for reasonable costs incurred in connection with the use of third-party expert reviewers.
- 7-6. Notice: Applicable, except notice shall be sent by the applicant to all property owners and current residents within a half mile at a minimum, or greater, as determined by the Director of ~~Community and Economic Development~~CED. The Notice shall meet the format prescribed by the ~~County~~CED. The notice shall contain a statement informing the recipients of the notice that they may request written notification by the Applicant of the commencement of construction and commencement of drilling operations. The applicant shall provide written notification by U.S. Mail, which shall include an offer to consult, to any municipality or county whose boundaries are within ½ mile of the proposed parcel where an application for an ~~Oil and Gas Facility~~OGF Permit has been filed with ~~the County~~CED.
- 8-7. Public Hearing. Applicable if the OGF Permit requires waiver from any approval criteria or performance standards. In cases requiring a waiver, a public hearing shall be held ~~in front of~~before the Board of County Commissioners.
- 9-8. Standards: Applicable.

Commented [HS14]: Maybe consider an environmental bonding process to ensure cleanup if contamination occurs.

Commented [HS15]: May result in CED incurring costs without adequate reimbursement. Consider revising to allow CED to determine whether such outside review would be necessary, what the cost would be and have the applicant pay for it up front.

~~10-9.~~ Conditions of Approval: Applicable. The Director of ~~Community and Economic Development~~ CED in approving ~~a permit for an OGF an OGF Permit~~ may attach any conditions necessary to implement the Adams County Comprehensive Plan and to ensure the compatibility with adjacent uses. Conditions may include a requirement of an Access Permit or Oversize Load Permit prior to development of the ~~Oil and Gas Facility~~ OGF, a Floodplain Use Permit prior to any work within the floodplain, or a building permit prior to construction of certain structures within the ~~Oil and Gas Facility~~ OGF. In addition, the approving authority shall specify the term of the OGF Permit. An OGF Permit may be renewed following the same procedure used in granting the initial permit.

~~11-10.~~ Amendments: Applicable.

2-2-14-6 CRITERIA FOR APPROVAL

~~In approving an OGF Permit, The-the~~ Board of County Commissioners or Director of ~~Community and Economic Development~~ CED, ~~in approving an OGF Permit,~~ shall consider:

1. The OGF is consistent with the purposes of these standards and regulations.
2. The OGF will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards, unless specifically waived or modified by the Board of County Commissioners after public hearing.
3. The siting of the OGF, after evaluation of alternative sites, is the most compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, welfare, the environment and wildlife of the County.
4. The siting of the OGF does not create any ~~site-site~~ specific conditions that present ~~significant~~ or material impacts to nearby land uses.
5. The OGF has addressed off-site impacts and complies with all applicable performance standards, unless specifically waived or modified by the Board of County Commissioners after public hearing.
6. The site is suitable for the use, including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed use will provide adequate parking, traffic circulation, fencing, screening, and landscaping.

Commented [HS16]: Consider defining "significant" and/or provide guidance on what "significant" means.

8. Sewer, water, storm water drainage, fire protection, police protection, and roads are available and adequate to serve the needs of the OGF as designed and proposed.
9. Cultural and Historical Resources: the OGF does not cause significant degradation of cultural, historic, or archaeological sites eligible for County landmarking, or the National Historic Register.
10. Water Bodies and Water Quality: the OGF does not cause adverse impacts to surface or ground waters within Adams County. The operator Applicant shall comply with all applicable water quality standards.
11. Emergency Preparedness and Response: the oil and gas facility OGF does not cause unreasonable risks of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, and hazardous material vehicle accidents or spills.
12. Air Quality: The OGF does not cause significant degradation to air quality.

Commented [HS17]: Consider defining “significant” and/or provide guidance on what “significant” means.

Commented [HS18]: It may be self-explanatory, but it may be beneficial to define these terms

Commented [HS19]: May want to require a list of BMPs be submitted to protect water quality and prevent environmental releases.

Commented [HS20]: Consider defining “significant” and/or provide guidance on what “significant” means.

2-2-14-7 **OIL AND GAS FACILITY OGF PERMIT WAIVER**

2-2-14-7-1 **PURPOSE**

The purpose of this section is to establish criteria and detail the steps whereby the Board of County Commissioners, at public meeting, may grant waivers or modifications from approval criteria or performance standards normally required for OGF Permits, allow the OGF use in an area not zoned for OGFs, or allow applicant to develop an OGF site not selected by Community and Economic Development CED.

2-2-14-7-2 **APPLICABILITY**

If the OGF permit application is denied based on noncompliance with the approval criteria or performance standards, if the applicant seeks to develop in an area not zoned for OGF development, or if an applicant seeks to develop on a site not approved by CED staff, an applicant may apply for an Oil and Gas Facility OGF Permit Waiver.

2-2-14-7-3 **WHO CAN INITIATE A WAIVER**

A waiver may be proposed by any applicant that may apply for an OGF.

The applicant has the burden of proof to demonstrate that the waiver or proposed site selection meets the criteria for approval.

2-2-14-7-4 WAIVER REVIEW PROCEDURES

Any waiver shall be processed through a public hearing before the Board of County Commissioners (See Steps 1 through 10 below). Waiver applications will be heard by the Board of County Commissioners at a public hearing. At such public hearing, the Board of County Commissioners may waive or modify specific regulations or standards requested by the applicant and approve the application, may approve with conditions, or may deny the application.

Applicants may only seek a waiver after submitting a complete application for an OGF Permit and participating in a conceptual review meeting with ~~Community and Economic Development~~CED staff. If applicant is unable to meet all approval criteria and comply with all performance standards required for an OGF Permit, applicant may choose to seek a waiver from the Board of County Commissioners. The processing of a waiver shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Must be completed prior to application for waiver as part of OGF Permit process.
2. Neighborhood Meeting: Director of ~~Community and Economic Development~~CED will determine whether neighborhood meetings are required after evaluating steps taken as part of OGF ~~Permit~~ process.
3. Development Application Submittal: In addition to all requirements for an OGF Permit, applicant must provide a request for waiver that articulates the specific waivers sought and explains why waivers are necessary.
4. Determination of Sufficiency: Applicable. No application shall be processed if taxes due on the requested property(ies) are not paid, if inspection fees are not paid, or if fines assessed against the applicant have not been paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. A public hearing shall be held before the Board of County Commissioners. Any requested waiver shall be reviewed and acted upon by the Board of County Commissioners prior to issuance of an OGF Permit.
8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Board of County Commissioners, in approving a waiver for an OGF Permit, may attach any

conditions necessary to implement the Adams County Comprehensive Plan and to ensure the compatibility with adjacent uses.

10. Amendments: Applicable.

2-2-14-7-5 *CRITERIA FOR APPROVAL*

The Board of County Commissioners, in approving a waiver, shall find:

1. Extraordinary hardships or practical difficulties result from strict compliance with these standards and regulations
2. The purpose of these standards and regulations are served to a greater extent by the alternative proposal.
3. The waiver does not have the effect of nullifying the purpose of these standards and regulations.

2-2-14-7-6 *ADDITIONAL CRITERIA FOR A ZONE DISTRICT WAIVER*

The Board of County Commissioners, in approving zone district waiver, in addition to the criteria outlined above, shall find:

1. The proposed ~~Oil and Gas Facility~~ OGF is consistent with the Adams County Comprehensive Plan.
2. The proposed ~~Oil and Gas Facility~~ OGF is compatible with the surrounding area, harmonious with the character of the neighborhood, and not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, welfare or the environment of the inhabitants of the area and the County.

2-2-15 *AMENDMENT TO TEXT OF THE STANDARDS AND REGULATIONS AND/OR ZONING MAP (REZONING) AND/OR COMPREHENSIVE PLAN*

2-2-15-1 *PURPOSE*

The purpose of this section is to detail the steps to follow for changing the text of these standards and regulations, or the boundaries of the zone districts shown on the Zoning Map (Rezoning), or the Comprehensive Plan.

2-2-15-2 *APPLICABILITY*

All amendments to the text of these standards and regulations and any changes to the Zoning Map or Comprehensive Plan must be processed in accordance with



August 14, 2019

Katie Keefe
Adams County Community and Economic Development
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601

RE: Adams County Oil and Gas Regulations, Chapters 2, 3, and 4
TCHD Case No. 5742, 5759

Dear Ms. Keefe,

Thank you for the opportunity to review and comment on the proposed oil and gas regulations, chapters 2, 3, and 4. Tri-County Health Department (TCHD) staff has reviewed the draft regulations, and has the following comments.

Chapter 4

General Provisions

Section 4-10-02-03-03.3 states that Oil and Gas Facilities shall be at least 1,000 feet from the property line of any existing or platted residences, schools, state licensed daycares, or occupied buildings. TCHD recommends the term "daycare" be replaced with "child care" for consistency with Colorado Department of Human Services Division of Child Care terminology.

TCHD has reviewed several studies and articles related to oil and gas setbacks from residences, other occupied buildings, and outdoor activity areas.

1. In a study entitled "Adequacy of Current State Setbacks for Directional High-Volume Hydraulic Fracturing in the Marcellus, Barnett, and Niobrara Shale Plays", available here <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5010420/>, the authors concluded the following:

"Current natural gas well setbacks in the Barnett Shale of Texas, the Marcellus Shale of Pennsylvania, and the Niobrara Shale of Colorado cannot be considered sufficient in all cases to protect public health and safety. Based on historical evacuations and thermal modeling, people within these setback distances are potentially vulnerable to thermal injury during a well blowout. According to air measurements and vapor dispersion modeling, the same populations are susceptible to benzene and hydrogen sulfide exposure above health-based risk levels. Texas, Pennsylvania, and Colorado should consider adopting more generous setback distances, particularly in reference to vulnerable populations; however, distance is not an absolute measure of protection. Unfortunately, there is no defined setback distance that assures safety. As mitigation technology advances, current setback distances may eventually be sufficient to protect the public. Unfortunately, current mitigations are not fail-safe, and each has its limitations ([U.S. Forest Service 2011](#)). The results of our analysis based on three states suggest that assuming the threat posed to health originates from either the center of the drill pad or some small distance surrounding it requires reevaluation. A combination of a reasonable

setback with accompanying controls on all aspects of the process is the best method for reducing the potential threats to public health.”

Among other findings, the study indicated that at the current Colorado outdoor recreational distance of 350 feet, second degree burn blisters would be expected to form approximately 22 seconds after a blowout or explosion. The study notes that well blowouts are uncommon (with estimates ranging from 0.01% to 0.17%) but can have major repercussions, including large home evacuation events with evacuation radiuses of 0.5 miles or more, when they do occur.

2. In an article entitled “Setback distances for unconventional oil and gas development: Delphi study results”, available here <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6095590/>, the results of a study intended to elicit expert consensus on setback distances from oil and gas development to human activity areas were discussed. The panel of 18 experts consisted of health care providers, public health practitioners, environmental advocates, and research scientists.

The results of the study suggest that setback distances from oil and gas activity to any area where human activity takes place should be greater than one-quarter mile, and additional setbacks should be used for settings where vulnerable groups are found, including schools, child care centers, and hospitals.

3. “Potential Public Health Impacts of Natural Gas Development and Production in the Marcellus Shale in Western Maryland” available here http://www.marcellushealth.org/uploads/2/4/0/8/24086586/final_report_08.15.2014.pdf, provides an assessment of impacts that could occur as a result of unconventional natural gas development and production (UNGDP) in western Maryland. The study concluded that there is a “high likelihood” that UNGDP-related changes in air quality will have a negative impact on public health in Garrett and Allegany Counties. As a result, the following mitigation measures were recommended:

- *Require a minimal setback distance of 2000 feet from well pads and from compressor stations not using electric motors.*
- *Require electrically powered motors wherever possible; do not permit use of unprocessed natural gas to power equipment. This recommendation is designed to reduce VOCs and PAHs emissions from drilling equipment and compressors.*
- *Require all trucks transporting dirt, drilling cuttings to be covered.*
- *Require storage tanks for all materials other than fresh water and other UNGDP equipment to meet EPA emission standards to minimize VOC emissions.*
- *Establish a panel consisting of community residents and industry personnel to actively address complaints regarding odor.*
- *Conduct Air Quality Monitoring*

- *Initiate air monitoring to evaluate impact of all phases of UNGDP on local air quality (baseline, development and production).*
 - *Conduct source apportionment that allows UNGDP signal to be separated from the local and regional sources.*
 - *Conduct air monitoring with active input from community members in planning, execution, and evaluation of results.*
 - *Conduct air monitoring in a manner to capture both acute and chronic exposures, particularly short-term peak exposures.*
 - *Clearly communicate to community members expectations about what is achievable through air monitoring.*
4. "The Assessment of Potential Public Health Effects from Oil and Gas Operations in Colorado" published by the Colorado Department of Public Health and Environment (CDPHE), and dated February 21, 2017, available here <https://drive.google.com/file/d/0B0tmPQ67k3NVVFc1TFg1eDhMMjQ/view> concludes the following about health risks related to air quality:
- *Based on currently available air monitoring data, the risk of harmful health effects is low for residents living near oil and gas operations.*
 - *Studies of populations living near oil and gas operations provide limited evidence of the possibility for harmful health effects. This needs to be confirmed or disputed with higher quality studies.*
 - *At this time, results from exposure and health effect studies do not indicate the need for immediate public health action, but rather indicate the need for more detailed exposure monitoring and systematic analyses of health effects of residents living near oil and gas operations.*

Of note, the study only considered health effects related to air quality and not other potential concerns (e.g., explosions from well blowouts).

Finally, TCHD is aware that several other updated health risk assessments will be available in the near future, which may provide additional information relevant to setbacks between oil and gas development and human activity areas.

In summary, at present, there is insufficient scientific data to precisely determine an optimal setback distance of an oil and gas facility from neighboring community buildings such as residences, schools, childcare centers, or other occupied buildings. Given this current uncertainty and the emphasis of the recently passed SB 19-181 on the need for greater priority to be placed on protecting and minimizing adverse impacts to public health, safety, and welfare, TCHD supports the County's plan to increase setbacks from outdoor activity areas and occupied buildings. However, based on the studies cited above, TCHD recommends that the County increase setback distances to a distance greater than the currently proposed 1000 feet, to at least one-quarter mile (1320 feet) from property lines, and, for settings where vulnerable

groups (e.g. children in schools, childcare centers) are found, consider an even longer distance (e.g. the 2000 foot setback recommended by study # 3 above). Such a precautionary approach allows the County, in the event that future studies indicate that a smaller setback is sufficient to mitigate potential health effects and other impacts, to implement a less restrictive setback, a course correction that would be more difficult if future studies supported a need for setbacks greater than the currently proposed 1000 feet.

7. Chemical Handling Requirements

Both Material Safety Data Sheet (MSDS) and Safety Data Sheet (SDS) are used in the document. The current terminology for these is Safety Data Sheet (SDS). All mentions should use SDS.

In Section d. Xylenesf should be spelled Xylene, and Diehtylenetriamine penta should be spelled Diethylenetriamine penta.

8. Emergency Preparedness and Response

TCHD requests that Emergency Preparedness Plans include specific information related directly to a leak or spill from the domestic wastewater collection system. In the event that there is a domestic wastewater spill or leak, TCHD should be contacted immediately.

TCHD recommends that a. "Oil and gas operations shall not cause unreasonable risks of emergency situations..." be reworded to "Oil and gas operations shall take all necessary steps to prevent emergency situations..."

13. Noise

Subsection a. requires that the operator obtain a baseline noise study that encompasses at least three days, one of them being a weekend. TCHD recommends that the County include a perimeter distance for the required baseline noise study, and more clearly state the parameters for the study, such as the length of a "day" (i.e. 8-hour work day, 24-hour day, or 7:00 am-7:00 pm, as would be consistent with COGCC.) TCHD recommends using the 7:00 am-7:00 pm parameters. TCHD recommends adding language requiring that the study be submitted to the County prior to operation.

Subsection d. i. states that acoustically insulated housing or cover may be required on the motor engine. TCHD suggests less specific language, in case the noise is from another source.

TCHD recommends Subsection d. ii. include "County approved" noise management plan.

14. Air Emissions

Subsection a. requires that operators respond to air quality action days by implementing suggested air emissions reduction measures. TCHD recommends that the County include delaying flowback and well liquids unloading on high ozone days.

Subsection c. says that operators shall utilize EPA reduced Emission Completions, also known as green completions. TCHD commends Adams County for requiring green completions as a method to reduce air emissions.

Subsection f. i. requests that operators work to limit truck traffic to and from the site. TCHD encourages the County to designate a primary traffic route for all construction traffic and deliveries. If the trucks servicing the site will be traveling on a local school bus route, we encourage the County to work with applicants to minimize traffic during hours when school buses are in operation.

15. Odors

Subsection c. states “Operators must prevent odors from oil and gas facilities from affecting the health and welfare of the public by proactively addressing and, to the fullest extent, resolving complaints filed by members of the community, in coordination with County and Tri-County Health Department staff.”

Currently, air quality concerns or complaints received by TCHD would be directed to the Colorado Department of Public Health and Environment Air Pollution Control Division (APCD). At the County’s request, TCHD has provided Adams County Air Monitoring Options for Consideration, dated February 6, 2019, which proposes options that would help to enhance monitoring in the County. A locally funded air quality monitoring program would assist in responding to citizen concerns and helps to address health impacts. Such a monitoring program would be coordinated with CDPHE, who currently has regulatory authority over odors and air emissions. Models were provided based on locally funded air quality monitoring efforts in Broomfield and Garfield Counties that also enhance the CDPHE’s existing monitoring network. Additionally, the City and County of Denver recently implemented an odor ordinance that could be used as a model in responding to odor complaints, if the County chooses. More information is available here <https://www.denvergov.org/content/denvergov/en/environmental-health/environmental-quality/odors.html>. Lastly, TCHD recommends the use of non-diesel based drilling muds including drilling muds that are low odor and do not contain benzene, toluene, ethylbenzene or xylene (BTEX). At this time, TCHD does not have the authority or the staffing to resolve odor or air quality complaints. Response to such complaints would be coordinated with APCD, who has regulatory authority over air emissions and odors.

16. Water Source Sampling and Testing

Formatting appears to be inconsistent with the other sections. TCHD commends the County for requiring applicants to identify and offer to sample wells located within one-half mile of the proposed well or facility.

Residential Construction Standards

Section 4-10-02-03-03-05.1 states that any one or more of 6 standards may be imposed by the Director of Community and Economic Development. The subsequently listed standards include a. a 250-foot easement on a final plat where no structures could be constructed; f. “...where a new home and/or other permanent structure with plumbing is constructed within three hundred (300) feet of an existing oil and gas well, the property owner shall submit a signed waiver acknowledging the existence of the facility.”

In the interest of public health, safety, and welfare, TCHD recommends that required setback distances from new wells to existing residential development and from new residential development to existing wells be consistent. TCHD does not support the construction of occupied buildings or human activity areas within 300 feet of existing oil and gas wells.

Best Management Practices

The Intermountain Oil and Gas BMP Project offers Best Management Practices (BMP), available here <http://www.oilandgasbmpps.org/>. TCHD recommends following BMP to mitigate impacts to the environment and nearby residents.

Please feel free to contact me at 720-200-1575 or kboyer@tchd.org if you have any questions on TCHD's comments.

Sincerely,

A handwritten signature in cursive script, appearing to read 'K Boyer', followed by a horizontal line.

Kathy Boyer, REHS
Land Use and Built Environment Specialist III

cc: Sheila Lynch, Monte Deatrich, Dylan Garrison, Brian Hlavacek, Dr. John Douglas, TCHD



August 13, 2019

Via Email

Ms. Katie Keefe
Environmental Program Manager, Adams County
4430 S. Adams County Parkway
Brighton, CO 80601

Dear Ms. Keefe,

Vital for Colorado, in alignment with its mission and on behalf of the business community which Adams County's proposed draft regulations for Oil and Gas Facilities adversely affect, opposes the county's hasty actions taken in the past few weeks. While Vital lauds any effort toward thoughtful and collaborative improvement in the oil and gas industry, the draft's release date of July 23, 2019 – just over two weeks ago – leaves little time for much thought or collaboration. The county's recent actions impose unreasonable, impractical, and unfeasible amendments to standing regulations drawing major concern from the businesses represented in our coalition.

The county has stepped outside the bounds of the regulatory role assigned to it by Senate Bill 19-181 ("SB 19-181") giving rise to questions regarding the legality of the proposed amendments. Specifically, SB 19-181 contains clear and intentional criteria for local government involvement in surface impacts of oil and gas operations, namely that any local regulation (i.e. county regulation) be "reasonable and necessary." We find the county's proposed amendments as unequivocally unreasonable and unnecessary.

In addition, several of the county's proposed regulations assume local jurisdiction over issues that SB 19-181 clearly allocates to the state. Namely, the county's proposed regulations regarding subsurface issues stand in stark contrast to language in SB 19-181 which gives exclusive decision-making control to the Colorado Oil and Gas Conservation Commission when it comes to downhole issues. This complete disregard for well-documented legislative mandates reveals the haste with which the county's regulatory amendments were drafted and proposed.

The county's proposed draft oil and gas regulations amendments, in short, violate language contained in SB 19-181, impose unreasonable standards which place administrative concerns ahead of industry concerns, and go as far as to threaten the vitality of the oil and gas industry as a

Katie Keefe
August 13, 2019
Page 2

whole. Vital looks forward to working with the county to ensure the future of this important industry through reasonable, law-abiding, and informed regulation.

Sincerely,



FRONT RANGE ENERGY ALLIANCE

Ms. Katie Keefe
Environmental Program Manager, Adams County
4430 S. Adams County Parkway
Brighton, CO 80601

Dear Ms. Keefe,

We write today to voice our unease over Adams County's proposed draft regulations for Oil and Gas Facilities. Of particular concern, is the tight timetable the county has provided for members of the community to weigh-in on the proposed regulations. By our estimation, the proposed regulations run over seventy-pages and contain technical language that will trip up even the most astute energy companies. What other industries have this level of specificity to operate and provide local jobs?

The oil and gas industry, and the employees who live and work in our community contribute a great deal to our local economy. We are very concerned over some of the unintended consequences these regulations may have on jobs throughout the county. It causes us to wonder: With the prospect of peoples' jobs and livelihoods at stake, is it too much to ask of our local government officials to take their time and give this issue their full attention? We certainly believe so.

We appreciate the county's desire to put in place regulations that improve the health and safety of the community. We also welcome data-based and thoughtful action from our local officials. However, we do not feel that the county has allowed for the necessary deliberation amongst those in the community. And has certainly not permitted enough time to adequately discuss these matters with our local officials.

During the deliberations around Senate Bill 181, residents and industry employees were assured that energy development would continue. In fact, the COGCC Director said everything was "business as usual." But Adams County went against the statements of the bill sponsors that 181 was not a ban or a moratorium. Yet new permits have ceased here for at least six months and operators will now require a different set of rules. Can we be assured that operations will continue and our friends and neighbors in the industry will continue to thrive?

Hopefully, this letter helps to convey our displeasure with the county's chosen route regarding the temporary ban and proposed regulations. It is our hope that you will listen to our concerns, and take them into consideration moving forward. We are not against responsible regulation; but these overreaching regulations threaten the same jobs that legislators said would not be threatened.

Sincerely,

Tom Cave- Accurate TDC
Camille Cave- Accurate TDC
Sue Saad
Russ Watterson- Watterson Law
Dan Renshaw- Financial Advisor
Edward Jones
Nick Kliebenstein- Amber Consulting Group

Travis Martinez- Southwestern Construction Inc
Gary Cooper- Home Smart realty
Jim Cashero- Retired
Bruce Breshears
Wayne Anderson- Leadership Science Institute

**FRONT RANGE
ENERGY
ALLIANCE**



August 13, 2019

Ms. Katie Keefe
Environmental Program Manager, Adams County
4430 S. Adams County Parkway
Brighton, CO 80601

Dear Ms. Keefe:

The South Metro Denver Chamber in alignment with one of our missions and on behalf of the business community which Adams County's proposed draft regulations for Oil and Gas Facilities adversely affect, opposes Adams County's hasty actions taken in the past few weeks. While our chamber lauds any effort toward thoughtful and collaborative improvement in the oil and gas industry, the draft's release date of July 23, 2019 – just over two weeks ago – leaves little time for much thought or collaboration. The county's recent actions impose unreasonable, impractical, and unfeasible amendments to standing regulations drawing major concern from the businesses represented in our coalition.

The county has stepped outside the bounds of the regulatory role assigned to it by Senate Bill 19-181 ("SB 19-181") giving rise to questions regarding the legality of the proposed amendments. Specifically, SB 19-181 contains clear and intentional criteria for local government involvement in surface impacts of oil and gas operations, namely that any local regulation (i.e. county regulation) be "reasonable and necessary." We find the county's proposed amendments as unequivocally unreasonable and unnecessary.

A prime example of this administrative overreach is the county's proposed zero-emission regime that is contrary to existing standards approved just a few years ago and all while operating in a state that already boasts the strictest emissions standards in the country. Such an emissions cap, one to which virtually no other industry is held, is impossible to meet and clearly unnecessary when considered alongside Colorado's already stringent standard. The abbreviated timeline of these proposed amendments clearly left little time for consideration of what is truly reasonable and necessary.

In addition, several of the county's proposed regulations assume local jurisdiction over issues that SB 19-181 clearly allocates to the state. Namely, the county's proposed regulations regarding subsurface issues stand in stark contrast to language in SB 19-181 which gives exclusive decision-making control to the Colorado Oil and Gas Conservation Commission when it comes to downhole issues. This complete disregard for well-documented legislative mandates reveals the haste with which the county's regulatory amendments were drafted and proposed.

The county's proposed draft oil and gas regulations amendments, in short, violate language contained in SB 19-181, impose unreasonable standards which place administrative concerns ahead of industry concerns, and go as far as to threaten the vitality of the oil and gas industry as a whole. Our chamber looks forward to working with the county to ensure the future of this important industry through reasonable, law-abiding, and informed regulation.

Sincerely,

A blue ink signature of Robert Golden, consisting of a large, stylized 'R' followed by a smaller signature element.

Robert Golden, CAE, RCE
President/CEO

From: [Williams - DNR, Joanna](#)
To: [Katie Keefe](#)
Subject: Re: Adams County Request for Comments - Oil and Gas Regulations
Date: Thursday, July 25, 2019 4:34:22 AM

Please be cautious: This email was sent from outside Adams County

Good Morning Katie,
Our office has no comments on the proposed changes. If you have any specific questions for us regarding the proposed changes please contact me.
Regards,
Joanna

On Wed, Jul 24, 2019 at 6:37 PM Katie Keefe <KKeefe@adcogov.org> wrote:

Good afternoon,

Please find attached a letter requesting comments on proposed code amendments to the Adams County Development Standards and Regulations (DSR) pertaining to Oil and Gas Facilities. The specific section of each chapter within the DSR, as referenced in the Request for Comments letter, are also attached.

The following changes have been made to section 2-02-14-01, Oil and Gas Facility Permit, since the previous request for comments issued via email on July 17, 2019:

- Neighborhood Meetings are required as specified in section 2-02-14-05-2;
- Requirement to identify water resource lawfully available as specified in section 2-02-14-05-3-f; and
- Deleted provision allowing for discretionary acceptance of public comments by the Board of County Commissioners at public hearing in section 2-02-14-07-4.

A 1,000-ft setback from schools, licensed daycares, residences and environmentally sensitive areas was established as a *General Provision* in chapter 4, section 4-10-02-03-03-3.

No changes have been made to Chapter 3 since the prior request for comments was issued.

As stated in the attached letter, **all comments must be received by August 13th** to be considered for Planning Commission Public Hearing on August 22, 2019.

Thank you,



Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

--

Joanna Williams, P.E.
Water Resource Engineer



P 303.866.3581 x 8265

1313 Sherman Street, Room 821, Denver, CO 80203

Joanna.Williams@state.co.us | www.colorado.gov/water

From: [Williams - DNR, Joanna](#)
To: [Katie Keefe](#)
Subject: Re: Adams County Request for Comments - Oil and Gas Regulations
Date: Thursday, July 25, 2019 4:34:22 AM

Please be cautious: This email was sent from outside Adams County

Good Morning Katie,
Our office has no comments on the proposed changes. If you have any specific questions for us regarding the proposed changes please contact me.
Regards,
Joanna

On Wed, Jul 24, 2019 at 6:37 PM Katie Keefe <KKeefe@adcogov.org> wrote:

Good afternoon,

Please find attached a letter requesting comments on proposed code amendments to the Adams County Development Standards and Regulations (DSR) pertaining to Oil and Gas Facilities. The specific section of each chapter within the DSR, as referenced in the Request for Comments letter, are also attached.

The following changes have been made to section 2-02-14-01, Oil and Gas Facility Permit, since the previous request for comments issued via email on July 17, 2019:

- Neighborhood Meetings are required as specified in section 2-02-14-05-2;
- Requirement to identify water resource lawfully available as specified in section 2-02-14-05-3-f; and
- Deleted provision allowing for discretionary acceptance of public comments by the Board of County Commissioners at public hearing in section 2-02-14-07-4.

A 1,000-ft setback from schools, licensed daycares, residences and environmentally sensitive areas was established as a *General Provision* in chapter 4, section 4-10-02-03-03-3.

No changes have been made to Chapter 3 since the prior request for comments was issued.

As stated in the attached letter, **all comments must be received by August 13th** to be considered for Planning Commission Public Hearing on August 22, 2019.

Thank you,



Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

O: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

--

Joanna Williams, P.E.
Water Resource Engineer



P 303.866.3581 x 8265

1313 Sherman Street, Room 821, Denver, CO 80203

Joanna.Williams@state.co.us | www.colorado.gov/water



7675 W. 14th Avenue Suite 106
Lakewood, CO 80214
303-880-0617

Adams County Commissioners,
staff, and Counsel
August 13, 2019

Adams County Government Center
4430 S. Adams County Parkway
Brighton, CO 80601

Dear, Adams County Commissioners, Staff, and Counsel,

CAMRO, the Colorado Alliance of Mineral and Royalty Owners submits this letter to voice concern as you consider the regulation of oil and gas development in Adams County. The CAMRO board of directors and its members encourage the commission to closely examine each proposed regulation and its effect on mineral ownership.

Particularly troubling is zoning and setback that would strand a mineral owner from having reasonable access to develop their property. CAMRO has been a party to each of the COGCC rule makings that determined appropriate setbacks. The setbacks as defined in COGCC regulation are reasonable and scientifically sound. Exceeding the setbacks as defined in COGCC regulation is unnecessary, and could subject the county to expensive litigation.

CAMRO respectfully draws the Commissioners, staff, and counsel attention to the recent U.S. Supreme Court decision in the case of *Rosemary Knick v. Scott Township, Pennsylvania*. A link to a syllabus and the decision is provided here: https://www.supremecourt.gov/opinions/18pdf/17-647_m648.pdf

In short, this decision allows for a takings suit to be filed directly in the Federal Courts without having to be first filed in state courts.

Regards,

Neil Ray
President Colorado Alliance of Mineral and Royalty Owners.

From: [Mick Richardson](#)
To: [Eva Henry](#); [Chaz Tedesco](#); [Emma Pinter](#); [Steve O'Dorisio](#); [Mary Hodge](#); [CommissionersMailbox](#)
Cc: [Katie Keefe](#); [Christine Dougherty](#)
Subject: Comments regarding Proposed Oil and Gas Regulations
Date: Monday, August 12, 2019 6:06:59 PM

Please be cautious: This email was sent from outside Adams County

Dear Commissioners:

I am writing today to share some concerns about local regulations that Adams County is considering implementing around oil and gas development. As the regulations are written today, this has the potential to have dire consequences not only on the oil and gas industry, but on the communities of Adams County as a whole. Some of these regulations would essentially eliminate oil and gas production in Adams County via a setback rule, which as you may recall was an initiative that Adams County voters said no to last November, voting down Proposition 112 by a staggering 60%. Every aspect of Adams County communities will be hurt by these types of consequences. Our schools and our infrastructure relies on tax revenue, our residents rely on employment, and countless community non-profits and resources receive generous assistance from the oil and gas industry. Please know that this is not a political issue—it's not a partisan issue—it's a community issue.

A few specific concerns are:

- These regulations are overreaching and are directly against the will of the voters
- Adams County relies on this abundant domestic resource for revenue, local energy, and jobs, as do many community resources and non-profits
- These regulations could cripple our economy
- Resource after resource indicates that oil and gas is developed safely in the state of Colorado, and the unintended consequences of these regulations are potentially devastating
- As a resident, I am gravely concerned about the consequences of these actions and our elected officials' seeming to not hear the voices of the people
- The county should wait for rulemakings at Colorado Department of Public Health and Environment (CDPHE) & Colorado Oil and Gas Conservation Commission (COGCC) before making major rule changes.

Thank you for the opportunity to provide input on the proposed regulations.

Mick Richardson
Vintage Homes and Land
200 W. Hampden Ave., Suite 201
Englewood, CO 80110
303.346.6437 x301
mick@vhlco.com

From: [Christine Dougherty](#)
To: [Katie Keefe](#)
Subject: FW: Comments for proposed oil and gas code changes
Date: Friday, August 16, 2019 2:30:07 PM

Christine Dougherty

Oil & Gas Liaison, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

720.523.6891 | cdougherty@adcogov.org | www.adcogov.org

Preferred Pronouns: she/her/hers

From: Smart Energy [mailto:smartenergy4adamscounty@gmail.com]
Sent: Thursday, August 15, 2019 10:31 AM
To: Christine Dougherty
Subject: Comments for proposed oil and gas code changes

Please be cautious: This email was sent from outside Adams County

Hello Christine,

Smart Energy for Adams County is a group of long term Adams County residents, farmers, business owners, and mineral owners, who have come together to help their voices be heard in Adams County, specifically as it relates to oil and gas activity. Below is a list of specific concerns we have with the currently proposed code changes that we would like to submit to the County to be part of the formal comments regarding these code changes. We hope that staff, the planning board, and the board of commissioners will have an opportunity to review these comments before voting on the issue.

Thank you for your time and feel free to respond to this email with any questions.

Sincerely

Smart Energy for Adams County.

1. Setbacks should be to structure, not parcel or property line. Parcel line setbacks are arbitrary and not representative of any standard with regards to public health, safety and welfare.
2. Setbacks could be reduced based on engineered safety improvements (such as berms). Setbacks were unilaterally voted down by Adams County voters; with no administrative waiver, there is a huge overreach into the realm of private property rights.
3. Adams County should not be taking control of air quality standards, that should be left to State. The Colorado Department of Public Health & Environment, along with the Air Quality Control Commission, are clear experts with scientific backgrounds and data to understand and outline what these standards should look like. Local government authority clearly doesn't have the ability to manage topics to this extent. Additionally, as technology evolves and develops, these state agencies will update

their standards and expertise and we strongly encourage that Adams County focus on the surface impacts and land use authority guidelines as referenced above, and defer to state agencies for these highly technical requirements.

4. Approved pads, and pads submitted before this code change should have the chance to be grandfathered - I understand that if a well is drilled they have 3-5 years to finish out drilling, but can we extend this to pads that have not yet had a well drilled - or are still pending? The regulations as written provide a subjective standard that could easily be misinterpreted for future development projects.
5. The regulations as written give surface owners final determination, however please remember that mineral owners must have a voice in this process. Mineral development is a critical ownership right, and the above regulations must be written with the perspective that the ultimate goal of local regulations—and of SB-181—is to both protect the environment (which operators in Adams County do) while also developing these natural resources.
6. The regulations as written mirror what has been introduced and adopted by Broomfield County. I would like to point out that Broomfield County is 33 square miles. Adams County is over 1100 square miles. You simply can not 'copy and paste' regulations for such different, diverse communities. Adams County is in a unique position to enable and drive a cohesive strategy around oil and gas development, agriculture, and thriving communities. To drop regulations on your citizens that represent an entirely different community is poor leadership and not representative of your constituents

From: [CommissionersMailbox](#)
To: [Katie Keefe](#)
Subject: FW: Adams County Oil and Gas regulations comment
Date: Thursday, August 22, 2019 8:40:57 AM
Attachments: [Aurora Chamber of Commerce Letter.docx](#)

Erica Hannah

Clerk to the Board of County Commissioners, *Board of County Commissioner's Office*

ADAMS COUNTY, COLORADO

4430 S. Adams County Parkway 5th Floor, Suite C5300

Brighton, CO 80601

o: 720.523.6358 | ehannah@adcogov.org

www.adcogov.org

From: Kevin Hougen [mailto:kevin.hougen@aurorachamber.org]
Sent: Wednesday, August 21, 2019 2:33 PM
To: CommissionersMailbox
Subject: Adams County Oil and Gas regulations comment

Please be cautious: This email was sent from outside Adams County

Hi Erica,

Would you be so kind as to share the attached letter from the Aurora Chamber of Commerce with our Adams County commissioners.

I'm not able to testify this Thursday at the Adams County Planning Commissioner Hearing, and we wanted to send a letter regarding our concerns with the Oil and Gas industry.

Thanks again!

Kevin Hougen

President/CEO

Aurora Chamber of Commerce

14305 E. Alameda Ave. #300

Aurora, CO 80012

303-344-1500

Erica Hannah
Clerk to the Board of County Commissioners
Adams County Government Center
4430 South Adams County Parkway
Brighton, CO 80601

Dear Ms. Hannah,

The Aurora Chamber of Commerce represents a multitude of business interests and other stakeholders in and around Adams County. As the county begins to unveil its proposed oil and gas regulations, we write with concern about the state of future oil and gas development in Adams County. Oil and natural gas is a significant economic driver all across Colorado, and could continue to help nurture the local economy and provide good, well-paying jobs to those who live and work in Adams County.

This opportunity, however, is in potential jeopardy if our elected officials cave to activist pressure while implementing new regulations. We have watched as other cities and localities attempt to enact moratoria, implement outright bans, or fail to pass regulations in a fair way. Inevitably, these efforts only result in costly, time-consuming, and needless lawsuits while sacrificing economic growth, good jobs, and a business-friendly climate. This is not the Adams County we hope for, and we implore you to consider a different way forward.

Just a few months ago, Governor Polis said: "You're going to see permits continue to be approved. ... If anybody is saying this will somehow hurt jobs, or hurt workers in the industry, why don't we talk a year from now? You can see whether or not those people just eat crow and say 'sorry Jared, this was great for the state, because I have my job and I'm doing great.'" As the elected officials in our community, it is up to you to ensure this promise is upheld. We would be extremely encouraged about the message you send to the business community at large.

We all want to see Adams County stand as a beacon for reasonable regulations that guarantee strong public health and safety standards as well as continued oil and natural gas development. In Colorado we have a long and storied history of taking a collaborative approach to energy issues. Rather than leaving our political blinders on, we prefer to sit down, talk through differences, and reach commonsense agreements about how we do business in our community.

The oil and gas industry and its employees are a part of the fabric that makes up Colorado and its economy. We produce the fifth largest amount of oil in the country and the sixth largest amount of natural gas. The jobs in this industry have a ripple effect to all sectors of the economy and many energy professionals and their families live right here in Adams County. These are not out-of-state people parachuting in; they are our friends and neighbors.

We appreciate your spearheading this effort. We also applaud, that you are taking this issue seriously and listening to the community. As the voice of prominent interests in your community, we hope you choose the path of collaboration and not one of activism. It's how we do business successfully in Adams County, and sends the right message to our citizens about cooperation, collaboration, and progress.

Sincerely,

Kevin L. Hougen
President/CEO
Aurora Chamber of Commerce
14305 E. Alameda Ave. #300

From: [Ryan Seastrom](#)
To: [Katie Keefe](#); [Christine Dougherty](#)
Subject: RE: New Draft - Proposed Regulations Amendments
Date: Monday, August 19, 2019 9:26:18 AM
Attachments: [image004.png](#)
[image001.png](#)

Please be cautious: This email was sent from outside Adams County

Hi Katie,

Thank you for sending that link. I knew we submitted a bit of comment, but I wasn't quite expecting to see a 1,027 page packet. Do you have a document(s) with just the changes made to the oil and gas portions available to share? Specifically like the current links on the oil and gas information page.

Thank you for your help,

Ryan Seastrom
Community Outreach Coordinator
[Colorado Oil & Gas Association](#)
p: 303-861-0362 c: 720-788-9746
Interested in COGA's upcoming programs & events? Click [HERE](#)



COGA Confidentiality Notice - This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read or play this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is Strictly Prohibited. If you have received this transmission in error, please contact the sender and delete the communication and its attachments immediately. Thank you.

From: Katie Keefe <KKeefe@adcogov.org>
Sent: Saturday, August 17, 2019 7:26 PM
To: Ryan Seastrom <Ryan.Seastrom@coga.org>; Christine Dougherty <CDougherty@adcogov.org>
Subject: Re: New Draft - Proposed Regulations Amendments

Hi Ryan,

You can find the proposed regulations in the full Planning Commission (PC) packet on the PC agenda page on the ADCO website:

http://adams.granicus.com/GeneratedAgendaViewer.php?view_id=9&event_id=670

The packet is bookmarked and the regulations are in Exhibits 2.1 - 2.4. There's a lot of other information in the full packet, as well.

We're planning on posting a redline to the OGI webpage in conjunction with the posting of the Board of County Commissioner's public hearing.

Have a great weekend,
Katie Keefe

Get [Outlook for iOS](#)

From: Ryan Seastrom <Ryan.Seastrom@coga.org>
Sent: Saturday, August 17, 2019 6:26:54 PM
To: Christine Dougherty <CDougherty@adcogov.org>; Katie Keefe <KKeefe@adcogov.org>
Subject: New Draft - Proposed Regulations Amendments

Please be cautious: This email was sent from outside Adams County

Good evening Katie, Christine,

In case you happen to be checking email this weekend, I was curious when we could expect the newest draft of the proposed regulations? I was looking for it Friday evening and didn't see it on the oil and gas page. If I happened to miss it, could you please forward it my way?

Thank you,

Ryan Seastrom
Community Outreach Coordinator
[Colorado Oil & Gas Association](#)
p: 303-861-0362 c: 720-788-9746
Interested in COGA's upcoming programs & events? Click [HERE](#)



COGA Confidentiality Notice - This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read or play this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is Strictly Prohibited. If you have received this transmission in error, please contact the sender and delete the communication and its attachments immediately. Thank you.

Adams County O&G Regulation Suggestions

Chapter 2 Recommendations

2-02-14-05 OGF Permit Review Steps

[ADD] Operator Qualification Submission

Operator shall submit a qualification proposal to demonstrate Operator's ability to perform all aspects of work required under the permit in order to ensure protection of the public health, safety, and welfare and environment of Adams County, including residents and workforce of Operator and all subcontractors. In the proposal Operator shall demonstrate that Operator and all subcontractors meet the following guidelines

1. Past performance and experience in successfully completing similar projects, including timeliness of required submissions to governmental authority or other agencies, quality of final building projects, adherence to regulatory standards, timeliness of curing performance issues, etc.
2. Project management capabilities and experience
3. Contractor responsibility, including safety history, safety programming, financial bonding and insurance capacity, past claims, litigation, convictions and history of business practices
4. Qualified personnel available for the project, including prioritization and utilization of local labor, especially the Denver Metro Area, personnel recruitment practices, apprenticeship utilization, workforce training, and development;
5. Employee total compensation packages, including retirement and benefit programs
6. Other project-specific criteria that may be relevant

Other Chapter 2 Notes:

- Operator should present its qualification and workforce plan to the required neighborhood meeting
- The qualification submission should include all aspects of the site including exploration and development; construction and infrastructure; and operations
- It may be worth looking into a pre-qualification process similar to QTIP and have requirements/documentation be similar for that process in this qualification submission
 - If the county has a form or format that contractors use under QTIP, it would be the best place to start
 - Recommendation of requirement that 15% of total workhours to be completed by those enrolled in an US Department of Labor Office of Apprenticeship and Training or state apprenticeship council recognized by the US Department of Labor

- Additionally, recommend that all workers on the job site have minimum OSHA 30 training either OSHA 30 29 CFR 1926 (Construction) or OSHA 30 29 CFR 1910 (General Industry) as appropriate
- Work shall be completed by those having state licensure (electricians, etc) or industry-recognized certifications, including but not limited to Hazard Communications; HAZWOPER; heavy equipment certifications; Welding certifications established per API 1104 and/or ASME Section 9; etc
- As far as evaluation of wages/benefits, where appropriate, it might be worth tying to Davis-Bacon wage determinations or at least comparing to them

Chapter 4 Recommendations

4-10-02-03-03 General Provisions

5. Safety standards

iii. Employee participation. Plan for ensuring full employee participation of both operator and subcontractor workforce including mandatory training for all employees in process safety management systems applicable to all covered processes at the facility

iv. Training. Written procedures detailing initial and refresher employee training requirements and documentation of employee training in Process Safety Management Systems, OSHA 30 for all employees, either 29 CFR 1910 or 29 CFR 1926, Hazard Communications, HAZWOPER, and other trainings as appropriate or necessary.

32. Financial Assurance

*it would be helpful to do some type of valuation structure, based on site, what it would take to cover pollution, leaks, etc, but also worker injury, surrounding property/general public compensation, etc.

4-10-02-03-04 Inspection and Enforcement

1. Inspection.

- It will be important to do inspections at reasonable time or inspect without notice, BUT a minimum number of times per year, I would say quarterly
- Fees: I am not sure what the County's adopted fee schedule is, but in other states they do a "per barrel assessment." It's established each year based on the oversight agency's estimated budget for the ensuing year. The rate is then assessed per barrel of oil or per 10,000 cubic feet of natural gas produced. The operator must file monthly reports about production and an annual report. Substantial fines are placed on delinquent payment

4. Penalties and Fines. Where did these values come from, would they be an actual deterrent

Notes on Chapter 4

- We would need a section around workforce/operator qualification enforcement
 - Ensure workforce compliance, including worker certifications and apprenticeship utilization
 - I would encourage mandatory monthly or quarterly reporting
- Debarment
 - I think it is necessary to have language around when permits can be revoked for cause and what could prevent an operator from being able to seek permitting with the County in the future

From: [Erica Hannah](#)
To: [Katie Keefe](#)
Subject: Fwd: Oil and Gas Applications/Set Backs
Date: Wednesday, August 21, 2019 5:45:26 PM

Get [Outlook for iOS](#)

From: Judy and John Dorris <jdorris14270@yahoo.com>

Sent: Wednesday, August 21, 2019 3:19:42 PM

To: Mary Hodge <MHodge@adcogov.org>; Steve O'Dorisio <SODorisio@adcogov.org>; Emma Pinter <EPinter@adcogov.org>; Chaz Tedesco <CTedesco@adcogov.org>; Eva Henry <EHenry@adcogov.org>; Erica Hannah <EHannah@adcogov.org>; johnfdup@gmail.com <johnfdup@gmail.com>; Susan Noble <susansnoble1@gmail.com>

Subject: Oil and Gas Applications/Set Backs

Please be cautious: This email was sent from outside Adams County

All,

This email is regarding the meeting on 8/22/19. My family, and myself, are requesting that you consider a setback of at least 1500 feet from the PROPERTY line, not the structure for drilling in Adams County. My family lives within proximity of the Antelope Pad, the Harlo Pad and the Jacobson Pad. All of these pads are within a residential area, near homes, businesses and our new recreation center. A 1500 foot set back would help cushion any adverse events that could happen at these sites, but a 1500 or 1000 foot setback is still inadequate.

I am a mineral rights owner however, the money that I stand to make off of the Lease of these minerals will not protect my family if something were to happen and will not preserve the air we breathe or the water we drink if something goes wrong. I would prefer peace of mind over profit any day. Health and safety should be the top priority. I was born and raised in Adams County, my mother was Rose Palizzi, and we know the legacy of previous administrations in this County, please do the right thing.

My husband and I are very fortunate that we filed an appeal with the COGCC and they have postponed all hearings regarding fracking under our home, indefinitely, and we have an attorney fighting for our health and safety.

I am also writing to request that you do not approve any applications that have been submitted prior to, or after, SB-181. I am requesting that you wait until the COGCC completes their rule making process. It is a waste of tax payer money and a waste of manpower to go through this process without knowing what the rules will be. The top priority of SB-181 is health and safety and I feel that rushing to approve these

applications would not be beneficial to the County or the citizens of Adams County. If you approve a drilling locate prior to the SB-181 Rules you are setting yourselves up for legal push back from the citizens that are not being taken into consideration. The purpose behind SB-181 is to insure our health and safety.

I do find it interesting that Adams County wants to incorporate a 1,000 foot setback when Weld County evacuates a one mile radius for fires and other disasters at drilling/storage sites. I understand that you may not agree with 2500 feet, but the biggest oil and gas county in the state clearly agrees that a further setback is warranted.

I would also like to point out, that since the Moratorium that was enacted earlier this year, the unemployment rates in Adams County fell and we are still thriving. New businesses are coming to our communities and more homes are being built. Please do not oppress and stifle the positive growth that our community could see by allowing it to become an industrial wasteland.

The future of my grand daughter, my family, my home and your legacy lies in your hands.

Please consider my request as a concerned tax paying citizen of the Adams County area, thank you!

John and Judy Dorris

Erica Hannah
Clerk to the Board of County Commissioners
Adams County Government Center
4430 South Adams County Parkway
Brighton, CO 80601

Dear Ms. Hannah,

Hopefully, this letter finds you well. I wanted to contact the County Commissioners regarding the proposed oil and gas regulations. From everything I have seen and heard, the proposed regulations could lead to an effective ban on oil and gas development in the county. With all of the knee-jerk oil and gas development moratoriums in the surrounding areas, I sincerely hope the county does not take this route.

After personally witnessing the debates at the state legislature around SB-181, I'm afraid the Commissioners might side with fringe anti-oil and gas groups over the people who live and work in this community. I would urge the commissioners to listen to concerned citizens and be thoughtful during this process. With their leadership, we can prevent bans and unworkable regulations while responding to the needs of our community.

Adams County should not move toward banning or raising the cost of oil and gas development to make it economically infeasible. The jobs these companies provide are well-paying jobs help contribute to our local economy and lift up citizens of all different backgrounds and education levels. What would it mean for the community if these businesses and their employees were to close up shop and leave? I, for one, do not wish to find out.

My goal in writing this letter is to request, that the commissioners approve fact-based regulations and not ideologically-based regulations aimed at restricting or eliminating an entire industry. I am certain we can all come together to make sure Adams County is a place that is friendly to business and ensures the health of its citizens is adequately provided for.

Sincerely,

Josué A. Silva ^{JS}/_{MS}

Josué A. Silva
Adams County Resident
6279 East 122nd Dr.
Brighton, CO 80602

From: [Katie Keefe](#)
To: "[Spencer Crouch](#)"; "[Miracle Pfister](#)"; "[Erin Lind](#)"; "[ryan.seastrom@coga.com](#)"; "[paulesm@api.com](#)"; "[arnold@pipe208.com](#)"; "[kimberly.mendoza-cooke@anadarko.com](#)"; "[Maxwell.O.Blair@conocophillips.com](#)"; "[pvarra@extractionog.com](#)"; "[Natalie Svendsen](#)"; "[paulesm@api.com](#)"; "[Christopher J. McGowne](#)"; "[sfakharzadeh@gwogco.com](#)"
Cc: [Heidi M. Miller](#); [Christine Fitch](#); [Christine Dougherty](#); [Keith Huck](#); [Jill Jennings Golich](#); [Elizabeth Paranhos](#)
Subject: RE: Invitation to Discuss Recommended Additions to Proposed Oil and Gas Regulations
Date: Wednesday, August 21, 2019 10:27:00 AM

Conference call-in number: **(720) 253-6000**

Conference call-in code: **6841**

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: Katie Keefe

Sent: Tuesday, August 20, 2019 6:33 PM

To: Spencer Crouch <scrouch@extractionog.com>; Miracle Pfister <mpfister@gwogco.com>; Erin Lind <elind@gwogco.com>; 'ryan.seastrom@coga.com' <ryan.seastrom@coga.com>; 'paulesm@api.com' <paulesm@api.com>; 'arnold@pipe208.com' <arnold@pipe208.com>; 'kimberly.mendoza-cooke@anadarko.com' <kimberly.mendoza-cooke@anadarko.com>; 'Maxwell.O.Blair@conocophillips.com' <Maxwell.O.Blair@conocophillips.com>; 'pvarra@extractionog.com' <pvarra@extractionog.com>; 'blloyd@petroshrecorp.com' <blloyd@petroshrecorp.com>; 'Natalie Svendsen' <nsvendsen@gwogco.com>; paulesm@api.com; Christopher J. McGowne <McGowneC@api.org>; sfakharzadeh@gwogco.com

Cc: Heidi M. Miller <HMiller@adcogov.org>; Christine Fitch <CFitch@adcogov.org>; Christine Dougherty <CDougherty@adcogov.org>; Keith Huck <KHuck@adcogov.org>; Jill Jennings Golich <JJenningsGolic@adcogov.org>

Subject: Invitation to Discuss Recommended Additions to Proposed Oil and Gas Regulations

Good evening,

Denver Area Labor Federation recently submitted recommendations pertaining to proposed oil and gas regulation amendments for consideration ahead of the public hearing at the Board of County Commissioners on September 3, 2019.

Adams County staff is seeking input and information on workplace training standards and worker certification requirements currently in place and applicable to the upstream oil and gas industry.

In light of the short notice and to maximize the number of participants, staff has planned a **conference call from 9:30-11:00 AM this Friday, August 23, 2019** to present those recommendations for discussion. The call-in number and conference code will be provided

tomorrow under separate email.

If you have any questions, please don't hesitate to call either myself or Christine Dougherty. Additionally, please forward this invitation to any colleagues you believe could provide relevant input on worker training and certification requirements.

Thank you,

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: [Stacy Lambright](#)
To: [Christine Dougherty](#); [Katie Keefe](#)
Subject: Comments: Adams County needs 1,500 - 2,500 ft Setback in Oil and Gas Regs
Date: Monday, August 19, 2019 12:28:43 PM
Attachments: [Table of Setback Studies Please Review.xlsx](#)

Please be cautious: This email was sent from outside Adams County

Hello Adams County staff,
This is a letter I have sent to each Commissioner....

My name is Stacy Lambright. I live in Adams County/City of Thornton. My family, including active teens, lives approximately one mile from the one of the many, many Great Western fracking sites (location on 160th and Colorado), and I am surrounded by additional fracking sites in Erie (Coyote Pad) and "Broomfield's Fracking City" pads as I am calling them. I have attached a few photos I took on my recent walk in my neighborhood.

We appreciate the work on your Adams County Oil and Gas regulations and the time invested by your staff as well as Adams County Commissioners. Currently there is an 1,000 foot setback for fracking sites, once the Adams County moratorium ends, in September. This means most of the sites that are waiting to be permitted, more than likely will be accepted. 1,000 feet is not sufficient and will compromise our health and safety, given the fact that research says fracking should be conducted at least a mile away from children, pregnant women, and people with health concerns.

Your staff indicated there were not enough studies showing the health and safety impacts in Colorado (while there are hundreds and hundreds from across the country) and what this tells me is that we, your citizens, are your guinea pigs until more studies are completed. I have attached just some of the health studies. If scientific-based studies are not sufficient, please tell me what is it that is needed for you to determine a setback amount? We don't have time to wait for new, upcoming studies, our health and safety is being compromised so I commend you for the current moratorium - perhaps you need to wait until the studies are conducted.

Residents in Adams County are concerned about the lack of care on the part of the Adams County Commissioners. Oil and gas companies will continue to profit if setbacks are greater than 1,000 feet, we feel confident that oil and gas will be able to extract so please don't buy into their claims that they will not be able to do so. Have they provided you with that documentation?

However, if you don't implement stronger setbacks (ideally 2,500 ft but greater than 1,000 ft) your residents will suffer not only from potential health risks, but also safety based on the potential risk of explosions.

I would like to invite you for a walk around my neighborhood or for coffee or tea and we can talk more about my concerns. Additionally, I would like to hear and understand your stance on the proposed regulations.

With Gratitude,

Stacy Lambright
303-981-0817

stacylambright@gmail.com

From: [Erica Hannah](#)
To: [Katie Keefe](#)
Subject: Fwd: Oil and Gas Applications/Set Backs
Date: Wednesday, August 21, 2019 5:45:26 PM

Get [Outlook for iOS](#)

From: Judy and John Dorris <jdorris14270@yahoo.com>

Sent: Wednesday, August 21, 2019 3:19:42 PM

To: Mary Hodge <MHodge@adcogov.org>; Steve O'Dorisio <SODorisio@adcogov.org>; Emma Pinter <EPinter@adcogov.org>; Chaz Tedesco <CTedesco@adcogov.org>; Eva Henry <EHenry@adcogov.org>; Erica Hannah <EHannah@adcogov.org>; johnfdup@gmail.com <johnfdup@gmail.com>; Susan Noble <susansnoble1@gmail.com>

Subject: Oil and Gas Applications/Set Backs

Please be cautious: This email was sent from outside Adams County

All,

This email is regarding the meeting on 8/22/19. My family, and myself, are requesting that you consider a setback of at least 1500 feet from the PROPERTY line, not the structure for drilling in Adams County. My family lives within proximity of the Antelope Pad, the Harlo Pad and the Jacobson Pad. All of these pads are within a residential area, near homes, businesses and our new recreation center. A 1500 foot set back would help cushion any adverse events that could happen at these sites, but a 1500 or 1000 foot setback is still inadequate.

I am a mineral rights owner however, the money that I stand to make off of the Lease of these minerals will not protect my family if something were to happen and will not preserve the air we breathe or the water we drink if something goes wrong. I would prefer peace of mind over profit any day. Health and safety should be the top priority. I was born and raised in Adams County, my mother was Rose Palizzi, and we know the legacy of previous administrations in this County, please do the right thing.

My husband and I are very fortunate that we filed an appeal with the COGCC and they have postponed all hearings regarding fracking under our home, indefinitely, and we have an attorney fighting for our health and safety.

I am also writing to request that you do not approve any applications that have been submitted prior to, or after, SB-181. I am requesting that you wait until the COGCC completes their rule making process. It is a waste of tax payer money and a waste of manpower to go through this process without knowing what the rules will be. The top priority of SB-181 is health and safety and I feel that rushing to approve these

applications would not be beneficial to the County or the citizens of Adams County. If you approve a drilling locate prior to the SB-181 Rules you are setting yourselves up for legal push back from the citizens that are not being taken into consideration. The purpose behind SB-181 is to insure our health and safety.

I do find it interesting that Adams County wants to incorporate a 1,000 foot setback when Weld County evacuates a one mile radius for fires and other disasters at drilling/storage sites. I understand that you may not agree with 2500 feet, but the biggest oil and gas county in the state clearly agrees that a further setback is warranted.

I would also like to point out, that since the Moratorium that was enacted earlier this year, the unemployment rates in Adams County fell and we are still thriving. New businesses are coming to our communities and more homes are being built. Please do not oppress and stifle the positive growth that our community could see by allowing it to become an industrial wasteland.

The future of my grand daughter, my family, my home and your legacy lies in your hands.

Please consider my request as a concerned tax paying citizen of the Adams County area, thank you!

John and Judy Dorris

From: [Erica Hannah](#)
To: [Katie Keefe](#)
Subject: Fwd: Oil and Gas Applications/Set Backs
Date: Wednesday, August 21, 2019 5:45:44 PM

Get [Outlook for iOS](#)

From: Lisa Dorris <dorris8301@yahoo.com>

Sent: Wednesday, August 21, 2019 3:05:26 PM

To: Christine Dougherty <CDougherty@adcogov.org>; Eva Henry <EHenry@adcogov.org>; Chaz Tedesco <CTedesco@adcogov.org>; Emma Pinter <EPinter@adcogov.org>; Steve O'Dorisio <SODorisio@adcogov.org>; Mary Hodge <MHodge@adcogov.org>; Erica Hannah <EHannah@adcogov.org>; johnfdup@gmail.com <johnfdup@gmail.com>; Susan Noble <susansnoble1@gmail.com>

Subject: Oil and Gas Applications/Set Backs

Please be cautious: This email was sent from outside Adams County

All,

This email is regarding the meeting on 8/22/19. My family, and myself, are requesting that you consider a setback of at least 1500 feet from the PROPERTY line, not the structure for drilling in Adams County. My family lives within proximity of the Antelope Pad, the Harlo Pad and the Jacobson Pad. All of these pads are within a residential area, near homes, businesses and our new recreation center. A 1500 foot set back would help cushion any adverse events that could happen at these sites, but a 1500 or 1000 foot setback is still inadequate.

I am a mineral rights owner and have signed a Lease Agreement (forced pooled last year) with Petro for the minerals under my home, however, their money will not protect my family if something were to happen and will not preserve the air we breathe or the water we drink if something goes wrong. I would prefer peace of mind over profit any day. Health and safety should be the top priority.

I am also writing to request that you do not approve any applications that have been submitted prior to, or after, SB-181. I am requesting that you wait until the COGCC completes their rule making process. It is a waste of tax payer money and a waste of manpower to go through this process without knowing what the rules will be. The top priority of SB-181 is health and safety and I feel that rushing to approve these applications would not be beneficial to the County or the citizens of Adams County. If you approve a drilling locate prior to the SB-181 Rules you are setting yourselves up for legal push back from the citizens that are not being taken into consideration. The purpose behind SB-181 is to insure our health and safety.

I do find it interesting that Adams County wants to incorporate a 1,000 foot setback when Weld County evacuates a one mile radius for fires and other disasters at drilling/storage sites. I understand that you may not agree with 2500 feet, but the biggest oil and gas county in the state clearly agrees that a further setback is warranted.

I would also like to point out, that since the Moratorium that was enacted earlier this year, the unemployment rates in Adams County fell and we are still thriving. New businesses are coming to our communities and more homes are being built. Please do not oppress and stifle the positive growth that our community could see by allowing it to become an industrial wasteland.

Please consider my request as a concerned tax paying citizen of the Adams County area, thank you!

The Gudmundson Family

From: [Erica Hannah](#)
To: [Katie Keefe](#)
Subject: Fwd: Comments to ADCO Commissioners Proposed O&G Development Regulations
Date: Wednesday, August 21, 2019 12:13:02 PM

Get [Outlook for iOS](#)

From: CLARK BOLSER <clarkbolser@msn.com>
Sent: Wednesday, August 21, 2019 10:50:59 AM
To: Erica Hannah <EHannah@adcogov.org>
Subject: Comments to ADCO Commissioners Proposed O&G Development Regulations

Please be cautious: This email was sent from outside Adams County

Erica Hannah
Clerk to the Board of County Commissioners
Adams County Government Center
4430 South Adams County Parkway
Brighton, CO 80601

Dear Ms. Hannah,

I understand the County Commissioners are considering issuing proposed oil and gas regulations. Because of the length and complexity of the proposed regulations as well as the tight timetable the county is work on, I find it difficult to provide comprehensive comments at this time. Nevertheless, I am extremely worried about the county's 'fresh' approach to regulating oil and gas development.

I followed the debate and passage of SB-181 fairly closely, and remember some of the comments made by politicians and anti-oil and gas groups during the lead up. Specifically, that SB-181 was not about banning oil and gas development. Rather, SB-181 would take the nation's toughest rules for oil and gas development and make those rules even tougher, while also allowing the industry to grow and thrive.

The county's proposed regulations go far beyond any of the state's rules for the industry and would be detrimental to allowing the industry to extract this valuable petroleum asset that lies below Adams County. I am not against regulation. In fact, I believe a lot can be done to protect both the health and safety of the public while also allowing continued oil and gas development in the county. However, an outright or pseudo ban on oil and gas development is not what the Governor and Legislature promised and it would be adverse to the interests of the citizens of

Adams County! DO NOT BAN or adversely restrict oil and gas development in Adams County!

Hopefully, the county commissioners will take my comments into consideration as they consider the proposed regulations.

Sincerely,

Clark M. Bolser
13462 Thorncreek Circle
Thornton, CO 80241

From: [Erica Hannah](#)
To: [Katie Keefe](#)
Subject: FW: Oil and Gas Development in Adams County
Date: Thursday, August 22, 2019 7:17:51 AM

Erica Hannah

Clerk to the Board of County Commissioners, *Board of County Commissioner's Office*

ADAMS COUNTY, COLORADO

4430 S. Adams County Parkway 5th Floor, Suite C5300

Brighton, CO 80601

O: 720.523.6358 | ehannah@adcogov.org

www.adcogov.org

From: Allison Klasing [mailto:alli.c.klasing@gmail.com]
Sent: Thursday, August 22, 2019 7:17 AM
To: Erica Hannah; CommissionersMailbox
Subject: Oil and Gas Development in Adams County

Please be cautious: This email was sent from outside Adams County

Erica Hannah

Clerk to the Board of County Commissioners

Adams County Government Center

4430 South Adams County Parkway

Brighton, CO 80601

Dear Ms. Hannah,

Hopefully, this letter finds you in good spirits. As someone who works in oil and gas and is a member of the community, I wanted to write the Commissioners regarding my concern about the state of oil and gas development in Adams County. Oil and natural gas is a significant economic driver all across Colorado, and could continue to strengthen our local economy and provide well-paying jobs to those who call Adams County home.

My immediate concern is that our elected officials have begun cave to activist pressure while implementing these new regulations. I have watched with dismay as other cities and localities attempt to enact moratoria as well as outright and de facto bans. Inevitably, these efforts only result in a net loss of economic growth, jobs, and a business-friendly climate. This is not the Adams County I know and love, which is why I implore you to consider a different path forward.

As the elected officials in our community, it is up to you to ensure that these regulations are enacted in a reasonable and even-handed manner. Personally, I would be extremely encouraged about the message you send to both the business community and the citizens of Adams County.

Adams County has an opportunity to stand as a beacon for reasonable regulations that guarantee strong public health and safety standards as well as oil and natural gas development. Colorado has a long and storied history of taking a collaborative approach to energy issues. Rather than letting our political preferences guide the decision-making process, we must sit down together, and reach commonsense agreements about how we do business in our community.

The oil and gas industry and its employees are a part of the fabric Adams County such a wonderful place to live and work. A loss of jobs in this industry has a ripple effect to all sectors of the economy and many energy professionals and their families live right here in Adams County. These are not out-of-state people parachuting in; they are our friends and neighbors.

I appreciate your leading this effort. It is my desire to work together to ensure that a reasonable solution can be reached.

Sincerely,
Allison Klasing

From: [Erica Hannah](#)
To: [Katie Keefe](#)
Subject: FW: Commission meeting 8-22-19
Date: Tuesday, August 20, 2019 1:42:51 PM

Erica Hannah

Clerk to the Board of County Commissioners, *Board of County Commissioner's Office*

ADAMS COUNTY, COLORADO

4430 S. Adams County Parkway 5th Floor, Suite C5300

Brighton, CO 80601

O: 720.523.6358 | ehannah@adcogov.org

www.adcogov.org

From: Jim Cashero [mailto:jimcash53@gmail.com]
Sent: Tuesday, August 20, 2019 1:23 PM
To: Erica Hannah
Subject: Commission meeting 8-22-19

Please be cautious: This email was sent from outside Adams County

Please find a copy of a letter I wish to be read into the record. I'm unable to attend. I'll be ministering to inmates in Limon prison on Thursday.

Erica Hannah

Clerk to the Board of County Commissioners

Adams County Government Center

4430 South Adams County Parkway

Brighton, CO 80601

Dear Ms. Hannah,

I write today, because of my alarm over the county's proposed oil and gas regulations. My particular concern, is regarding the potential impact these regulations will have on jobs in Adams County and the surrounding areas.

From my own reading of the proposed regulations, it would appear the county is proposing a zero-emission scheme on oil and has companies operating in the area. I am certainly not an expert, but wouldn't this proposal effectively ban oil and gas development in Adams County entirely? This seems contrary to the county's goal of growing our local economy and creating jobs for those of us who call Adams County home.

While I understand the county's desire to protect the health and safety of its residents, it would appear these regulations go beyond what is "reasonable and

necessary.” In my mind, there is no reason why the county cannot put in place regulations that are both effective and allow for continued growth of Colorado’s oil and gas industry. After all both the companies and their employees help strengthen our economy and positively contribute to our community.

Clearly, oil and gas development is one of the hot-button issues facing both the county and the state. My hope would be, that the county is thoughtful when making its decision on the proposed regulations. Please do not reward or bend to the pressure tactics of anti-oil and gas groups. There is simply too much at stake. My hope is that we can all agree on sensible, data-driven regulations. Rather than regulations suited to an individual’s or a group’s political leanings.

It is my desire to work together to make Adams County an even better place to work and live. I look forward to hearing how the county plans on working with everyone in the community to make sure these regulations are done right.

Sincerely,

Jim Cashero
10299 Sedalia St.
Commerce City, CO 80022-0561
(720) 238-4730

From: [Erica Hannah](#)
To: [Katie Keefe](#)
Subject: Fwd: Comments to ADCO Commissioners Proposed O&G Development Regulations
Date: Wednesday, August 21, 2019 12:13:02 PM

Get [Outlook for iOS](#)

From: CLARK BOLSER <clarkbolser@msn.com>
Sent: Wednesday, August 21, 2019 10:50:59 AM
To: Erica Hannah <EHannah@adcogov.org>
Subject: Comments to ADCO Commissioners Proposed O&G Development Regulations

Please be cautious: This email was sent from outside Adams County

Erica Hannah
Clerk to the Board of County Commissioners
Adams County Government Center
4430 South Adams County Parkway
Brighton, CO 80601

Dear Ms. Hannah,

I understand the County Commissioners are considering issuing proposed oil and gas regulations. Because of the length and complexity of the proposed regulations as well as the tight timetable the county is work on, I find it difficult to provide comprehensive comments at this time. Nevertheless, I am extremely worried about the county's 'fresh' approach to regulating oil and gas development.

I followed the debate and passage of SB-181 fairly closely, and remember some of the comments made by politicians and anti-oil and gas groups during the lead up. Specifically, that SB-181 was not about banning oil and gas development. Rather, SB-181 would take the nation's toughest rules for oil and gas development and make those rules even tougher, while also allowing the industry to grow and thrive.

The county's proposed regulations go far beyond any of the state's rules for the industry and would be detrimental to allowing the industry to extract this valuable petroleum asset that lies below Adams County. I am not against regulation. In fact, I believe a lot can be done to protect both the health and safety of the public while also allowing continued oil and gas development in the county. However, an outright or pseudo ban on oil and gas development is not what the Governor and Legislature promised and it would be adverse to the interests of the citizens of

Adams County! DO NOT BAN or adversely restrict oil and gas development in Adams County!

Hopefully, the county commissioners will take my comments into consideration as they consider the proposed regulations.

Sincerely,

Clark M. Bolser
13462 Thorncreek Circle
Thornton, CO 80241

From: [Suzanne Cabral](#)
To: [Eva Henry](#); [Emma Pinter](#); [Chaz Tedesco](#); [Steve O'Dorisio](#); [Mary Hodge](#); [Katie Keefe](#); [Christine Dougherty](#); [justinmartinez14@gmail.com](#); [Kristin Sullivan](#); [Jen Rutter](#)
Subject: Regulation Comments
Date: Thursday, August 22, 2019 6:26:00 AM

Please be cautious: This email was sent from outside Adams County

Dear Adams County Commissioners and Staff,

I am unable to attend this evenings meeting due to a family commitment. Please include my comments in the official record.

First off, I want you all to know that I appreciate your enactment of a moratorium and the time and diligence you have committed on addressing the regulations.

As a resident, mom, grandmother and a health professional I have serious concerns about the limited protective measures the regulations are addressing.

SB19-181 "Prioritizes the protection of public safety, health, welfare, and the environment in the regulation of the oil and gas industry by modifying the oil and gas statutes and by clarifying, reinforcing, or establishing various aspects of local governments' regulatory authority over the surface impacts of oil and gas development".

For the last four years I and many others in Adams County have presented you with information and evidence about the harms, potential health and safety risks and the environmental impacts of oil and gas development.

We have pleaded with you to enact strict regulations and our pleas were met with "we can't do anything, our hands are tied -it's all at the State level".

SB 181 has given you the legal authority to protect and prioritize health, safety, welfare, the environment and wildlife.

As an informed resident and a member of FRRESH, PSR CO and CO Rising I am requesting and urging you to exercise your full legal authority.

A 1000 foot setback is not protective for health or safety. The many publicized, peer reviewed studies show there is an increased risk of asthma, negative birth outcomes and childhood cancer at distances less than 2500 feet.

When you consider this information would you feel confident in protecting your health or your children's health if you lived closer than 2500 feet from a unconventional oil and gas pad site? If your child's school was closer than a half mile? Would you feel safe if you lived within a short distance to several sites?

In good consciousness, how can you subject children and Adams County Residents to anything less than a minimum of health and safety protection of 2500 feet?

We all know that oil and gas is contributing greatly to our poor air quality. Oil and gas development emits 10-15 times more than all the cars in Colorado.

Please require Tier 4 engines. Tier 4 engines emit 80% less PM and 45% less NOx than Tier 2

engines.

If at this time you do not think you have all the information and are not clear on your legal authority, please, please continue the Moratorium until the CDPHE has completed their study and the COGCC has enacted all their rules and regulations.

“If you are neutral in situations of injustice, you have chosen the side of the oppressor. If an elephant has its foot on the tail of a mouse and you say that you are neutral, the mouse will not appreciate your neutrality”.

[Desmond Tutu](#)

We are dismayed and greatly frustrated with oil and gas putting it's foot on our health, safety, welfare, environment and wildlife.

Neutrality is not an option. We need you to be courageous leaders and prioritize health, safety, welfare, the environment and wildlife.

Respectfully,

Suzanne Cabral

From: [Christine Dougherty](#)
To: [Katie Keefe](#)
Subject: Fw: From Bruce and Elizabeth Clow
Date: Friday, August 16, 2019 9:46:30 AM

From: Bruce Clow <bnblaconia@yahoo.com>
Sent: Friday, August 16, 2019 9:22 AM
To: Christine Dougherty
Subject: From Bruce and Elizabeth Clow

Please be cautious: This email was sent from outside Adams County

As grandparents with grandchildren in Adams County, were asking that you put their health and safety ahead of financial gain. The only reason not to have a 2500 foot setback for a fracking site would be money. Since this country does not have a shortage of natural gas nor lack of drilling sites there is no reason to jeopardize anyone's health or safety. Please put our citizens first.
Thank you.

Sent from my iPad

From: [Erica Hannah](#)
To: [Katie Keefe](#)
Subject: FW: Proposed Oil and Gas Regulations
Date: Thursday, August 22, 2019 7:08:45 AM

Erica Hannah

Clerk to the Board of County Commissioners, *Board of County Commissioner's Office*

ADAMS COUNTY, COLORADO

4430 S. Adams County Parkway 5th Floor, Suite C5300

Brighton, CO 80601

o: 720.523.6358 | ehannah@adcogov.org

www.adcogov.org

From: Brooke Cole [mailto:blcole@gmail.com]
Sent: Wednesday, August 21, 2019 7:22 PM
To: CommissionersMailbox; Erica Hannah
Subject: Proposed Oil and Gas Regulations

Please be cautious: This email was sent from outside Adams County

Erica Hannah

Clerk to the Board of County Commissioners

Adams County Government Center

[4430 South Adams County Parkway](#)

[Brighton, CO 80601](#)

Dear Ms. Hannah,

As a concerned citizen and someone working in the oil and gas industry, I am very uncomfortable with the county's proposed oil and gas regulations, which will adversely affect local jobs and our economy. The proposed regulations by Adams County are some of the most stringent in the state and without justifiable benefit. Colorado already has some of the strictest oil and gas regulations in the nation and going beyond those would accomplish nothing but hurt those of us who live here.

If Adams County wants to maintain a strong economy, it cannot approach restricting oil and gas development in this way. A ban on development does not protect anyone but it would significantly hurt our community. Regulations can be improved while still allowing continued growth in Colorado's oil and gas industry, but the proposed regulations would not accomplish that. A prolonged shutdown or 'moratorium' on development, will adversely affect the county's economy, with its impact going well beyond those of us working in the energy and oil and gas industry.

Oil and gas development is a critical cornerstone of Colorado and its economy. Every household and business in our community and in our state, depends on this industry. We should be working to improve our community, not divisively and unnecessarily impairing our economy and adversely impacting the individuals who live in our community and want to contribute to improving the lives of everyone who lives here.

I hope the Commissioners will take this letter into consideration.

Sincerely,

Brooke Cole

From: [Christine Dougherty](#)
To: [Katie Keefe](#)
Subject: Fw: Fracking setbacks
Date: Friday, August 16, 2019 9:47:01 AM

From: Peni Caven <plcaven21@gmail.com>
Sent: Thursday, August 15, 2019 3:54 PM
To: Christine Dougherty <CDougherty@adcogov.org>; Eva Henry <EHenry@adcogov.org>; Emma Pinter <EPinter@adcogov.org>; Mary Hodge <MHodge@adcogov.org>; Steve O'Dorisio <SODorisio@adcogov.org>; Chaz Tedesco <CTedesco@adcogov.org>
Subject: Fracking setbacks

Please be cautious: This email was sent from outside Adams County

Hello Commissioners;

My name is Peni Caven and I am a resident of Adams County.

I would like to thank commissioners Henry and Pinter for getting us to the point where we can begin to discuss set backs regarding fracking and health and safety. Your courage and thoughtfulness on the issue of the health and safety of your constituents is greatly appreciated. Unfortunately, 1,000 feet is not what research recommends but we appreciate having a place to start.

Commissioners Hodge, O'Dorisio, Dougherty, and Tedesco, I would love to hear your thoughts on the issue. I believe there are several constituents who would like to have an understanding of your perspective on health and safety and fracking.

"Please consider larger setbacks for health and safety. 1,000 feet is not enough according to the research completed in Colorado."

Thank you for your time and consideration and representing the people in our great community.

Sincerely,

Peni Caven

From: [Susan Noble](#)
To: [Katie Keefe](#)
Subject: Fwd: Delivery Status Notification (Delay)
Date: Friday, August 16, 2019 12:11:29 PM
Attachments: [icon.png](#)

Please be cautious: This email was sent from outside Adams County

Dear Ms. Keefe —

I only realized this moment that I sent my public comment on Tuesday to an incorrect email address.

Best regards,
Susan Noble

----- Forwarded message -----

From: Mail Delivery Subsystem <mailer-daemon@googlemail.com>
Date: Wed, Aug 14, 2019 at 11:58 PM
Subject: Delivery Status Notification (Delay)
To: <susansnoble1@gmail.com>



Delivery incomplete

There was a temporary problem delivering your message to **kkeefe@adcogov.com**. Gmail will retry for 46 more hours. You'll be notified if the delivery fails permanently.

[LEARN MORE](#)

The response was:

The recipient server did not accept our requests to connect. Learn more at <https://support.google.com/mail/answer/7720> [adcogov.com 81.171.22.6: timed out]

----- Forwarded message -----

From: Susan Noble <susansnoble1@gmail.com>

To: "kkeefe@adcogov.com" <kkeefe@adcogov.com>

Cc:

Bcc:

Date: Tue, 13 Aug 2019 22:29:20 -0600

Subject: Adams County draft regulations - public comment

Dear Ms. Keefe —

When SB181 was becoming law, more than 40 oil and gas sites were pending — all but one in residential areas — in Adams County. Adams County issued permits, even when the COGCC had not yet done so in some cases, and all operators have now broken ground. As attendees were told at the Aug. 12 staff open house, the Adams County pipeline is empty.

Given that these 40+ multi-well megapads in residential areas have yet to be completed, I respectfully urge the county commissioners to accept no other applications until the cumulative impacts on the health, safety and welfare of the public, environment and wildlife from these scores of wells and heavy industrial infrastructure can be evaluated. In addition, to ensure regulatory enforcement, a team of round-the-clock inspectors budgeted, trained and on staff is vital. The attached photo is of a violation at an unincorporated Adams County site on 132nd Ave. that occurred at 5 p.m. after inspector hours.

State law requires that the county take precautions and ensure that the proposed regulations do as intended: protect Adams County residents while regulating the oil and gas industry. Please develop regulatory language defining cumulative impacts of neighborhood drilling and have inspection team in place before proceeding with approval of regulations and restarting the application process.

Sincerely,
Susan Noble
Commerce City resident



--

Susan S Noble

<font size3 ----- Message truncated -----

--

Susan S Noble

303.579.3477

From: [Erica Hannah](#)
To: [Katie Keefe](#)
Subject: Fwd: Oil and Gas Applications/Set Backs
Date: Wednesday, August 21, 2019 5:45:44 PM

Get [Outlook for iOS](#)

From: Lisa Dorris <dorris8301@yahoo.com>

Sent: Wednesday, August 21, 2019 3:05:26 PM

To: Christine Dougherty <CDougherty@adcogov.org>; Eva Henry <EHenry@adcogov.org>; Chaz Tedesco <CTedesco@adcogov.org>; Emma Pinter <EPinter@adcogov.org>; Steve O'Dorisio <SODorisio@adcogov.org>; Mary Hodge <MHodge@adcogov.org>; Erica Hannah <EHannah@adcogov.org>; johnfdup@gmail.com <johnfdup@gmail.com>; Susan Noble <susansnoble1@gmail.com>

Subject: Oil and Gas Applications/Set Backs

Please be cautious: This email was sent from outside Adams County

All,

This email is regarding the meeting on 8/22/19. My family, and myself, are requesting that you consider a setback of at least 1500 feet from the PROPERTY line, not the structure for drilling in Adams County. My family lives within proximity of the Antelope Pad, the Harlo Pad and the Jacobson Pad. All of these pads are within a residential area, near homes, businesses and our new recreation center. A 1500 foot set back would help cushion any adverse events that could happen at these sites, but a 1500 or 1000 foot setback is still inadequate.

I am a mineral rights owner and have signed a Lease Agreement (forced pooled last year) with Petro for the minerals under my home, however, their money will not protect my family if something were to happen and will not preserve the air we breathe or the water we drink if something goes wrong. I would prefer peace of mind over profit any day. Health and safety should be the top priority.

I am also writing to request that you do not approve any applications that have been submitted prior to, or after, SB-181. I am requesting that you wait until the COGCC completes their rule making process. It is a waste of tax payer money and a waste of manpower to go through this process without knowing what the rules will be. The top priority of SB-181 is health and safety and I feel that rushing to approve these applications would not be beneficial to the County or the citizens of Adams County. If you approve a drilling locate prior to the SB-181 Rules you are setting yourselves up for legal push back from the citizens that are not being taken into consideration. The purpose behind SB-181 is to insure our health and safety.

I do find it interesting that Adams County wants to incorporate a 1,000 foot setback when Weld County evacuates a one mile radius for fires and other disasters at drilling/storage sites. I understand that you may not agree with 2500 feet, but the biggest oil and gas county in the state clearly agrees that a further setback is warranted.

I would also like to point out, that since the Moratorium that was enacted earlier this year, the unemployment rates in Adams County fell and we are still thriving. New businesses are coming to our communities and more homes are being built. Please do not oppress and stifle the positive growth that our community could see by allowing it to become an industrial wasteland.

Please consider my request as a concerned tax paying citizen of the Adams County area, thank you!

The Gudmundson Family

From: [Lyndsey Collins](#)
To: [Katie Keefe](#)
Subject: Re: Thurs aug 22
Date: Monday, August 19, 2019 12:50:08 PM

Please be cautious: This email was sent from outside Adams County

Hi Katie, can you please tell me the address of the planning commission meeting this Thurs at 6:00 pm?

On Fri, Aug 16, 2019 at 2:01 PM Katie Keefe <KKeefe@adcogov.org> wrote:

Hi Lyndsey,

The next meeting is the Planning Commission (PC) public hearing on 8/22/19 starting at 6:00. The agenda will be posted here by the end of today (always posted the Friday before scheduled PC hearing): <http://www.adcogov.org/meeting-agendas-and-audio>

There are 4 land use cases before the Oil and Gas Regulation Amendments case. When you arrive, there will be a sign in sheet on a table before you enter the hearing room on which you can sign up to make a public statement. I believe each person is given 3-minutes.

Thank you,



Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

[4430 South Adams County Parkway, 1st Floor, Suite W2000A](#)

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

Get [Outlook for iOS](#)

From: Lyndsey Collins <rugbylyn@gmail.com>
Sent: Friday, August 16, 2019 1:07:38 PM
To: Katie Keefe <KKeefe@adcogov.org>
Subject: Fwd: Thurs aug 22

Please be cautious: This email was sent from outside Adams County

Hi Katie, I hope you're doing well. Someone mentioned a meeting next Thursday aug 22. I believe they said it's at 6:00pm but that could be wrong. Do you know if this is another study session, or another type of meeting regarding oil and gas in Adams county? I'm having trouble finding the meetings on the website. -Lyndsey Collins

From: [Christine Dougherty](#)
To: [Katie Keefe](#)
Subject: Fw: Oil and Gas Applications/Set Backs
Date: Wednesday, August 21, 2019 3:11:11 PM

From: Lisa Dorris <dorris8301@yahoo.com>
Sent: Wednesday, August 21, 2019 3:05 PM
To: Christine Dougherty <CDougherty@adcogov.org>; Eva Henry <EHenry@adcogov.org>; Chaz Tedesco <CTedesco@adcogov.org>; Emma Pinter <EPinter@adcogov.org>; Steve O'Dorisio <SODorisio@adcogov.org>; Mary Hodge <MHodge@adcogov.org>; Erica Hannah <EHannah@adcogov.org>; johnfdup@gmail.com <johnfdup@gmail.com>; Susan Noble <susansnoble1@gmail.com>
Subject: Oil and Gas Applications/Set Backs

Please be cautious: This email was sent from outside Adams County

All,

This email is regarding the meeting on 8/22/19. My family, and myself, are requesting that you consider a setback of at least 1500 feet from the PROPERTY line, not the structure for drilling in Adams County. My family lives within proximity of the Antelope Pad, the Harlo Pad and the Jacobson Pad. All of these pads are within a residential area, near homes, businesses and our new recreation center. A 1500 foot setback would help cushion any adverse events that could happen at these sites, but a 1500 or 1000 foot setback is still inadequate.

I am a mineral rights owner and have signed a Lease Agreement (forced pooled last year) with Petro for the minerals under my home, however, their money will not protect my family if something were to happen and will not preserve the air we breathe or the water we drink if something goes wrong. I would prefer peace of mind over profit any day. Health and safety should be the top priority.

I am also writing to request that you do not approve any applications that have been submitted prior to, or after, SB-181. I am requesting that you wait until the COGCC completes their rule making process. It is a waste of tax payer money and a waste of manpower to go through this process without knowing what the rules will be. The top priority of SB-181 is health and safety and I feel that rushing to approve these applications would not be beneficial to the County or the citizens of Adams County. If you approve a drilling locate prior to the SB-181 Rules you are setting yourselves up for legal push back from the citizens that are not being taken into consideration. The purpose behind SB-181 is to insure our health and safety.

I do find it interesting that Adams County wants to incorporate a 1,000 foot setback when Weld County evacuates a one mile radius for fires and other disasters at drilling/storage sites. I understand that you may not agree with 2500 feet, but the biggest oil and gas county in the state clearly agrees that a further setback is warranted.

I would also like to point out, that since the Moratorium that was enacted earlier this year, the unemployment rates in Adams County fell and we are still thriving. New businesses are coming to our communities and more homes are being built. Please do not oppress and stifle the positive growth that our community could see by allowing it to become an industrial wasteland.

Please consider my request as a concerned tax paying citizen of the Adams County area, thank you!

The Gudmundson Family

From: [Erica Hannah](#)
To: [Katie Keefe](#)
Subject: Fwd: Stakeholder Letter
Date: Wednesday, August 21, 2019 7:16:02 PM
Attachments: [Letter to Adams County Commissioners.docx](#)

Get [Outlook for iOS](#)

From: J. Silva <josueandressilva@gmail.com>
Sent: Wednesday, August 21, 2019 6:16:35 PM
To: Erica Hannah <EHannah@adcogov.org>; CommissionersMailbox <commissioners@adcogov.org>
Subject: Stakeholder Letter

Please be cautious: This email was sent from outside Adams County

Dear Ms. Hannah,

Please find attached my letter for the Adams County Planning Commission's meeting on Thursday, August 22nd.

If you have any comments or questions, please let me know.

Sincerely,

Josué A. Silva

Phone: (720) 425-7683

[LinkedIn Profile](#)

Appendix A

8. Hearing, Enforcement and Appeal Procedures for Air Quality Violations

a. Hearings:

- i. Operators of OGFs may request a hearing in front of the BOCC to contest any alleged violations of the provisions contained in the Air Quality section of these Development Standards and Regulations or to contest permitting decisions involving the provisions contained in the Air Quality section of these Development Standards and Regulations. The BOCC shall grant request for a hearing within 15 days of receipt of such request.
 - *COGA requests the above revisions to make clear that it is the operator that is granted the right to submit a request for a hearing and under what circumstances.*
- ii. Hearing date must be set within 90 days
- iii. Notice must be printed in a newspaper of general circulation in the area where the OGF is located.
- iv. Director of CED ~~shall appear as~~ a party ~~in all hearings adjudicating decisions of the CED, and has the same right to judicial review as other parties~~
- v. The Director of CED may appear as a party ~~and has the same right to judicial review as other parties~~.
 - *COGA acknowledges that the language as proposed closely tracks the statutory language, but suggests the above revisions for additional clarity. The proposed revisions also align with the AQCC's interpretation of these provisions in its Procedural Rules.*
- vi. All testimony must be under oath or affirmation.
- vii. A full and complete record of proceedings and testimony presented shall be taken and filed.
- viii. Information related to secret processes or methods of manufacture or production must be kept confidential. The person seeking to keep information confidential has the burden of proof. Except as provided in the Clean Air Act, information claimed to be related to secret processes or methods of manufacture or production which is emissions data may not be withheld as confidential; except such information may be submitted under a claim of confidentiality and the County shall not disclose such information unless required under the Clean Air Act
- ix. Any person who is affected and not adequately represented shall have an opportunity to be a party upon prior application to and approval by the BOCC in its discretion; such party shall have the right to be heard and cross-examine witnesses

- x. BOCC shall make a decision within 30 days of completion of the hearing
- xi. Burden of proof is on Director of CED with respect to any hearings involving alleged violations.
- xii. Where the Operator requests a hearing before the BOCC on a Permit involving provisions contained in the Air Quality section of these Development Standards and Regulations, the permit applicant bears burden of proof with respect to justification therefor and information, data, and analysis supportive thereof or required with respect to the application

b. Judicial Review:

- i. Final orders or determinations of the Community and Economic Development Director or the BOCC are subject to judicial review
- ii. Any party may move the court to remand the case to the CED Director or the BOCC in the interests of justice for purpose of adducing additional evidence and findings; such party shall show reasonable grounds for failure to adduce such evidence previously
- iii. Any proceeding for judicial review shall be filed in the district court in which the OGF is located

c. Injunctions:

- i. If any person fails to comply with a final order of the CED Director or the BOCC that is not subject to a pending administrative or judicial review, or in the event of a violation of an emission control regulation, or term or condition of a permit, the CED Director or the BOCC may request the District Attorney for the district court in which the air pollution source is located to bring suit for an injunction
- ii. In proceedings brought to enforce an order of the of the CED Director or BOCC, a temporary restraining order or preliminary injunction, if sought, shall not issue if there is probable cause to believe granting such order or injunction will cause serious harm to the affected person **or any other person** and (1) that the alleged violation or activity will not continue or be repeated **and-or** (2) the granting of such temporary restraining order or preliminary injunction would be without sufficient corresponding public benefit.

- *COGA requests that the County revise the above to maintain consistency with the Air Pollution Control Act. The revision from “and” to “or” is particularly important. As drafted, the County’s proposed provision would suggest all three elements must be met for an injunction not to issue. Under CRS § 25-7-121(2), the second two elements are separated by an “or,” requiring only that one of the two be met in addition to the threshold inquiry that granting an injunction will cause serious harm to the affected person or any other person.*

d. Coordination with the Air Quality Control Commission

Pursuant to section 25-7-128(4), C.R.S., upon the issuance of any enforcement order or granting of any permit, the County shall transmit to the AQCC a copy of the order or permit. Pursuant to section 25-7-128(6), C.R.S., the City shall confer and coordinate its activities regarding efforts to control or abate air pollution consistent with that provision.



1800 GLENARM PLACE

SUITE 1100

DENVER, CO 80202

Phone 303.861.0362

WWW.COGA.ORG

August 22, 2019

VIA EMAIL – NO ORIGINAL TO FOLLOW

Adams County Planning Commission, c/o Erica Hannah
Christine Dougherty, Local Government Designee
Katie Keefe, Environmental Program Manager, Community & Economic Development
Department
Jill Jennings Golich, Director, Community & Economic Development
Jen Rutter, Manager, Development Services
Elizabeth Paranhos, Special Counsel to Adams County

RE: Colorado Oil & Gas Association – Initial Comments to Adams County Draft Oil
and Gas Regulations Amendments

Dear Adams County Planning Commission, Staff, and Counsel,

The Colorado Oil and Gas Association (“COGA”) appreciates your consideration of our comment letter and attached redline of Adams County’s proposed regulations submitted on August 12, 2019. While the County made several changes suggested in our redline in its most recent version, a number of issues raised by COGA remain of significant concern and were not address by Adams County. COGA’s concerns with respect to all unaddressed comments remain and COGA’s focus on high priority issues in this letter should not be interpreted to suggest that COGA does not continue to have those comments or concerns with all items referenced in its August 12, 2019 letter and redline.

However, a number of provisions remaining in the latest draft of the regulations rise to such a significant level that COGA raises them (to the extent they arise from new language) or reiterates them here. Many of these provisions are technologically and economically infeasible and are neither “reasonable” nor “necessary” as required by Senate Bill 19-181. Other provisions do not adhere to the requirement under Senate Bill 19-181 that local governments may only regulate the surface impacts of oil and gas operations, and therefore impermissibly seek to regulate subsurface activity under the sole jurisdiction of the Colorado Oil and Gas Conservation Commission (“COGCC”). And, finally, some of the remaining provisions, as discussed below, may have the impact of substantially limiting, or even banning, oil and gas development by certain operators, which could result in a “takings” of the operator’s property.

While COGA finds many of the provisions in the current draft objectionable, it highlights here those draft regulations that it and its operators have determined to be most egregious.

2-2-14-5.a. Alternative Site Analysis.

There are many technical, economic and legal considerations that operators must weigh in determining an appropriate site location. These concerns include surface owner desires, the ability to secure surface access, proximity to pipeline infrastructure and compressors and processing plants, mineral rights, leasehold rights, geologic characteristics of the underlying reservoirs, and technical engineering allowances for efficient subsurface development and operations. The language allowing Adams County sole discretion to determine the ultimate oil and gas location for any given project could easily result in minerals and land becoming undevelopable.

Operators sought to inform Adams County of these considerations in their August 4 letter and redline, which suggested requiring operators to submit two instead of three alternative locations. Yet the County still is requiring that an applicant submit at least three potential sites to the County. As COGA has previously pointed out, after an operator considers access to minerals, applicable setbacks, technological and economic considerations, and legal concerns such as obtaining surface access and subsurface rights to develop, finding three (or even two) surface locations can be extremely difficult.

Additionally, the County has added a 1,000-foot setback discussed immediately below and a new requirement that potential sites must be a minimum of 1,000 feet away from each other without giving any justification for selecting this distance. It appears to be an arbitrarily selected distance given that sometimes the best alternative location for a site may be across a street (but less than 1,000 feet) from the proposed location. By requiring three alternative sites, and by imposing the setback requirement and the arbitrary 1,000 foot between alternative site requirement, the County is making it extremely difficult, if not impossible, for many operators to comply with its regulations, and may be denying operators the ability to access and develop their mineral interests.

4-10-2-3-3-4.3. Setbacks.

As previously indicated, given the County's geology and existing and planned development, operators do not believe any potential location for an OGF can comply with the proposed 1,000-foot setback from the property line of existing or platted residences, schools, or Building Units. The County's inclusion of environmentally sensitive areas in the setback requirement is also of particular concern. The County has not proposed a definition for the term. Without definition or refinement, the term "environmentally sensitive area" is ambiguous and potentially extremely broad and could cause the setback requirement to effectuate a de-facto ban on development in the area. And while COGA appreciates the addition of the administrative waiver from setback requirements, it anticipates that in many, if not nearly all, instances, it may be extremely difficult to obtain a waiver from *every* resident and property owner located within the setback area. Furthermore, there is no basis to require a setback from platted residences as developers

frequently obtain plats for areas that do not proceed to development. Because so few potential locations will be in compliance with this setback provision, it will effectively act as a ban on development and could give rise to “takings” claims by operators and mineral interest holders.

2-2-15-5.9.a. Vesting of Permits.

The County’s revised regulations now provide that if at least one well is drilled and completed during the initial three-year period following approval, such approval permanently vests the permitted location for the number of wells contained within the initial permit. This provision was not in previous draft versions of the regulations.

COGA appreciates the addition of this vesting provision but believes it needs a couple of clarifying changes. First, COGA requests that the provision be changed to resemble the County’s earlier vesting provision such that failure to vest within three years will allow the County to reconsider best management practices (“BMPs”) and other conditions of approval, rather than requiring operators to go through the arduous process of reapplication. Second, the trigger for vesting should be completion of pad construction rather than completion of drilling and completing at least one well on the pad. Pad construction should be sufficient to indicate the intent of the operator to develop the location rather than drilling and completing which is tied to the vagaries of different economic factors as well as COGCC permit approval, which is beyond the control of the operator.

2-2-14-5.10 and 2-2-14-01. Major Amendments.

The revised regulations now require that operators seek an amended permit from the County for all “substantial” modifications of OGFs and applies the provisions of Chapter 4 – Oil and Gas Facility to any substantially modified OGFs. Such substantial modifications are deemed “major” amendments. This provision was not in previous draft versions of the regulations

While deemed to be “major amendments,” the list of what constitutes a major amendment in the revised regulations includes relatively minor events such as increases in on-site storage and any addition of production equipment. Accordingly, an operator who, pursuant to new state regulations or permit requirements, adds an emissions control device to its operation could be deemed to have substantially modified its operations requiring an amended permit. Similarly, an operator who adds a new piece of equipment to reduce noise from its operations or adds a Lease Automatic Custody Transfer (“LACT”) at its facility to further reduce emissions and utilize pipelines (as otherwise desired through these regulations) could be deemed to have substantially modified its permit. As a result, these provisions substantially disincentivize operators from taking common-sense measures to reduce emissions or noise or indeed implement most BMPs at the site to reduce impacts from development. COGA requests that the County modify these provisions to reflect events that are truly “substantial” modifications of the OGF.

4-10-2-3-3.6.b. Automatic Safety Protective System and Surface Safety Valves.

Under the revised regulations, operators must test automated safety systems quarterly to ensure functionality and provide results of testing to the County. This requirement is unreasonable as evidenced by the fact that federal and state safety law do not require such testing on a quarterly basis. Instead, testing frequencies are dictated by manufacturers' recommendations. Section 7.2.1 of API RP 74 states, "Critical equipment should be periodically inspected and tested as recommended by the manufacturer or in accordance with recognized engineering practices."

Accordingly, if a manufacturer suggests that a piece of equipment be tested annually for preventative maintenance, then testing on a quarterly basis would neither be "reasonable" nor "necessary." This regulation should be revised to provide that "safety systems shall be tested at an interval that complies with manufacturers recommendations, but such inspections shall occur at least on an annual basis. Additionally, operators shall test automated safety system to ensure functionality and provide results testing to County upon request by the County."

4-10-2-3-3.10. Recycle, Reuse and Disposal of Fluids.

The revised regulations provide that operators "shall" recycle drilling, completion, flowback and produced fluids unless technically infeasible. Yet in many instances recycling these fluids is not economically or legally feasible, and the revised regulations should take these limitations into account by encouraging rather than mandating recycling. Specifically, operators frequently have agreements already in place with surface owners to purchase fresh water from landowners for oil and gas drilling. Requiring recycling could result in a breach of these agreements and push operators and surface owners into costly litigation. Recycling of these fluids is also in many cases not likely to be economically feasible as it would require operators to maintain significant and large recycling facilities (such as significant water impoundments), obtain multiple permits from various jurisdictions for these facilities; and develop a mechanism for transporting the fluids from these recycling facilities to each site. Further, in certain scenarios, use of recycled water and fluids could result in the use of more fresh water per completion.

Similarly, the regulations should encourage, rather than mandate, that produced water be transported by pipelines. This would be an unprecedented, first-of-its-kind, requirement in federal, state, and local regulation of oil and gas fluid waste management adopted without any determination as to the technical, economic, or legal feasibility of the requirement. It is unclear whether the County intends that considerations of technical infeasibility include impediments in obtaining rights-of-way or in obtaining contracts from produced water facilities and transporters. Because oil and gas operators do not have a right of condemnation of land, mandating the use of pipelines imposes significant logistical and financial burdens and may make it even more difficult (if not impossible) for operators to obtain rights-of-way in a cost-effective manner. The mandate to transport produced water by pipelines is neither "reasonable" nor "necessary."

4-10-2-3-3.13. Well Plugging and Abandonment.

The revised regulations impose substantial well plugging and remediation obligations for all plugged, decommissioned and abandoned wells within one quarter mile of the projected track of the borehole for proposed wells. Among other obligations, these regulations require operators to suspend operations until contamination discovered from a decommissioned or abandoned well (even if the contamination results from the activity of another operator) is remediated to the County's satisfaction.

As an initial matter, it is fundamentally unfair to ask an operator to undertake these extensive and expensive actions with respect to another operator's wells. There is no valid legal basis to impose this kind of strict liability cleanup requirement on an operator solely because it seeks to develop within the County. The existence of any soil contamination—including from abandoned wells not associated with the operator and for which the operator has no obligation to re-enter—should not provide the County with unfettered discretion to halt development. Such a requirement on its face is neither “reasonable” nor “necessary.”

Further, this is a textbook example of local government regulations impermissibly seeking to regulate subsurface activity that remains solely within the jurisdiction of the COGCC. The revisions to the Colorado Oil and Gas Conservation Act and the Land Use Control Enabling Act provided in Senate Bill 19-181 limit local government authority over oil and gas operation to the regulation of land use and surface impacts. SB 19-181 did not provide local governments with the authority to regulate the technical subsurface aspects of oil and gas operations, including downhole operations or plugged and abandoned wells. Indeed, SB 19-181 expressly instructed the COGCC, and not local governments, to engage in a rulemaking on these and other downhole issues. § 34-60-106(2)(b) (providing the COGCC with the authority to regulate “the stimulating and chemical treatment of wells” and requiring it to engage in rulemaking considering the “construction, operation and closure of production wells[;] that wells are constructed using practices and standards “that protect water zones and prevent blowouts[;] and “enhance safety and environmental protections during operations such as drilling and hydraulic fracturing[.]”).

For this reason, the proposed regulations related to the technical aspects of plugging and abandoning wells and drilling new wells, exceed the scope of Adams County's legal authority, and remain solely within the scope of the COGCC's jurisdiction. Any Amendments requiring surveyed coordinates, notice, or other expanded mandates of COGCC Rule 311 and 319 will be in violation of SB 19-181.

4-10-2-3-3.14. Use of Electric Drills Rigs and Tier 4 Engines to Mitigate Noise.

A blanket requirement to use electric drill rigs is not economically feasible or practical given the current supply of electric drill rig engines and the difficulty in accessing electric grid power. In many instances, the access point to grid electrical service with the voltage and amperage required to operate a drilling rig is too far from the drill pad to make using grid power feasible. Additionally, electric drill rigs are in very short supply, making it nearly impossible in most instances to comply with this requirement.

It is also not reasonable or necessary to require the use of Tier 4 “or better” engines to mitigate noise. There is only one fleet in the United States that has Tier 4 engines available, making their use nearly impossible in many instances. And noise data compiled by operators shows that the sound averages for Tier 2 vs. Tier 4 quiet fleets are almost identical, with Tier 4 averages slightly *louder* than Tier 2. Further, as stated in COGA’s August 4 letter to the County, Adams County does not have the legal authority under the federal Clean Air Act to regulate the types of engines used at oil and gas production facilities. Simply transferring the proposed regulations of engines to the “noise” section does not avoid preemption claims or the fundamental purpose for which Adams County is proposing to adopt those provisions.

4-10-2-3-3.15.c. Requirement that Operators May Not have Permanent On-Site Storage Tanks.

The Proposed Regulations continue to be confusing and lack clarity. By stating that operators must “utilize . . . completions and productions systems without permanent on-site storage tanks for containment and/or recycling of all drilling, completion, flowback or produced fluids,” it appears that Adams County is attempting to require operators to employ tankless production techniques without any maintenance or water storage tanks.

However, in other places in the regulations, the requirement to utilize tankless production is discretionary and only “may” be required and other provisions clearly contemplate how storage tanks will be regulated (e.g., both with respect to berming and control requirements). Any requirement not to have permanent on-site storage tanks during completion and production is technologically and economically infeasible. While a significant portion of the completions activities utilize skid-mounted temporary frack tanks, operators do use permanent equipment on-site at times during the completion process in order to reduce emissions. These permanent storage tanks (which are controlled by combustion devices) would now be prohibited by this provision.

While operators continue to look for opportunities to use tankless operations, there can be significant impediments to doing so, including the availability of oil pipelines that are capable of and willing to transport necessary quantities of liquids with a sufficiently high vapor pressure and even tankless facilities typically require maintenance or produced water tanks. It is unreasonable and unnecessary for the County to eliminate the use of all permanent on-site storage tanks for all sites. This provision also appears to require that emissions during completions be routed to and controlled by a flare or a combustor. Federal and state law allow the use of skid-mounted temporary frac tanks during completion operations – and these open-top tanks cannot be routed to a flare. And use of closed top tanks during completion operations creates a safety concern.

As noted above, operators often use permanent on-site storage tanks routed to a combustion device during portions of the completion process – but they cannot be used exclusively. And, strangely, this same provision would ban their use.

4-10-2-3-3.15.g.i. Requirement for Continuous Monitoring System.

The Air Pollution Control Division (“APCD”) plans to hold a regulation on continuous emissions monitoring in the next year. In preparation, the APCD has been clear that it does not have enough information at the current time to understand: (1) the technologies available to conduct continuous emissions monitoring; (2) the pollutants for which continuous emissions monitoring is available and reasonable; (3) the cost of technologies for conducting continuous emissions monitoring; (4) concerns regarding implementation of continuous emission monitoring systems; and (5) the value of continuous emission monitoring systems from an emissions perspective.

In light of this upcoming rulemaking and the complexity of the issue, it is premature for Adams County to be mandating any requirements for continuous emissions monitoring – particularly for the range of pollutants proposed, which includes some pollutants that are not found in any significant level at oil and gas facilities. COGA strongly recommends that this provision be eliminated at least until the APCD completes its rulemaking.

4-10-2-3-3.15.g.vi. Use of No-bleed Continuous and Intermittent Pneumatic Devices.

It is not technically nor economically feasible to replace all-natural gas pneumatics with electricity or instrument air, or by routing the discharge emissions to a closed loop-system or process. This would go far beyond what is currently required under existing federal and state regulations, which already require the use of low-bleed or intermittent pneumatics for new facilities.

COGA also believes that it is premature for Adams County to adopt no-bleed pneumatic controllers. The Colorado Statewide Hydrocarbon Emission Reduction (“SHER”) stakeholder group has been discussing no-bleed pneumatic controllers, and it continues to be in the process of gathering data. Additionally, the AQCC will be proposing pneumatic controller regulations for rulemaking consideration. It simply makes no sense for the County to attempt to regulate this complex area without first waiting to see the outcome of the SHER stakeholder process and the AQCC’s rulemaking.

4-10-2-3-3.4. Inspection and Enforcement.

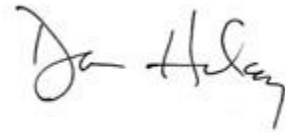
As an initial matter, the County regulations impose penalties for conduct that is unrelated to leaks, spills and emission – such as paperwork violations – when SB 19-181 expressly provides that local governments may only impose fines and penalties for “leaks, spills and emissions.” The County should clarify how it intends its penalty framework to apply to existing oil and gas operations and locations and how the County intends to address its specific jurisdiction over violations relating to surface impacts of oil and gas operations versus those violations that are within the COGCC’s jurisdiction for the development and production of oil and gas.

Additionally, operators anticipate that in many instances, conditions of approval (“COAs”) or BMPs required on its County OGF Permit will mirror those that are required on a COGCC Form 2A or Form 2. This could lead to an operator being assessed

the same fine twice, once by the County and once by the state, for the exact same violation. This would lead to fines disproportionate to the conduct and to circumstances where the State and County disagree about whether a violation occurred and how the penalty should be assessed, engendering confusion and conflicting penalty assessments. COGA's members request more guidance on the County's proposed penalty schedule as well as how it will be implemented, particularly in light of the County's limited jurisdiction over only oil and gas surface impacts and not also oil and gas downhole aspects.

Finally, while COGA appreciates the inclusion of the required hearing, enforcement and appeal procedures related to air quality violations, we propose some specific revisions to this language which can be found at Appendix A to this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dan Haley", is positioned above the typed name.

Dan Haley, President and CEO, Colorado Oil & Gas Association

cc (via email):

Adams County Commissioners

Heidi Miller-Adams County Attorney

Mark Mathews-Brownstein Hyatt Farber Schreck, LLP

Julia Rhine-Brownstein Hyatt Farber Schreck, LLP

Andrew Casper-Colorado Oil & Gas Association

Ryan Seastrom-Colorado Oil & Gas Association

From: [CommissionersMailbox](#)
To: [Katie Keefe](#)
Subject: FW: Changing the distance of an oil well from a residence
Date: Monday, August 26, 2019 8:01:56 AM

Erica Hannah
Clerk to the Board of County Commissioners, Board of County Commissioner's Office
ADAMS COUNTY, COLORADO
4430 S. Adams County Parkway 5th Floor, Suite C5300
Brighton, CO 80601
O: 720.523.6358 | ehannah@adcogov.org
www.adcogov.org

-----Original Message-----

From: Veronica Marshall [<mailto:ronnymarshall@gmail.com>]
Sent: Friday, August 23, 2019 2:19 PM
To: CommissionersMailbox
Subject: Changing the distance of an oil well from a residence

Please be cautious: This email was sent from outside Adams County

Dear Commissioners,

I read that you are soon planning to vote on an issue that was voted on by the entire voting population of Colorado in the 2016 general election. Since the vote for a change to 1,200 feet vs. the current 500 was overwhelmingly voted down by 2/3 vs. 1/3, I am very dismayed that you are considering a change for our county to 1,000 feet. I am very dismayed that you are considering a vote on it at all, AND it doesn't seem that any public hearings are being held. I believe it is underhanded. I can understand that cities might wish to have stricter rules due to their density of population, but many people, such as myself, do not live within the confines of a city or its rules.

I implore you to vote with the people of Colorado and vote no on extending the allowable distance beyond the current 500 feet.

Thank you,
Ronny Marshall

From: [Erica Hannah](#)
To: [Katie Keefe](#)
Subject: Fwd: Providing Comments for Planning Commission - Rev 01
Date: Thursday, August 22, 2019 6:30:14 PM

Get [Outlook for iOS](#)

From: Matt Mount <mmount@gwogco.com>

Sent: Thursday, August 22, 2019 5:57:25 PM

To: Erica Hannah <EHannah@adcogov.org>; CommissionersMailbox <commissioners@adcogov.org>

Subject: Providing Comments for Planning Commission - Rev 01

Please be cautious: This email was sent from outside Adams County

Erica Hannah

Clerk to the Board of County Commissioners

Adams County Government Center

4430 South Adams County Parkway

Brighton, CO 80601

Dear Ms. Hannah,

My name is Matthew Mount, my address is 1001 17th Street, Suite 2000, Denver, CO and I am the Vice President of Drilling for Great Western Petroleum, and I am writing today to provide technical perspective for the Planning Commission and Board of Commissioners regarding Adams County's proposed oil and gas regulations.

As I reviewed the proposed regulations, I have a major concern that in many cases they are simply not technically or economically feasible. For example:

- Chapter Four addresses tankless production techniques and pipeline requirements.
 - Often times it is not technically or economically feasible to install pipelines for oil and water transportation.
 - We always look for opportunities to use pipelines for transportation of produced liquids and most of the time we are able to successfully access existing pipeline infrastructure or we can work with 3rd party pipeline companies to install new infrastructure.
 - However, we can never guarantee that pipelines will be available for oil and water transportation.
 - As it is currently written this regulation is an unprecedented first-of-its-kind requirement with nothing comparable in any existing federal, state or local oil and gas regulation.
 - In addition it contains no method or criteria for determining the technical, economic, or legal feasibility of adhering to the requirement.
 - It is unclear whether the County intends that considerations of technical infeasibility include failure to obtain the necessary pipeline rights-of-way, failure to obtain contracts with

- produced water disposal facilities and failure to obtain agreements with pipeline operators.
 - Oil and gas operators do not have the legal right of condemnation necessary to guarantee that we can obtain rights of way for new pipelines. In addition we cannot force pipeline owners/operators to transport our fluids. And likewise we cannot force a commercial water disposal facility to take our produced water.
 - Failure to obtain ROW and failure to come to terms with pipeline operators and disposal facilities occur all the time; and the only option available when that happens is to utilize trucks for transporting the produced fluids.
 - A blanket mandate requiring the use of pipelines in many cases will be a blanket mandate that bans oil and gas operations all together.
 - In this respect, and for these reasons, as it is currently written, the mandate to transport produced oil and water by pipelines is neither “reasonable” nor “necessary.”
- Instead of mandating pipelines, the regulations should encourage that produced oil and water be transported by pipelines. Then the regulation should define the criteria that must be considered and the steps that must be taken when evaluating the technical, economic and legal feasibility of installing pipelines. And in cases where pipelines are not feasible, then the regulations should define what mitigating steps should be required to address legitimate issues associated with the use of trucks for the transport of the produced liquids.

I also have concerns regarding the regulations pertaining to Odors that are associated with the drilling fluid.

- Part b. of the proposed Odors regulation states the following: “Operator must prevent odors from oil and gas facilities from affecting the health and welfare of the public by proactively addressing and, to the fullest extent, resolving complaints filed by members of the community, in coordination with County and Tri-County Health Department staff.” The regulation also references Colorado Department of Public Health and Environment, Air Quality Control Commission, Regulation No. 2 Odor Emissions, 5 CCR 1001- 4, Regulation No. 3, 5 CCR 1001-5, and Regulation No. 7, 5 CCR 1001-9 sections VII and VIII.
 - No part of this regulation provides any guidance or rules on how to determine if a particular odor affects the health and welfare of the person making the complaint.
 - For comparison, consider the existing Colorado statewide regulations related to acceptable noise levels.
 - The existing noise regulations give clear limits of acceptable decibel levels and provide scientifically based instructions and methods for measuring the noise level so that it can be determined if corrective action is required.
 - The proposed Odors regulation provides no such guidelines or definitions.
 - The Odors regulation as it is currently written provides no method to objectively or scientifically determine if a particular odor puts the health and welfare of a community member at risk and it provides no requirements for how to determine if a complaint has been resolved.
 - Since the issue of regulating Odors generated by all sources is already covered in the Colorado Department of Public Health and Environment, it is unnecessary to apply additional regulations at the County level.
- There are also problems in Section 4 of the Odors regulation (actually it looks like this is a typo because based on the way the rest of this regulation is formatted it should probably be Section c.).
 - Section 4.i states that the County may require the Operator to among other things add an odorant to the mud. In addition it states that “masking agents” are specifically excluded.
 - The County provides no definition or guidelines regarding what differentiates an odorant from a masking agent.
 - This same Section 4.i states that the County may require the use of mud chillers in order to reduce odors.
 - Mud chillers were never designed to reduce odor. They were designed to reduce the temperature of the surface mud system in order to lower the eventual downhole mud temperature to extend the life of downhole electronic components that are susceptible to temperature related failure. As a result, a mud chiller is installed in the last compartment of the surface mud system before the fluid enters the mud pumps. These compartments in the surface mud system are typically 8’ to 10’ deep, and 10’ to 20’ square; so, there is ample space to install the piping needed to circulate the refrigerant that comes from the mud chiller.
 - Ignoring the fact that reducing the temperature of the mud will not reduce the odor, in order

for a mud chiller to have any chance of reducing the temperature of the fluid before it is exposed to the atmosphere and the odor is released, the chiller would have to be installed in the rig's flowline before the mud reaches the shale shakers. The flowline typically consists of a 16" to 24" diameter section of pipe that is 10' to 20' long. Even if there were scientific evidence that chilling the drilling fluid reduced odors, no chiller system exists that can be installed in the rig's flowline or anywhere else upstream of the shale shakers.

- This is a clear example of mandating the use of equipment that cannot be technically or economically applied in the manner that is necessary for it to work. As a result, this requirement should be removed from this regulation.
- Section 4.6 also is problematic (again - this also looks like a typo and perhaps this should be Section 4.vi).
 - This section states that the County may require the Operator to: "Use of at a minimum low odor Type III drilling fluid".
 - Over the last 31+ years spent working on the drilling side of the industry I have never heard of a "low odor Type III drilling fluid".
 - I contacted representatives of several Colorado based drilling fluids companies as well as several drilling fluid companies that based in the Gulf of Mexico; and nobody anywhere in their respective organizations knew what a low odor Type III drilling fluid was. None of them even were aware of a drilling fluid classification system that used a "Type xxx" method of describing or designating drilling fluids. And finally none of them were aware of any defined system of classifying mud systems by their associated odor level.
 - Specific detail needs to be added to this regulation to define what constitutes a low odor Type III drilling fluid.
 - If there is no industry acceptable standard for defining a low odor Type III drilling fluid, then the regulation allowing the County to mandate its use should be removed.
 - If a low odor Type III drilling fluid is something that can be clearly identified, then the regulation should also include technical and economic feasibility exemptions related to the use of a fluid system that appears to be unknown – and presumably unavailable - to a large portion of the oil and gas industry.
- Given the fact that the Colorado Department of Public Health and Environment already has well thought-out and clearly defined regulations related to Odors emitted by all industries working in Colorado, I request that the Adams County Planning Commission and Adams County Board of Commissioners remove the entire Odors section from their proposed regulations.

These are only 2 of the many cases where the proposed regulations attempt to mandate processes and procedures without any consideration to their technical and economical feasibility, or where the regulations mandate the use of equipment or methods to solve problems even when the equipment or method has never been documented scientifically to improve the condition for which its use is being mandated. I urge you to resume oil and gas operations under the current and future COGCC rules and regulations and meanwhile take the time necessary to work with the oil and gas industry and communities and citizens at all levels to develop and implement a regulatory framework that is built on our shared successes—such as our MOU—and that is appropriate to the unique diversity that Adams County represents.

Thank you for engaging our voices in this process, we look forward to continue to work with you so that these regulations can meet the needs of all of Adams County and allow us to continue to produce best-in-class resources for what is truly a best-in-class state.



Vice President Drilling

Great Western Operating Company, LLC

1001 17th Street, Suite 2000

Denver, CO 80202

Direct: (720) 595-2173 (office)

Cell: (918) 688-9425 (cell)

mmount@gwogco.com

Privileged / Confidential information may be contained in this message. This information is intended solely for use by the individual entity named as the recipient. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this communication is prohibited. In such case, you should destroy this communication and notify the sender by reply email.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

From: [CommissionersMailbox](#)
To: [Katie Keefe](#)
Subject: FW: Concerned
Date: Friday, August 23, 2019 11:09:54 AM

Erica Hannah

Clerk to the Board of County Commissioners, *Board of County Commissioner's Office*

ADAMS COUNTY, COLORADO

4430 S. Adams County Parkway 5th Floor, Suite C5300

Brighton, CO 80601

O: 720.523.6358 | ehannah@adcogov.org

www.adcogov.org

From: Jonathan Barber [mailto:jpbrbr7@gmail.com]
Sent: Thursday, August 22, 2019 4:24 PM
To: CommissionersMailbox
Subject: Concerned

Please be cautious: This email was sent from outside Adams County

Erica Hannah

Clerk to the Board of County Commissioners

Adams County Government Center

[4430 South Adams County Parkway](#)

[Brighton, CO 80601](#)

To Ms. Hannah and the Board of Commissioners,

I'm writing because I'm interested in the county's new rules pertaining to oil and gas. I recognize I'm not the only one who is interested in this as anti-oil and gas groups have made their voices heard loudly and repeatedly. I think it's worth remembering who these folks are. Anti-oil and gas groups are trying to paralyze the rulemaking process at all levels of government here in Colorado with alarmist claims about public health. These claims are old and discredited that state health regulators have already looked into many times before. For example, during last year's campaign over Proposition 112, anti-oil and gas activists made every possible health claim they could think of – including a so-called compendium of scientific, health and media findings produced by anti-fracking groups in New York. When reporters asked CDPHE to examine the document, your experts ripped it apart. They concluded it was unscientific and compiled by groups with a clear anti-fracking bias. The so-called compendium was also contradicted by CDPHE's own research and thousands of air quality samples taken in close proximity to Colorado oil and gas development sites – research that showed no elevated short- or long-term health risks.

These false and exaggerated claims from anti-oil and gas groups continue. Recently, a researcher whose work has been roundly criticized and disavowed by the CDPHE published yet another paper trying to link oil and gas development to health impacts.

Activists seized on the paper and promoted its conclusions to the press, but there was just one

problem. In the fine print of the paper, the authors admitted that state health officials had once again disavowed their work. The paper said, “CDPHE specifically disclaims responsibility for any analyses, interpretations, or conclusions.”

So as you undertake these rules, remember whom you’re dealing with. There are those who want to see these rules succeed, and those who want to push a discredited set of talking points to serve an extreme agenda. This all-or-nothing approach being pushed by these groups is not how we do business here in Adams County.

Respectfully submitted,

Jonathan Barber

Sent from my iPhone



Great Western Oil & Gas
1001 17th Street, Suite 2000
Denver, CO 80202

720.595.0302
866.742.1784 Fax
info@gwogco.com
www.gwogco.com

August 22, 2019

VIA EMAIL – NO ORIGINAL TO FOLLOW

Adams County Planning Department
Adams County Planning Commission
Adams County Board of County Commissioners
4430 S Adams County Pkwy
Brighton, CO 80601

RE: Great Western Operating Company, LLC Comments on Adams County Draft Oil
and Gas Regulations Amendments

Dear Adams County Planning Commissioners and Staff:

Great Western Operating Company, LLC (“Great Western”) submitted a comment letter and detailed redlines on the July 23, 2019 version of Adams County’s Draft Oil and Gas Regulations Amendments (“Amendments”). As noted in our letter, Great Western is one of the primary operators in the County and has worked collaboratively with the County for the last several years to responsibly and efficiently develop oil and gas projects in the area. As such, Great Western has a significant interest in the proposed Amendments to ensure they effectuate the County’s goal of promoting the responsible development of oil and gas resources while protecting the public health, safety, welfare and environment, and wildlife.

Great Western appreciates that the County attempted to incorporate some of Great Western’s suggested revisions to Article 4 in the most recent version of the Amendments included in the August 22, 2019 Planning Commission packet. Great Western notes, however, that the County did not incorporate any of our suggested revisions to Chapter 2 of the Amendments. For this reason, Great Western is reattaching the August 13, 2019 comment letter and proposed redlines for both Article 2 and 4 for your additional review and consideration.

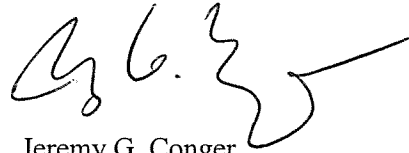
Great Western engaged in a thorough and comprehensive review of the proposed Amendments and our comments and redlines are based on our extensive experience operating and developing oil and gas assets within the County. Our comments are grounded in concerns over technical and economic feasibility, process and logistics, and clarifying confusing or ambiguous provisions to reach greater clarity in practice; with detailed explanations for many of our proposed redlines. Great Western also has concerns over a number of provisions where the proposed Amendments exceed the County’s legal authority under Senate Bill 19-181 or federal law.

As such, Great Western respectfully requests that the Planning Commission review our thoughtful and thorough comments and proposed redlines, and give them due consideration as part of your review and analysis. Great Western also supports the comment letter submitted today by the Colorado Oil & Gas

Association as Great Western played an integral role in developing the letter and supports all of the recommendations contained therein.

Great Western appreciates the opportunity to participate as an interested stakeholder and provide comments on the proposed Amendments. Great Western looks forward to continuing to engage with the County in a meaningful way throughout this process.

Sincerely,

A handwritten signature in black ink, appearing to read 'J.G. Conger', with a long horizontal flourish extending to the right.

Jeremy G. Conger
Senior Vice-President of Operations

cc: Jamie L. Jost – Jost Energy Law, P.C.
Jennifer Biever – Lewis Bess Williams & Weese

Enclosure – Great Western August 13 Comment Letter and Redline

August 12, 2019

VIA EMAIL – NO ORIGINAL TO FOLLOW

Adams County Planning Department
Adams County Planning Commission
Adams County Board of County Commissioners
4430 S Adams County Pkwy
Brighton, Colorado 80601

RE: Great Western Operating Company, LLC Initial Comments to Adams County
Draft Oil and Gas Regulations Amendments

Dear Adams County Planning Commissioners and Staff,

Great Western Operating Company, LLC (“Great Western”) respectfully submits comments to Adams County’s Draft Oil and Gas Regulations Amendments (“Amendments”). Great Western is a Colorado oil and gas operator with a majority of its leasehold assets in Adams County. Our representatives have been working in cooperation and collaboration with Adams County on Great Western’s existing and future oil and gas projects for several years. Great Western appreciates the ability to participate in this stakeholder process and looks forward to engaging with you in meaningful way as this process continues.

With the enactment of Senate Bill 19-181 (“SB 181”) and numerous upcoming Colorado Oil and Gas Conservation Commission (“COGCC”) and Colorado Department of Public Health and Environment (“CDPHE”) rulemakings to implement SB 181, many local governments, citizens, operators, surface owners, and mineral interest owners alike are all trying to navigate SB 19-181’s new dynamic. Such navigation includes regulating for the protection of public health, safety, welfare and environment, and wildlife, along with the protection of real property rights, with the allowance of responsible and efficient oil and gas development. Great Western understands that this is not a simple task for anyone and is grateful for the efforts put forth by Adams County with the current attempts to modify the existing Oil and Gas Regulations.

Great Western has undertaken a substantial and thorough review of the proposed Amendments and believes that it is important to provide individual operator feedback as one of the primary operators within the Adams County boundaries. As such, we have set forth general comments below and have attached a detailed redline for your consideration. The attached redline, with extensive comments included in the body of the document, has also been submitted for consideration by the Colorado Oil & Gas Association. Great Western played a large role in crafting the COGA redline and fully adopts it herein as its own. Importantly, Great Western does have serious concerns with the regulations as proposed by Adams County and believes that a much more narrow and simple regulation would ensure that Adams County meets its goals while ensuring that operators, like Great Western, can pursue their property interests.

General Comments:

1. Under the County's proposed waiver regulations, Great Western would be required to proceed under the waiver process for each and every one of its upcoming Oil and Gas Facilities located within the County boundaries. This is highly concerning to Great Western as the waiver process (as drafted) is lengthy, uncertain and inefficient for purposes of allowing for responsible oil and gas development and production of Great Western's assets in Adams County. Great Western's upcoming four to six Oil and Gas Locations would result in the current Great Western and Adams County Memorandum of Understanding (MOU) being ignored, lengthy and unnecessary hearings by the Board of County Commissioners, and unknown delays on development. Great Western maintains that the waiver process must have certain boundaries or other limitations applied at the outset of an OGF permit discussion with the County. Great Western has provided comments to such process in the attached redline.
2. The OGF Permit process, while thoughtful, presents substantial concerns as to how it will affect Great Western's existing MOU with Adams County. Great Western would like Staff to provide guidance as to how Adams County will treat Oil and Gas Locations that are governed by an effective, pre-existing MOU but need to be modified in order to allow for additional wells or to include additional protections of public health, safety, welfare and environment, and wildlife that may be required by the COGCC. While the legal argument supporting any retroactive application of the Amendments is outside the scope of this submission, Great Western believes that the interplay of an existing, valid contractual agreements and any final adopted Amendments, must be considered in Adams County's legal and fiscal analysis.
3. There are numerous sections and provisions of the Amendments that either (a) reference a specific COGCC or CDPHE regulation, or (b) insert a portion of a specific COGCC or CDPHE regulation. In order to ensure that Adams County is maintaining and abiding by SB 181's mandate that local governments regulate land use surface impacts of oil and gas operations and the COGCC regulates the development and production of oil and gas operations, there should be clear and concise cross-references to existing COGCC regulations pertaining to development and production, which includes but is not limited to any downhole aspect of oil and gas operations. This clarification will not only provide greater certainty to those entities governed by the Amendments, but will also recognize the intent of SB 181 and the separation of authority over oil and gas operations. Great Western recognizes that the COGCC's rules will undoubtedly change over time, but Adams County can maintain that the COGCC references relate to the COGCC regulations in effect at the time an OGF permit is filed.
4. The "Legal Non-Conforming" grandfathering language of the proposed Amendment causes Great Western concern as there are no limitations or sidewalls as to when oil and gas operations, *not* the actual Oil and Gas Location, is considered "extended, expanded or altered in a manner that changes and/or alters the nature, character, or extent of the previously approved permit." See Sec. 4-10-02-03-03-04. This language provides a

subjective standard that could be easily abused if Adams County intended future oil and gas development to be precluded at certain Oil and Gas Locations. Great Western requests that Adams County consider expanding the broad language of this section to either an expansion of the disturbed acreage, a specific % of modifications made to the Oil and Gas Location, or something similar in order to provide a form of stability to operators that a minor modification will not result in the requirement of an OGF Permit for an existing location. Further, the language of this section stating that the grandfathering is only for those “oil and gas operations that were legally established prior to the effective date of these regulations” is concerning because this language implies that the Oil and Gas Location must be constructed, developed and operational, not just merely approved by Adams County. This section should be expanded to include any approved Oil and Gas Location either by MOU, AUSR, or USR process prior to the effective date of any final Amendments.

5. Several regulations seemingly allow for surface owners to make a final determination on whether or not an OGF Permit may be approved by Adams County. Great Western recognizes that surface owner input, desires and mandates are primary considerations in an operator’s and the County’s siting analysis, however, a surface owner should not be the ultimate decision-maker this regulatory process. Real property rights held by surface owners, mineral interest owners and oil and gas operators are all subject to this process and Adams County must retain the right to approve or deny an OGF Permit based on the weight of the evidence and compliance with the Adams County regulations, not based on a surface owners unilateral decision on a location. If an individual surface owner was provided this power, then Adams County will have delegated the very authority it desired and requested from the Colorado legislature to surface owners in the blink of an eye. Surface owner input is necessary and critical to the Amendments, but such input should not result in an immediate and authoritative denial of an OGF Permit.
6. The Amendments provide that Adams County “review all proposed locations in order to determine which location(s) best protects public health, safety, welfare and the environment and will chose the location that best satisfies this goal.” *See Section 2-02-14-05(1)(a)(5)*. This mandate that Adams County is the ultimate arbiter of an oil and gas location ignores the numerous considerations that come into play when an operator analyzes potential oil and gas locations in any given area. In addition to the multitude of considerations for the protection of public health, safety, welfare and environment when an operator assesses the area for an oil and gas location, there considerations relating to surface owner desires, surface rights, surface access, proximity to pipeline infrastructure, compressors and processing plants, mineral rights, leasehold rights, geologic characteristics of the underlying reservoirs, and technical engineering allowances for efficient subsurface development and operations, among other things. The language allowing Adams County sole discretion to determine the ultimate oil and gas location for any given project could easily result in (i) a violation of existing contractual rights, (ii) an immediate impact to mineral and leasehold owner’s real property rights, (iii) an immediate and express prohibition on development in a given area that would turn otherwise developable lands and minerals into *undevelopable* lands and minerals with a significant

(if not total) decrease of the valuation of such real property, and (iv) regulatory takings claims against Adams County due to the harm and damages associated with such prohibition on development¹.

7. The blanket adoption of the Commission's Rule 523 Penalty and Enforcement Fee Schedule is concerning as Adams County has provided no basis for how the penalty schedule will be utilized, how violations will be classified, or how or when Adams County would enforce such alleged violations. The sweeping application of the penalty and fee table included in Section 4 of the Amendments puts an operator at risk of double jeopardy and immediate conflicts between Adams County and the Commission in any enforcement action against an operator. Further, Adams County's authority to enforce against an operator is limited to its land use authority over surface impacts of oil and gas operations, but not over the Commission's authority the development and production of oil and gas operations. *See C.R.S. § 29-20-104(h) and C.R.S. § 34-60-102(1)(a)(I)*. As drafted, Section 4-10-02-03-04(4) applies to all aspects of oil and gas operations in Adams County and ignores the separation of authority required by SB 181. If Adams County adopts this section as currently drafted, it would be direct contravention of Colorado law. Additionally, the Amendments allow Adams County to pursue criminal penalties against an operator which, again under SB 181, could *only* be applied to an operator if the alleged violation was in the context of Adams County's land use authority over surface impacts of oil and gas operations.
8. A review of the Amendments indicate that Adams County utilized voluntary operator agreements from Broomfield and Aurora as the basis for its Amendments. Great Western contends that it is inappropriate to adopt, in whole or in part, a voluntary agreement between an operator and a local government as the foundation for a local government's regulatory authority under SB 181. There are numerous reasons for this, including but not limited to the following considerations. Agreements between a local government and an operator are narrowly tailored to issues relating to that specific operator (one stakeholder) and the activities the local government wishes to regulate (the other stakeholder). Relatedly, the only interests considered in such agreements are those between the single operator and the local government—there is little need in negotiating for either party to consider farther-reaching implications of a deal struck or other stakeholders' concerns. In contrast, the Amendments are all encompassing and will become law unless and until changed. The Amendments will impact all operators (current and future) in Adams County and may be difficult to change—even if certain of the requirements are deemed difficult to implement, unwise, or unwarranted. Unlike voluntary operator agreements, which can be modified through the mutual agreement of the parties at issue, regulatory changes require a significant undertaking with the involvement of numerous stakeholders and parties. In fact, there are unique circumstances that will arise with each different type of individual company engaged in oil and gas drilling, and simply adopting regulations that fit one operator will not fit the individual circumstances of other operators. And most importantly,

¹ This concern also arises in Adams County's attempt to zone out development of oil and gas in residential areas of unincorporated Adams County.



local governments are constrained by their legal authority in the development and adoption of regulations. While operators may voluntarily agree to something over which the local government has no jurisdiction (e.g., downhole considerations), the local government's legal authority to mandate the same requirements for all operators may not exist or may be significantly constrained.

9. Adams County has proposed extensive, comprehensive and in many cases technically and economically infeasible regulations related to public health, safety, welfare and the environment. Great Western has worked with the County historically to ensure the protection of public health, safety, welfare and the environment as part of its MOU and through its communications and cooperation with the County. Great Western has every intention of continuing to do so. However, the Amendments establish many mandatory requirements or potentially mandatory requirements that in many cases have not been established to be: commercially available, technically feasible, economically feasible, or designed to achieved reduction in impacts on public health, safety, welfare and the environment. Great Western worked with COGA to provide substantial comments on many of these provisions and those comments are reflected in the redline submitted by COGA that Great Western has attached here for reference.

We appreciate your consideration of each of the comments set forth herein, as well as on all attachments submitted with this letter, and look forward to discussing these in greater detail in the near future.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. G. Conger", written over a horizontal line.

Jeremy G. Conger
Senior Vice-President of Operations

cc: Jamie L. Jost – Jost Energy Law, P.C.
Jennifer Biever - Lewis Bess Williams & Weese

Enclosure – Redline to Adams County Proposed Regulations

2-02-12-07 ACTION BY THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FOLLOWING APPROVAL

Upon final approval and fulfillment of all requirements of the Director of Community and Economic Development, the Director of Community and Economic Development shall issue a temporary use permit. The temporary use permit shall describe in detail the temporary use allowed by the permit, include all specific conditions applied by the permit issuing authority, and be accompanied by an official site plan modified by the applicant to reflect the conditions of the permit.

2-02-12-08 EFFECT OF APPROVAL

Issuance of a temporary use permit shall be deemed to authorize only the particular use and activity for which it is issued. The temporary use permit is nontransferable. The applicant shall be subject to all other permits required by these standards and regulations to use the land in accordance with the temporary use permit.

2-02-14 OIL AND GAS FACILITY (OGF) PERMIT

Comment: Any avenue for operator agreements to supplant permits? COGA additions/deletions are in track changes and highlighted. To the extent the County is considering or has already considered modifications consistent with COGA's proposed changes, COGA thanks the County in advance.

2-02-14-01 PURPOSE

The purpose of the oil and gas facility regulation is to allow for reasonable development of oil and gas in unincorporated Adams County while ensuring that facilities are sited in appropriate areas and utilize best practices to protect the health, safety, and welfare of our residents.

The purpose of an OGF Permit is to regulate the surface ~~impacts land use~~ of oil and gas ~~production operations~~ in order to protect the public safety, health, welfare and the environment of Adams County and its residents by ensuring that Oil and Gas Facilities are constructed and operated in accordance with best practices, to provide for sound environmental practices to protect the County's natural resources, to provide for the orderly siting ~~and development~~ of oil and gas operations, as well as to prevent damage to County roads and bridges.

The Colorado Oil and Gas Conservation Commission (COGCC) and the federal government have authority to regulate certain aspects of oil and gas mineral extraction, including but not limited to the development and production of oil and gas. Requirements contained in this section shall not exempt the owner or operator of an Oil and Gas Facility from compliance with the requirements of the COGCC or any other regulatory authority.

The provisions of these standards and regulations shall apply to the construction, installation, alteration, repair, erection, location, maintenance, and abandonment of all new or substantially modified **Oil and Gas Facilities** within the unincorporated areas of the County.

Comment: The above revision ensures consistency with changes to article 4.

2-02-14-02 APPLICABILITY

All uses that require an OGF must be processed in accordance with this Section. The Director of Community and Economic Development is the permit issuing authority for OGF Permits that do not require any waiver from approval criteria or performance standards. OGF Permits requiring waivers from approval criteria or performance standards must be approved by the Board of County Commissioners **or Director of Community and Economic Development, as appropriate,** through the designated Waiver process.

Comment: OGF permits with waivers require approval from BOCC and such process must have a reasonable timing component associated with the BOCC's review and hearing process. The County should not waste its time reviewing and analyzing and operators should not waste their time analyzing and planning applications that are dead because a waiver or modification is necessary for the permit to be approved.

2-02-14-03 WHO CAN INITIATE AN OGF PERMIT

An OGF Permit may be requested, without limitation, by any owner of, or person demonstrating a legal interest in property on which the OGF use is proposed to be located. The applicant has the burden of proof to demonstrate the use fully complies with these standards and regulations and meets the criteria for approval.

2-02-14-04 OGF PERMIT REVIEW PROCEDURES

An OGF Permit may be approved by the Director of Community and Economic Development if the application does not require waiver or modification from any approval criteria or performance standards. An OGF Permit requiring a waiver or modification from any of the approval criteria or performance standards must be approved by the Board of County Commissioners **and requires a public hearing or Director of Community and Economic Development, as appropriate.** The Director of Community and Economic Development or the Board of County Commissioners shall approve, approve with conditions, or deny the OGF Permit based on consideration of the staff report, the evidence from the public hearing (if applicable), and compliance with the criteria for approval.

Comment: COGA's membership has advised that given the prescribed standards and setbacks of these draft regulations, every one of their OGF Permit applications would require a waiver. This would be an enormous administrative burden on County resources and particularly unnecessary where a proposed

location is relatively uncontroversial. Where an operator seeks a minor modification, partial waiver or full waiver of approval criteria or performance standards and proposes alternative or substitute protective of public health, safety, welfare and the environment (“PHSWE”) Best Management Practices (“BMPs”), the operator should still be afforded an administrative path to approval. At the least, the County should consider adding limitations to the waiver process or building in exceptions to the waiver process to ensure that not every OGF Permit application requires a public hearing. COGA suggests conforming changes below whereby the Director of Community and Economic Development may administratively approve waivers or modifications of approval criteria and performance standards at non-controversial locations or where impacts are appropriately mitigated or avoided by means other than those specified by these rules.

2-02-14-05 OGF PERMIT REVIEW STEPS

The processing of a proposed OGF permit shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures (although not necessarily conducted in the following order) as follows:

Comment: COGA urges the County order these steps such that the conceptual review and alternative siting analysis occur before any other step. The Development Application submittal should only be required for the site among the alternative sites proposed that the County approves as a potentially eligible candidate for permit approval. It is a waste of County resources, as well as operators’, for the County to review and operators to prepare development applications for sites rejected through the alternative siting analysis process.

1. Conceptual review. Operator shall identify at least two-three proposed locations for the Oil and Gas Facility for the Alternative Site Analysis process outlined below. For each location, operator shall identify, and visually depict the same on a map, the following items that are located within a half-mile radius of the parcel boundary of the proposed OGF facility: existing or platted residences, occupied buildings, parks, open space, schools, state licensed daycares, known areas of environmental contamination such as superfund sites, hospitals, water bodies, floodplains, floodways, existing active and decommissioned wells, and roadways. Proposed access routes to the site should also be provided. This information must be submitted to Community and Economic Development for review. Following that, a conceptual review meeting shall be held with the operator. Operators are encouraged to schedule a conceptual review prior to entering into any surface use agreements.

Comment: When is a permit application considered submitted, given all of the steps for conceptual review? Currently if an operator’s proposed location is in conceptual review and the

operator has not submitted a final AUSR, its permit is not considered “submitted,” meaning that if a moratorium is enacted, any locations that are in conceptual review cannot move forward. The official permit submittal should be considered to occur when the conceptual review application is submitted. This will also help timing of competing operator submittals.

Further, COGA’s members have concerns about the need to identify at least three (or two) sites and whether this requirement is mandated for all development of real property in the County. After an operator considers access to minerals, applicable setbacks and other concerns, finding three (or even two in many instances) surface locations can be extremely difficult. In targeting particular minerals, often there will be no or perhaps one available alternative site that is feasible for consideration. Providing three potential locations will often be a difficult, and sometimes, impossible threshold for an operator to meet, depending on the topography of the location, surrounding land uses, surface use agreement requirements, and multiple other considerations. There must be an option for less than 3 alternative locations to be provided for review in order for the OGF permit process to function appropriately. There needs to be a way that a waiver can be applied for if there are less than three (or two) alternative sites available for use prior to the conceptual review. For example, there could be surface owner requirements that prohibit an operator from presenting three (or two) alternative locations.

Further, Adams County recommends that there should be no execution of a Surface Use Agreement prior to meeting with the County, but how can operators identify proposed locations if they have no idea if they’re viable because there is no Surface Use Agreement? The County’s recommended practice could have a detrimental effect on existing, valid Surface Use Agreements as well as negotiations for new Surface Use Agreements.

The alternative locations analysis is an incredibly extensive process that should be discussed in more detail with operators prior to enactment of these regulations and during the processing of each particular application.

- a. **Alternative Site Analysis:** ~~Prior to submittal of any spacing application or Form 2 or 2A to the COGCC and during the conceptual review, The~~ applicant must consult with the County on an Alternative Site Analysis as outlined below:

Comment: COGA requests that the County allow the state and the local permitting and spacing processes to run concurrently.

1. In General. The County seeks to site OGFs in areas that have the least off-site impact possible in order to protect the health, safety, and welfare of its residents and to protect the environment and wildlife. In order to determine whether proposed siting is appropriate, CED staff must evaluate alternative sites.
2. Description of potential sites. Applicant must submit descriptions of at least ~~two~~ ~~three~~ **(23)** potential sites for the OGF that were considered by applicant. Description must

include description of site locations considered, whether mineral extraction is possible and reasonable from those sites, the off-site impacts associated with those sites, and why a particular site is proposed, if any.

3. Evaluation materials. CED staff will evaluate the potential sites to determine which site is likely to have the least off-site impacts. The CED Director will determine whether applicant is required to provide traffic impact studies, engineering studies, ~~Environmental Impact Analysis as defined in these standards and regulations,~~ or other evaluation tools in order to adequately evaluate site options. If not required by CED Director as part of alternative site analysis, these site-specific evaluation tools can be submitted by applicant after site selection has occurred.

Comment: The above Proposed Regulation states, “Environmental Impact Analysis as defined in these standards and regulations.” The Proposed Regulations do not, however, define “Environmental Impact Analysis.”

4. Evaluation criteria. In determining which sites are likely to have the least off-site impact, CED may consider the following:
 - i. Distance from existing or platted residences, schools, state licensed daycares, occupied buildings, active open spaces, environmentally sensitive areas, or other areas likely to be adversely impacted;

Comment: Please provide definitions for “active open space” and “environmentally sensitive areas.” Definitions for each of these: residences and occupied buildings and environmental sensitive areas, as well, unless the COGCC definitions are intended to govern, which COGA submits they should.

- ii. Traffic impacts and impact to roads, bridges, and other infrastructure;
 - iii. Access to water and other operational necessities;
 - iv. Whether the site allows for utilization of impact mitigation, such as use of proximate pipelines;
 - v. Noise impacts;
 - vi. The impact on the surrounding land;
 - vii. The impact on wildlife; and

viii. Impact on nearby environmental resources such as water bodies.

5. Site Selection. The county shall review all proposed locations in order to determine which location that allows access to mineral (s) best protects public health, safety, welfare, and the environment and will work cooperatively with Applicant to determine jointly choose the location that best satisfies this goal. ~~The Director of Community and Economic Development will determine if any proposed sites meet this goal. If no location satisfies this goal, Operator shall submit three new proposed locations. Alternatively, the County may suggest alternative location(s) or may recommend denial of the OGF Permit if it does not believe that any of the proposed sites meet the siting goal.~~

*Comment: First, the site should be determined jointly by the County and Applicant to ensure that real property rights are acknowledged in the discussions and analysis and only one site should be selected, unless at issue is an operator's proposal for multiple sites accessing different minerals. Second, if the three additional sites end up being required, what is the purpose of proposing an additional **three** sites? The sites are being compared against each other so if an operator proposes one new site, the analysis covers four sites. If the original three do not work, an operator should not have to submit six sites total.*

Additionally, in the event the Director determines that none of an operator's original sites are appropriate and an operator proposes new site(s), please clarify whether an operator would propose yet more sites if the additionally proposed site(s) was also deemed inappropriate. The concern is that this could become an infinite loop of an operator proposing sites and the County rejecting them. Additionally, by what criteria would the County suggest alternative locations? The County cannot require a surface owner to enter into a surface use agreement, and is unlikely to have the geological and other technical expertise to propose suitable locations.

As mentioned above, COGA urges the County to order these steps such that the conceptual review and alternative siting analysis occur before any other step. The Development Application submittal should only be for the site among the alternative sites proposed that the County approves as a potentially eligible candidate for permit approval. It is a waste of County resources, as well as operators', for the County to review and operators to prepare development applications for sites rejected through the alternative siting analysis process.

2. Neighborhood Meeting: Applicable for the site proposed by the operator and agreed to by the County as the site that meets the County's siting goal, unless waived by the Director of Community and Economic Development. ~~Director of Community and Economic Development will determine whether neighborhood meetings are required for all or some of the proposed alternative sites.~~ At the neighborhood meeting, the applicant shall provide an overview of its

proposed oil and gas operation and allow those in attendance to provide constructive input as to the proposed operation, including, but not limited to, issues that arise from application of these regulations to the proposed operation, and suggested mitigation to adequately ensure compliance with these regulations.

Comment: COGA submits that it does not make sense to have a neighborhood meeting for a site that the County does not think is suitable. As well, the time of residents is wasted by attending an irrelevant meeting for a site that is not the site that may be eligible for a permit. This provision could easily confuse residents about where a site might be going and create hostility among residents themselves.

3. Development Application Submittal: Community and Economic Development has developed a check list of required submittals for OGF Permits that may change from time to time. At a minimum, the following items are required as part of an OGF application submittal:

- a. **Application Form**: a completed OGF Permit application form.
- b. **Application Fee**: OGF application fee
- c. **Operations Plan**:

- 1. **Plan Format**: Two hard copies of all plans shall be provided and one copy of the plans shall be provided in digital format, on either a thumb drive or CD or some other acceptable means. No plans shall contain copyright restrictions or public use restrictions.
- 2. **Cover Sheet**: The cover sheet shall have a title block with the reference to an Administrative Use by Special Review, project name, and location by section, township and range. The cover sheet shall also include a legal description of the area, date of the drawing, existing zoning of the site, a sheet key, a vicinity map with north arrow (scale of 1" = 2,000' preferred) with an emphasis on the major roadway network within two (2) miles of the proposal, and all applicable County notes, an approval signature block and a block to insert the COGCC Permit number when approved. Upon approval, the first sheet will be signed by the Director.
- 3. **Impact Area Map**: The second sheet shall contain an Impact Area Map that shows the proposed location of the Oil and Gas Facility, locations of all existing oil and gas wells within the one-half (0.5) mile impact area, locations of all producing, closed, abandoned, and shut-in wells and other oil and gas operations within one- half (0.5) ~~(+)~~ mile

of the site, locations of all **known** water wells within **.51/2** mile of the proposed Oil and Gas Operation, Existing improvements within 1,500 feet of the location on which the operation is proposed, and all existing and proposed roads within the one-mile impact area.

Comment: It is confusing to have different distances for Impact Area Map requirements. COGA submits it is more straight-forward to use one distance for all Impact Area Map requirements.

4. Drilling Operations Plan: The third sheet shall provide a site plan of drilling operations with drilling equipment with existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County. The applicant shall verify current information regarding what datum is acceptable to the County, prior to submitting the application for the Administrative Use by Special Review. The layout of the drilling equipment may be shown as a typical plan, if the County deems it appropriate for the extent of development of the proposed Oil and Gas Facility.
5. Production Plan: The fourth sheet shall provide a site plan of production operations with production equipment such as tanks and compressor stations with existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County. **~~The production plan shall also identify proposed drilling and completion schedules.~~** A seed mix shall be provided for reseeding the well pad. Equipment layout may be a typical plan appropriate to the degree of development for the Oil and Gas Facility, if the County deems it appropriate for the extent of development of the proposed Oil and Gas Facility.

Comment: While there may be reasons to provide certain operational plans, COGA members have safety concerns related to the mandated submission of drilling and completion. Additionally, even were there not safety concerns precluding the sharing of a schedule, it needs to be understood that any proposed schedule would be tentative. At the planning phase, operators are simply unable to commit to drilling and completion schedules. Schedules are often dictated and impacted by factors outside of an operator's control, such as rig availability and market conditions.

6. Signage Plan/Sign Detail: A dimensioned Signage Plan or Sign Detail shall be included on one of the sheets describing and illustrating the appearance, size, location, type, color, material, and illumination of all signs. Directional signs for emergency responders and inspectors

shall be included, along with a 24-hour, 7-days per week contact information to deal with all noise complaints.

7. **Final Plan:** Once the review process is complete and staff has determined that all outstanding issues have been resolved, staff will request a final copy of the Oil and Gas Operations Plan. The final copy of the Plan shall be paper. The final Oil and Gas Operations Plan shall contain the information listed above unless otherwise specified by the County staff.
- d. **Emergency Preparedness and Response:** in accordance with the Emergency Preparedness and Response requirements in Section 4-10-02-03-03(8).
1. **Emergency Service Providers:** The applicant must provide a commitment to serve (“will serve”) letter from the authority having jurisdiction for providing emergency services (fire protection and emergency medical services) for that facility, or, where no authority has jurisdiction, from an emergency services provider with the ability to provide such emergency services.
- e. **Engineering Documents:** The following technical Engineering documents are required by the CED staff unless otherwise waived:
1. **Construction Plans:** If applicable, Construction Plans for the proposed Oil and Gas Operation’s public improvements including road plan and profile sheets, storm drainage improvements plans and other public improvements, prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter 9).
 2. **Pavement Design Report:** If applicable, a Pavement Design Report prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter 7).
 3. **Grading Erosion and Sediment Control:** If applicable, a Grading, Erosion, Sediment Control Report and Plan as defined in the latest version of the Adams County Development Standards and Regulations (Chapter 9).
 4. **Transportation, roads, access standards, and fees:**

- a. The applicant's transportation plan must be designed and implemented to ensure public safety and maintain quality of life for other users of the county transportation system, adjacent residents, and affected property owners.
- b. Where available, existing private roads shall be used to minimize land disturbance unless traffic safety, visual or noise concerns, or other adverse surface impacts clearly dictate otherwise.
- c. Access roads on the site and access points to public roads as identified in the application materials shall be reviewed by the CED department and shall be built and maintained in accordance with the engineering specifications and access road standards defined in the Adams County Development Standards and Regulations (Chapter 8).

~~d. All applicable transportation fees shall be paid prior to issuance of a development plan review construction permit, including without limitation:~~

~~i. Access permit fees~~

~~ii. Oversize/overweight permit fees~~

~~iii. Right of way construction permit fees; and~~

~~iv.i. Traffic impact and road maintenance fees.~~

Comment: Requiring operators to obtain legally valid and applicable oversize and/or overweight moving permit from the County's Public Works Department for all vehicles that exceed legal vehicle dimensions or weights, as specified by the Colorado Department of Transportation and the County's Development Standards and Regulations, during the application process is premature and unnecessary. Industry requests this documentation be provided later in the application process. Indeed, often operators won't know the dimensions and weight of the specific rig drilling their wells during the application process. Additionally, the number of vendors that would be required to submit route info for access permits would be onerous and burdensome on operators, vendors, and the County.

- ~~e.d.~~ Oil and gas operations must minimize impacts to the physical infrastructure of the county

transportation system. Any costs to improve county transportation system infrastructure necessitated by the proposed oil and gas operation shall be the responsibility of the Applicant. All transportation system infrastructure improvements and associated costs shall be determined by the CED department. The County shall perform the work or arrange for it to be performed. If the Applicant disagrees with the infrastructure improvements or associated costs as assessed by CED, it may request that the department approve a different route for its proposed oil and gas operation that avoids the need for such improvements. Alternatively, the Applicant may engage a licensed civil engineering firm to perform a traffic impact study in accordance with Chapter 8 of the Development Standards and Regulations to independently evaluate county transportation system infrastructure improvements necessitated by the proposed oil and gas operation.

f.e. Drainage study/technical drainage letter/plan: If applicable, a Drainage Study/Technical Drainage Letter/Plan prepared in accordance with the latest version of the Adams County Development Standards and Regulations (Chapter 9).

g.f. Floodplain Use Permit: The applicant must obtain a Floodplain Use Permit, in accordance with the latest version of the Adams County Development Standards and Regulations, if the proposed Oil and Gas construction disturbance or operation encroaches into the 100-year floodplain, or the access is crossing a major drainage way, as defined by the latest version of the Adams County Development Standards and Regulations (Chapter 9).

Comment: Similar to the comment immediately above, COGA submits that this permit should only be acquired upon approval of the OGF permit.

~~f. **Water Supply:** the applicant must provide proof of adequate water supply. Operator shall identify a water resource lawfully available for industrial use, including oil and gas development,~~

~~close to the facility location, to be utilized by Operator and its suppliers.~~

Comment: This is better as a condition of approval. Indeed, an operator may not know the best source of water so far in advance, and it may be that a source even closer to the location becomes available after the permit is granted.

g.f. Surface Owner Documentation: Documentation as to whether the surface owner and others with interest in the property have authorized the proposed OGF.

h.g. Additional Information: Community and Economic Development will develop an application check list that may require additional information to process an OGF Permit application. In addition to the items required on the check list, the Director of Community and Economic Development may require additional information deemed necessary to evaluate particular applications.

Comment: When will the application check list be available? What is the process for requiring additional information? Relatedly, what is the timeline for the County deeming an application complete?

4. Determination of Sufficiency: Applicable. No application shall be processed if taxes due on the requested property(ies) are not paid, if inspection fees are not paid, or if fines assessed against the applicant have not been paid.
5. Staff Report: Applicable.
 - a. Concurrent Referral and Review. County staff may refer the complete application for review by the various County Departments and the County Attorney's Office, as deemed appropriate. An application may require review by outside experts or agencies such as the U.S. Army Corps of Engineers, if the project impacts a floodplain, life-safety providers, adjacent jurisdictions, local public health departments, and others as may be deemed appropriate. Operator shall reimburse the County for reasonable costs incurred in connection with the use of third-party expert reviewers.
6. Notice: Applicable, except notice shall be sent by the applicant to all property owners and current residents within a half mile at a minimum, or greater, as determined by the Director of Community and Economic Development. The Notice shall meet the format prescribed by the County. The notice shall contain a statement informing the recipients of the notice that they may request written notification by the

Applicant of the commencement of construction and commencement of drilling operations. The applicant shall provide written notification by U.S. Mail, which shall include an offer to consult, to any municipality or county whose boundaries are within 1/2 mile of the proposed parcel where an application for an Oil and Gas Facility has been filed with the County location.

Comment: Applicant will not know if the property owner has a tenant. It should be the property owner's responsibility to notify anyone living on the property.

7. Public Hearing. Where a public hearing is required on an OGF Permit application, it shall be held in front of the Board of County Commissioners.

Comment: As mentioned above, if the Proposed Regulations do not change significantly from their draft form, this paragraph is essentially superfluous because every OGF permit application will require a waiver. COGA emphasizes this would be an enormous administrative burden on County resources and particularly unnecessary where a proposed location is relatively uncontroversial. Where an operator seeks a minor modification, partial waiver or full waiver of approval criteria or performance standards, and proposes alternative or substitute measures protective of public health, safety, welfare and the environment ("PHSWE"), the operator should be afforded an administrative path to approval. At the least, the County should consider adding limitations to the waiver process or building in exceptions to the waiver process to ensure that not every OGF Permit application requires a public hearing

8. Standards: Applicable.
9. Conditions of Approval: Applicable. The Director of Community and Economic Development in approving a permit for an OGF may attach any technologically and economically feasible conditions necessary to implement the Adams County Comprehensive Plan and to ensure the compatibility with adjacent uses. Conditions may include a requirement of an Access Permit or Oversize Load Permit prior to development of the Oil and Gas Facility, a Floodplain Use Permit prior to any work within the floodplain, or a building permit prior to construction of certain structures within the Oil and Gas Facility. In addition, the approving authority shall specify the term of the OGF Permit. An OGF Permit may be renewed following the same procedure used in granting the initial permit.

10. Amendments. Applicable.

2-02-14-06 CRITERIA FOR APPROVAL

The Board of County Commissioners or Director of Community and Economic Development, in approving an OGF Permit, shall consider:

1. The OGF is consistent with the purposes of these standards and regulations.

Comment: “Consistent with the purposes of these standards and regulations” is subjective and leaves an open door for any or no reason to serve as the basis to deny an application.

2. The OGF will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards, unless specifically waived or modified by the Director of Community and Economic Development or the Board of County Commissioners. If the waiver or modification is required to be approved by the Board of County Commissioners, such approval must come-after public hearing.

Comment: These proposed changes are conforming changes to COGA’s comments regarding the fact that, as drafted, all OGF Permit applications would require waiver or modification.

3. The siting of the OGF, after evaluation of alternative sites, is the most compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, welfare, the environment and wildlife of the County.

Comment: Operators are concerned that “harmonious” and “compatible” are subjective, giving operators, as well as the general public, little guidance and could be used to arbitrarily and capriciously deny a permit application.

4. The siting of the OGF does not create any site specific conditions that present significant or material impacts to nearby land uses that cannot be mitigated or minimized.
5. The OGF has addressed off-site impacts and complies with all applicable performance standards, unless specifically waived or modified by the Director of Community and Economic Development or the Board of County Commissioners. after public hearing.

Comment: These proposed changes are conforming changes to COGA’s comments regarding the fact that, as drafted, nearly all OGF Permit applications would require waiver or modification. COGA requests the County create limitations or exceptions for the waiver/modification process that allow, where appropriate, the Director of Community and Economic Development to approve the waiver/modification without a public hearing . If the waiver or modification is one that the Board must here, it would continue to be after a public hearing.

6. The site is suitable for the use, including adequate usable space, adequate access, or ability construct adequate access, and adherence of environmental and wildlife stipulations~~absence of environmental constraints~~.
7. The site plan for the proposed use will provide adequate parking, traffic circulation, fencing, and screening, and landscaping.

Comment: Landscaping may or may not be appropriate for the surrounding uses, and other visual mitigations may be more compatible with surrounding uses. COGA suggests aligning this with the visual mitigations already in place for the zone where the development will be located; if the zone concept is left in these rules.

8. Sewer, water, storm water drainage, fire protection, police protection, and roads are available and adequate to serve the needs of the OGF as designed and proposed.
9. Cultural and Historical Resources: the OGF does not cause significant degradation of adverse impact to cultural, historic, or archaeological sites eligible for County landmarking, or the National Historic Register.
10. Water Bodies and Water Quality: the OGF does not cause adverse impacts to surface or ground waters within Adams County. The operator shall comply with all applicable water quality standards.
11. Emergency Preparedness and Response: the oil and gas facility does not cause unreasonable risks of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, and hazardous material vehicle accidents or spills.
12. Air Quality: The OGF does not cause significant degradation impacts to air quality.

2-02-14-07 OIL AND GAS FACILITY PERMIT WAIVER

2-02-14-07-01 PURPOSE

The purpose of this section is to establish criteria and detail the steps whereby the Board of County Commissioners, at public meeting, or the Director of Community and Economic Development administratively, may grant waivers or modifications from approval criteria or performance standards normally required for OGF Permits, allow the OGF use in an area not zoned for OGFs, or allow applicant to develop an OGF site not selected by Community and Economic Development.

Comment: As detailed in several comments above, COGA submits this process should be changed to allow the Director of Community and Economic Development to approve waivers or modifications of approval criteria and performance standards where impacts are appropriately mitigated or avoided by means other than those specified by these rules. Also, there should be exceptions to the waiver process. For example, if the surface owner and close residents of a proposed location in –an A-1 Zone do not object to the siting of the proposed location, the applicant should not have to request a waiver because the criteria is an area not zoned for OGFs.

More fundamentally, COGA does not see the purpose of zoning for oil and gas locations given that there is an alternative siting analysis process that must occur under these draft regulations. The unique and individual nature of the proposed site itself, as determined by the site approval process, should govern over an arbitrary zone designation.

2-02-14-07-02 APPLICABILITY

If the OGF permit application is denied based on noncompliance with the approval criteria or performance standards, or if the applicant seeks to develop in an area not zoned for OGF development, or if an applicant seeks to develop on a site not approved by CED staff, or if the applicant does not fall in an exception exempting it from noncompliance with certain approval criteria or performance standards, an applicant may apply for an Oil and Gas Facility Permit Waiver.

2-02-14-07-03 WHO CAN INITIATE A WAIVER

A waiver may be proposed by any applicant that may apply for an OGF.

The applicant has the burden of proof to demonstrate that the waiver or proposed site selection meets the criteria for waiver approval.

2-02-14-07-04 WAIVER REVIEW PROCEDURES

Comment: COGA reiterates that there needs to be a path for applicants to seek a waiver before and during the conceptual review and at any time throughout the OGF permit process. Operators need to be able to request waivers early in the permit process. The County should not waste its time reviewing and analyzing and operators should not waste their time analyzing and planning applications that are dead because a waiver or modification is necessary for the permit to be approved

Any waiver shall be processed through a public hearing before the Board of County Commissioners (See Steps 1 through 10 below) or by the Director of Community and Economic Development administratively. Waiver applications will be heard by the Board of County Commissioners at a public hearing. At such public hearing, the Board of County Commissioners may waive or modify specific regulations or standards requested by the applicant and approve the application, may approve with conditions, or may deny the application.

Applicants may only seek a waiver after submitting a complete application for an OGF Permit and participating in a conceptual review meeting with Community and Economic Development staff or sooner, if the operator knows it will only pursue the permit application if a waiver is possible. If applicant is unable to meet all approval criteria and comply with all performance standards required for an OGF Permit and an exception exempting the operator from compliance does not apply, applicant may choose to seek a waiver from either the Board of County Commissioners or the Director of Community and Economic Development as appropriate under these regulations. The processing of a waiver shall be according to, in compliance with, and subject to the provisions contained in Steps 1 through 10 of the Common Development Review Procedures as follows:

1. Conceptual Review: Must be completed prior to application for waiver as part of OGF Permit process.
2. Neighborhood Meeting: Director of Community and Economic Development will determine whether neighborhood meetings are required after evaluating steps taken as part of OGF process.

Comment: If the County believes the waiver request is a non-starter, it does not make sense to waste residents, the County's or an operator's time with a neighborhood meeting.

3. Development Application Submittal: In addition to all requirements for an OGF Permit, applicant must provide a request for waiver that articulates the specific waivers sought and explains why waivers are necessary.

Comment: This requirement should be modified so that an operator does not go through the steps of obtaining permits and approvals (such as an overweight vehicle permit) for a site that may not be viable. The waiver process should be conducted early in the permitting process.

4. Determination of Sufficiency: Applicable. No application shall be processed if taxes due on the requested property(ies) are not paid, if inspection fees are not paid, or if fines assessed against the applicant have not been paid.
5. Staff Report: Applicable.
6. Notice: Applicable.
7. Public Hearing: Applicable. If a A public hearing is required on a waiver or modification request, it shall be held before the Board of County Commissioners. Any requested waiver that must be heard by the Board of County Commissioners shall be reviewed and acted upon by the Board of County Commissioners prior to issuance of an OGF Permit. The Board of County Commissioners may take testimony from the public at the public meeting.

8. Standards: Applicable.

Conditions of Approval: Applicable. The Board of County Commissioners or the Director of Community and Economic Development, as appropriate, in approving a waiver for an OGF Permit, may attach any technically and economically feasible conditions necessary to implement the Adams County Comprehensive Plan and to ensure the compatibility with adjacent uses.

9. Amendments: Applicable.

2-02-14-07-05 CRITERIA FOR WAIVER APPROVAL

The Board of County Commissioners or the Director of Community and Economic Development, as appropriate, in approving a waiver, shall find:

1. Practical difficulties or significant hardships ~~Extraordinary hardships or practical difficulties~~ result from strict compliance with these standards and regulations

~~2. The purpose of these standards and regulations are served to a greater extent by the alternative proposal.~~

~~3.2.~~ The waiver does not have the effect of nullifying the purpose of these standards and regulations.

Comment: "Extraordinary" implies unusual but COGA believes the intent of this provision is to capture the idea that the hardship is significant. The second criteria is stricken because interpreting purpose is too subjective and could be applied to never allow a waiver where it results in something being slightly less protective than the standard sought to be waived, even where the OGF will still be protective and safe or where the standard sought to be waived is irrelevant given site-specific circumstances.

2-02-14-07-06 ADDITIONAL CRITERIA FOR A ZONE DISTRICT WAIVER

The Board of County Commissioners, in approving zone district waiver, in addition to the criteria outlined above, shall find:

1. The proposed Oil and Gas Facility is consistent with the Adams County Comprehensive Plan.

2. The proposed Oil and Gas Facility ~~is compatible with the surrounding area, harmonious with the character of the neighborhood, and not detrimental to the immediate area, not detrimental to the~~ does not prohibit future development of the area, and is not ~~unreasonably~~ detrimental to the health, safety, welfare or the environment of the inhabitants of the area and the County.

**2-02-15 AMENDMENT TO TEXT OF THE STANDARDS AND REGULATIONS
AND/OR ZONING MAP (REZONING) AND/OR COMPREHENSIVE
PLAN**

2-02-15-01 PURPOSE

The purpose of this section is to detail the steps to follow for changing the text of these standards and regulations, or the boundaries of the zone districts shown on the Zoning Map (Rezoning), or the Comprehensive Plan.

- d. Truck Washing: All trucks shall be washed at least once a week with a detergent and disinfectant to minimize nuisance conditions, unless spills or leaks are detected which must be disinfected immediately. All wash water shall be properly controlled to prevent runoff.
 - e. Waste Incineration: Infectious waste incineration facilities shall be permitted to burn infectious waste only. Incineration of waste paper, contraband, or other materials is not permitted unless specifically approved as part of the wastestream.
7. *Hazardous Waste Disposal Site and Facility Standards:* All hazardous waste disposal sites and facilities shall meet the standards established by State and Federal regulatory requirements.

4-10-02-03-03 ***OIL AND GAS FACILITY***

4-10-02-03-03-01 ***Purpose***

This Section is enacted to protect and promote the health, safety, values, convenience, order, prosperity and general welfare of the current and future residents of the County. It is the County's intent by enacting this Section to facilitate the development of oil and gas resources within the unincorporated area of the County while avoiding or mitigating potential land use conflicts between such development and existing, as well as planned, land uses. It is recognized that under state law the surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Owners of subsurface mineral interests have certain legal rights and privileges, including the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests ~~from a consenting surface owner~~, subject to compliance with the provisions of this Section and any other applicable statutory and regulatory requirements. Similarly, owners of the surface estate have certain legal rights and privileges, including the right to have the mineral estate developed in a reasonable manner and to have adverse impacts upon their property, associated with the development of the mineral estate, avoided or mitigated through compliance with this Section.

Comment: COGA suggests deleting the term "consenting surface owner." Operators and surface owners are, of course, free to enter into mutually agreed upon contractual agreements that detail each party's respective obligations. But under Colorado law, mineral owners have the right, regardless of a surface owner's consent, to develop their minerals subject to Colorado's reasonable accommodation statute, C.R.S. § 34-60-127.

4-10-02-03-03-02 DefinitionsOil and Gas Facilities (OGFs):

1. ~~The site and associated equipment used for the production, treatment, and/or storage of oil and gas and waste products; New w~~Production facility: All equipment at a single stationary source directly associated with one or more oil wells or gas wells. This equipment includes, but is not limited to, equipment used for storage, separation, treating, dehydration, artificial lift, combustion, compression, pumping, metering, monitoring, and flowline.
- Comment: This definition needs to be modified so it is clear that midstream or other downstream operations and facilities are excluded.*
2. An individual well pad built with one or more wells and operated to produce liquid petroleum and/or natural gas, including associated equipment required for such production; or
3. Temporary storage and construction staging of oil and gas; or
4. ~~Any other oil and gas operation which may cause significant degradation.~~Existing well production facility that will undergo substantial modification. Substantial modification: The existing OGF is extended or expanded by 50% of its disturbed surface area.

For any other definition not listed in this section, the definitions listed in Chapter 11 of the Adams County Development Standards and Regulations and the Colorado Oil and Gas Conservation Commission's regulations shall govern. If there is a conflict between the definitions in Chapter 11 and the COGCC's definitions, the COGCC's definitions shall prevail. If the term is not found in the COGCC's definitions or in Chapter 11, the term shall have its common meaning along with the spirit and intent of the Development Standards and Regulations and may be subject to interpretation by the Director of Community and Economic Development or his or her designee.

Comment: We have made changes here to reflect our understanding that the County only intends to regulate oil and gas production operations pursuant to these regulations.

4-10-02-03-03-03 General Provisions

Comment: The following should be subject to Adams County variance procedures as necessary, should unforeseen circumstances arise. For example, there may be reasons under which an operator would need to request to flare beyond those expressly enumerated below.

Some degree of operational flexibility is needed both for extenuating circumstances and safety reasons.

1. Access: ~~Oil and gas well installation~~OGFs shall be located to provide convenient access, shall accommodate the traffic and equipment related to the ~~oil and gas operations~~OGF and emergency vehicles, and shall comply with COGCC rules and Adams County Development Standards and Regulations. ~~OGFsOil and gas operations~~ must avoid or minimize impacts to the physical infrastructure of the county transportation system.

Comment: In multiple places throughout the regulations terms other than OGF are used. We recommend defining the term OGF and consistently using it throughout the regulations, instead of inserting unclear terms such as “wells,” “oil and gas development,” etc. Oil and gas well installation” should be referenced as Oil and Gas Facility

2. Building Permit Required: For all ~~new or substantially modified wells~~OGFs, a building permit is required for the installation of permanent electrical, pumps, tank batteries, and all other above-ground structures as well as any other applicable permits including, but not limited to, culvert permits, oversized-load permits, and floodplain use permit.

Comment: See comment immediately above.

3. Setbacks: Oil and Gas Facilities shall be at least _____ feet from ~~the property line of~~any existing or ~~approved~~platted residences, schools, state licensed daycares, or ~~Building Unitsoccupied buildings~~.

*Comment: We understand the County proposes that the blank be filled in with 1000. This is a de facto ban cloaked as regulation. The County is proposing a 1,000' setback from **the property line** of a residence to an OGF, which can encompass the entire disturbed area of a well pad. The proposed setback is accordingly not double the existing state law setback (which would still be a **significant** increase), but much greater because state setbacks are measured (1) from the Building Unit, not the property line of a Building Unit (2) to a well or production facility, not the oil and gas location. Given (1) and (2), this setback will be as large or larger than the one Colorado voters, including 59% of Adams County residents, soundly defeated when rejecting Proposition 112. Given the County's geology and existing development, operators do not believe virtually any OGFs can meet this setback.*

Based on recent conversations with Adams County Commissioners, we understand that they would be open to an administrative waiver for setbacks. This waiver would be similar to COGCC LUMA regulations in 303.b and 305A. Please add a specific exemption or waiver process for the setbacks. For example, the surface owner may desire the OGF to be closer than the setback because of his land use plans. The County should respect the surface owner's wishes. Also, setbacks from platted residences (did the County mean platted residential lots?) may conflict with the plat if the oil and gas operations area is identified on the plat.

4. Fees and Permits: All applicable County fees adopted by the County, including postage fees and inspection fees, but excluding oil and gas impact and maintenance fees, must be paid at time of application and prior to issuance of a building permit, including for all applicable permits required by the Adams County Development Standards and Regulations.

Comment: The above change is necessary to avoid inconsistency between paragraphs four and five of this section.

5. Oil and Gas Road Impact and Maintenance Fees:
 - a. Operators must pay oil and gas road impact and maintenance fees, as approved by the Board of County Commissioners, for all proposed OGFsoil and gas wells and pads. This fee shall be paid at the time of issuance of an Oil and Gas Facilities Permit, unless otherwise agreed to by Adams County and the operator. Any person or entity required to pay the oil and gas road impact fee may elect to submit an independent study and fee calculation to demonstrate that the nature, timing, or location of the proposed oil and gas development-OGF is likely to generate impacts costing less to mitigate than the amount of the fee that would be generated by the use of the fee schedule. Any independent fee study for oil and gas developmentOGFs shall generally follow the methodology established in the Adams County Oil & Gas Traffic Impact Study.

Comment: There must be some flexibility here depending upon the amount of the fee. In the past, there have been some discussions about payment of the road impact fee at the time of drilling of the wells, or spread out over the course of several years depending on an operator's drilling schedule. Also, is the County going to revamp their road impact and maintenance fee calculation as a whole?

Additionally, the independent study and methodology established in the existing Adams County Oil and Gas Traffic Impact Study is not clear. When an operator has requested more information from staff before ordering an independent study, no guidance has been provided.

- i. The preparation of the independent fee calculation study shall be the sole responsibility of the electing party.
 - ii. Any person or entity who requests to perform an independent fee calculation study shall pay ~~an application~~ a reasonable fee for administrative review. An administrative decision related to the independent study may be appealed to the Board of County Commissioners. The appeal shall be filed within 14 days of staff decision and shall follow the appeal process established for OGF Permit Waivers .
5. Safety Standards:
- a. Operator shall implement a safety management plan and maintain a safety management system applicable to all covered processes ~~at the facility.~~ Upstream facilities consisting of a standard, repeatable design may be covered with a single safety management plan. The safety management system shall provide for employees and systems to oversee implementation and periodic revision of the plan. The plan shall include the following ~~elements ;and describe the manner in which each of the following elements will be applied to the covered processes:~~

Comment: The items listed in this section duplicate OSHA 1910.119 requirements for Process Safety Management (PSM) facilities. Part 68.115 of the EPA's Risk Management Plan, however, expressly excludes condensate, crude oil, and field gas from OSHA 1910.119 requirements for Process Safety Management. COGA agrees with the EPA that these regulations are inappropriate, unreasonable and not necessary for oil and gas facilities.

- ~~i. Safety~~ Process safety information. Compilation of written ~~process~~ process safety information needed to conduct process hazard analysis. ~~S~~ Process ~~safety~~ information shall include information pertaining to hazards of substances and chemicals used ~~by the process,~~ information pertaining to the technology ~~of the process,~~ information pertaining to the equipment used

~~in the process~~, and information pertaining to the hazards of the substances or chemicals ~~in the process~~. Documentation that equipment used ~~in the process~~ complies with recognized and generally accepted good engineering practices;

- i. Operating procedures. Written operating procedures that provide clear instructions for safely conducting activities ~~involved in each covered process~~ consistent with the ~~process~~ safety information, and at least annual review of operating procedures to ensure they reflect current operating practices;
- ii. Employee participation. Plan for ensuring employee participation in conduct and development of ~~process~~ hazards analysis and access to ~~process~~ hazards analysis;
- iii. Training. Written procedures detailing initial and refresher employee training requirements and documentation of employee training;
- iv. Mechanical integrity. Written procedures ~~in compliance with COGCC regulations and~~ designed to maintain the on-going integrity of ~~process~~ equipment, ensure employees involved in maintenance are properly trained to ensure the ongoing integrity of ~~process~~ equipment, ensure that ~~process~~ equipment is tested and inspected in accordance with manufacturer specifications, correct deficiencies in equipment in a safe and timely manner, and ensure that new equipment is installed or constructed properly;
- v. Management of change. Written procedures to manage changes ~~to covered processes~~, technologies, equipment and procedures;
- vi. Pre-startup reviews. Written procedures regarding pre-startup safety reviews;
- vii. Compliance audits. Written procedures requiring an audit every ~~three-five~~ years to verify compliance with the procedures and practices developed under the safety management plan, and procedures requiring correction of any deficiencies identified in audit; operator will make results of audit available to inspector upon request;

~~viii. Incident investigation. Written procedures requiring investigations of all near misses and incidents, including root cause analysis of all incidents resulting in fatalities or serious environmental harm, establishing a system to promptly address and resolve the incident, and requiring that all employees and contractors whose job tasks are relevant to the investigation of the near miss or incident review the investigation report.~~

Comment: This requirement is already listed in "Incident History" below. "Near miss" is also unreasonable: what does that mean and if missed, than the safety processes worked.

~~ix.viii.~~ Hot work. The operator of the OGF facility shall ensure that all hot work complies with city and state fire prevention and protection requirements.

~~x.ix.~~ Contractors. Written procedures describing how operator screens, oversees, shares process safety and emergency response and preparedness information with contractors;

~~xi.x.~~ HProcess hazard analysis. Process hazard analysis for each covered taskprocess;

~~xii.xi.~~ Incident history. List of all significant incidents causing fatalities or serious environmental harm that have occurred at the operator's Colorado facilities within the last fiveten years, along with any investigation reports, root cause analysis and operational or process changes that resulted from the investigation of the accident;

Comment: It is uncertain if ten years is feasible in certain situations, given that most records are required for seven years. Also, the term " incidents" is far too broad and would include irrelevant information such as a sprained ankle.

~~xiii.xii.~~ Safety culture assessment. Written procedures requiring operator periodically review safety culture, and at a minimum conduct such review after each major accident; and

~~xiv.~~ Inherently safer systems analysis. Require analysis at least every 5 years, whenever a change is proposed at the facility that could result in an incident, after an incident if recommended by the investigation report or

~~root cause analysis, and during the design of new processes, equipment or facilities.~~

Comment: This requirement is addressed under the Management of Change (MOC) process listed in Section 5.a.vii above and should be deleted.

~~xv.xiii.~~ Operator shall make available safety management plan to Adams County at the County's request. Adams County may retain outside consultants to review safety management plan and may request modifications to safety management plan based on its review. Operator must reimburse County for ~~any reasonable~~ costs associated with retaining outside consultants.

- b. Automatic safety protective systems and surface safety valves. Operator is required to install automated safety system prior to commencement of production. Automated safety system shall include the installation, monitoring and remote control of a ~~sub~~surface safety valve and shall be able to remotely shut in wells on demand. ~~The s~~Subsurface safety valve shall be equipped to operate remotely via the automated safety protective system. Operator shall test automated safety system ~~annually quarterly~~ to ensure functionality and ~~provide results of testing to County quarterly document results.~~

Comment: The proposed rule exceeds existing requirements. COGA requests that Adams County provide an explanation on the technological and economic feasibility of the proposed requirement. Additionally, subsurface safety valves are not used and do not apply in the basin accessed by Adams County surface locations.

- c. Incident and accident reporting.

~~i.~~ Incidents. Within a week of any ~~reportable~~ safety incident, ~~required to be reported under COGCC rules,~~ operator shall submit ~~to the County~~ all reports ~~provided to COGCC regarding the safety incident. to the County including the following to the extent available:~~

~~ii.i.~~ Fuel source, location, proximity to residences and other occupied buildings, cause, duration, intensity, volume, specifics and degree of damage to properties, if any beyond the facility, injuries to persons,

~~emergency response, and remedial and preventative measures to be taken within a specified amount of time.~~

Comment: All incident and accident reporting should be consistent with the reporting requirements under COGCC regulations to avoid duplicative reporting. Further, the term “safety incident” needs to be defined to avoid a strict application where an operator is reporting a sprained ankle or bee sting. COGA recommends defining “safety incident” to include (1) Any accidental fire, explosion, or detonation, or uncontrolled release of pressure; (2) Any accident or natural event that results in a reportable injury as defined by the U.S. Department of Labor, Occupational Safety and Health Administration, at 29 C.F.R. § 1904.39. 29 C.F.R. § 1904.39 may be found at <https://www.osha.gov>. ; or (3) Any accident or natural event that results in an injury to a member of the general public that requires hospitalization or professional medical treatment.

~~iii.ii. County may require operator to conduct root cause analysis of any incidents or Grade 1 gas leaks, as defined by the COGCC.~~

Comment: This requirement is already covered under Section 5.a.xii

~~iv. Operator shall keep an daily incident log that shall be made available to Adams County upon request. Any spill or release that is reportable to the COGCC shall be simultaneously reported to the County’s LGD and applicable fire district.~~

Comment: This requirement is already addressed under Section 5.a.xii Incident History. Too, the requirement to keep a “daily” log is unnecessary. Any incident that leads to fatality, serious injury, serious environmental harm, a Grade 1 gas leak or reportable spill will already be reported to the County under other provisions.

~~v.iii. Notification to the County’s LGD of all spills of a one barrel (bbl) gallon or more that leaves the OGF facility, all spills of any material on permeable ground at the OGF facility that has a reportable spill quantity under any applicable COGCC, CDPHE, or EPA requirement law and copies of any self-reporting submissions that operator provides to the COGCC.~~

~~vi-iv.~~ Notification of the surface owner or the surface owner's tenant of spills and releases in conformance with COGCC Rules.

6. Spill Prevention and Containment. ~~Oil and gas operations~~ OGFs shall be in compliance with COGCC safety and spill and release requirements.
 - a. Requirements for reporting of spills and releases and rules to minimize liquid spills and releases include the following:
 - i. Berms or other secondary containment devices around crude oil, condensate, and produced water storage tanks enclosing an area sufficient to contain and provide secondary containment for 150% of the largest single tank as required by COGCC.

Comment: The proposed rule (i) requiring that berms provide secondary containment for 150% of the largest single tank, as well as the provision below in (v) imposing a prohibition on the storage of ignition sources inside the secondary containment area unless the containment area encloses a fired vessel, are required only for facilities built within COGCC designated setback areas. In adopting those rules, COGCC applied those additional mitigation measures intended to eliminate, minimize or mitigate impacts to building unit owners or occupants as well as the general public. Applying these mitigations even where building unit owners and occupants or the general public are not located nearby is not appropriate or necessary. COGA requests that Adams County provide the justification for broadening the requirements to sources in other areas and an explanation as to why these are reasonable and necessary.

- ii. Berms or other secondary containment devices shall be sufficiently impervious to contain any spilled or released material.
- iii. Inspection of all berms and secondary containment devices at regular intervals, but not less than monthly. Berms shall be inspected within forty-eight (48) hours of a precipitation event of 1.0" or more, and Operator shall make or begin to make necessary repairs as soon as possible, but not more than seventy-two (72) hours after the event.

Comment: Operators can comply with the 48 hour obligation to inspect following a 1" precipitation event, but having an obligation to then make necessary repairs within 72 hours of the event (which may be only 24 hours after the inspection) is not always feasible and there may be

additional impediments due to wet ground. There is no identified need for ensuring that repairs are made within 72 hours of the event. Further, certain weather events may make it impossible to try a repair immediately or the attempt to immediately repair could even cause further damage because the ground is too wet or other circumstances.

- iv. Maintenance of all berms and secondary containment devices in good condition.
- v. A prohibition on the storage of ignition sources inside the secondary containment area unless the containment area encloses a fired vessel.

Comment: COGA does not understand the need for this requirement given the requirement is in the COGCC regulations. COGA does not think it is necessary for the County to promulgate rules that are wholly duplicative of existing state regulations. Indeed, this comment applies to several proposed regulations and is particularly relevant to COGA's concerns with the proposed penalty scheme.

- vi. Within a floodplain, or within an exception zone setback as designated by COGCC, ~~E~~construction of containment berms using steel rings or another engineered technology that provides equivalent protection, designed and installed to protect from floodwaters and debris event leakage and resist degradation from erosion or routine operation.

Comment: COGCC only requires this level of construction in statewide floodplain areas or within an exception zone setback as designated by COGCC. Floodplains have substantially greater chances of having discharges during a flood or unexpected storm event and the exception zone setback represents an unusual circumstance. COGA requests that Adams County provide a basis for requiring steel rings outside of floodplains or as otherwise required by COGA in exception zone setbacks. The cost and expense of this is simply not warranted. We have revised this provision to be consistent with COGCC's provision. Importantly we have eliminated the phrase "designed and installed to prevent leakage." Other provisions require containment berms to be impervious – which by its nature is a feature that prevents leakage.

- vii. Within a floodplain or other designated area as required pursuant to COGCC regulation, ~~E~~construction of secondary containment areas with a synthetic or engineered liner that contains all primary containment vessels and

flowlines and is mechanically connected to the steel ring to prevent leakage.

Comment: COGCC only requires this level of construction in statewide floodplain areas and other specially designated areas. Floodplains have substantially greater chances of having discharges during a flood or unexpected storm event. COGA requests that Adams County provide the basis for requiring steel rings outside of floodplains. The cost and expense of this is simply not warranted. Furthermore, flowlines are not contained within the secondary containment area. Separate rules at COGCC govern flowlines and those should not be confused with obligations or requirements to complete and maintain secondary containment.

~~viii. A prohibition on more than two crude oil or condensate storage tanks within a single berm.~~

Comment: This is currently only mandatory for sites located within the “Urban Mitigation Area Exception Zone Setback” per COGCC Rules. There is no justification for imposing these requirements on other sources and the County has provided no explanation as to why the expansion of these requirements is necessary and reasonable to protect public health or the environment. To achieve the 150% secondary containment requirement for each berm, operators would need multiple (if not dozens) of berms. As a result, it would require more space, more cost and larger locations. In fact, it would almost double the current footprint of some facilities. COGA does not believe that will bring any benefit or added protection from spills and this provision is neither reasonable nor necessary to achieve any environmental protection.

ix. For locations within 500 feet and upgradient of a surface water body, tertiary containment, such as an earthen berm, around **oil and gas facilities OGFs**.

Comment: This is currently only mandatory for sites located within the “Exception Zone Setback” per COGCC Rules.

x. **Loadout/Discharge** valves shall be secured **, inaccessible to the public** and located within the secondary containment area. Open-ended discharge valves shall be placed within the interior of the tank secondary containment.

Comment: COGA does not understand what Adams County is intending to refer to here through the use of the term “discharge valves.” If it is intended to refer to the loadout point for crude, condensate and produced water tanks, then the term should be clarified. In addition, inaccessibility to

the public is not appropriate in this section. Other sections deal with fencing and related requirements.

- b. Anchoring. Anchoring is required within floodplain or geological hazard areas, as needed to resist flotation, collapse, lateral movement, sinking, or subsidence, and in compliance with Federal Emergency Management Agency (FEMA). All guy line anchors left buried for future use shall be identified by a marker of bright color not less than four feet in height and not greater than one foot east of the guy line anchor.

7. Chemical Handling and Requirements

- a. The owner or operator of any installation that is required to prepare or have available a **material** safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., and regulations promulgated under that Act, shall submit both a safety data sheet (SDS) for each such chemical and an annual emergency and hazardous chemical inventory form to the LEPC and the local fire district. A comprehensive and universal listing of all **anticipated** hazardous chemicals shall be organized based on the various phases of operation including test wells and drilling and other construction activities submitted prior to construction and with the necessary building permit applications for a Rig and Move Permit. In addition, operator shall have current SDS and quantities on site at all times or available upon request.

Comment: Operators have concerns about the potential timing of this requirement. Operators will not know this level of detail this far in advance. As well, please clarify during what process to submit this information so operators only submit one, and operators can notify County of any major changes.

- b. Operator shall not store **any used hazardous chemicals (referenced in 7.a above), which cannot be recycled,** onsite **waste** in excess of thirty days.

Comment: As proposed, the term “waste” is general and overly broad. This requirement should be limited to the hazardous chemicals that are the subject of 7.a above. Further, 30 days from when?

- c. Drilling and completion chemicals shall be removed at most sixty days after **all drilling and** completion **activities are completed.**

Comment: This should make clear the term “completion” refers to the end of all drilling and completion activities on site. COGA recommends combining sections b. and c.

d. ~~Operator shall limit its use of~~not use toxic, including orally toxic, chemicals in hydraulic fracturing fluids including the following:

1. ~~Benzene~~
2. ~~Lead~~
3. ~~Mercury~~
4. ~~Arsenic~~
5. ~~Cadmium~~
6. ~~Chromium~~
7. ~~Ethylbenzene~~
8. ~~Xylenes~~
9. ~~1,3,5 trimethylbenzene~~
10. ~~1,4 dioxane~~
11. ~~1 butanol~~
12. ~~2 butoxyethanol~~
13. ~~N,N dimethylformamide~~
14. ~~2 ethylhexanol~~
15. ~~2 mercaptoethanol~~
16. ~~Benzene, 1, 1'-oxybis-,tetrapropylene derivatives, sulfonated, sodium salts~~
17. ~~Butyl glycidyl ether~~
18. ~~Polysorbate 80~~
19. ~~Quaternary ammonium compounds, dioctyl dimethyl, chlorides~~

Comment: Chloride is a very broad term.

20. ~~Bis-hexamethylene-triamine-penta-~~
~~methylene phosphonic acid~~

21. ~~Diethylenetriamine penta~~

22. ~~FD&C blue no 1.~~

23. ~~Tetrakis (triethanolaminate) zirconium~~
~~(IV) (TTZ)~~

Comment: As described in detail elsewhere in the comments, the revisions to the Colorado Oil and Gas Conservation Act and the Land Use Control Enabling Act provided in Senate Bill 19-181 limit local government authority over oil and gas operation to the regulation of land use and surface impacts. SB 19-181 did not provide local governments with the authority to regulate the technical and expertise-driven aspects of oil and gas operations, including downhole operations. For this reason, the proposed regulation of hydraulic fracturing fluids exceeds the scope of Adams County's legal authority.

8. Emergency Preparedness and Response

Comment: COGA submits that instead of prescribing required elements for the Emergency Preparedness and Response plan, it makes more sense to have this plan created by the operator in collaboration with the responding fire department and to include whatever the fire department in its expertise believes is best. For example, in provision 4-10-02-03-03.8.b.v below, it is requested that an operator provide information identifying "excavation routes," but the first responders will determine evacuation routes for their district.

- a. In General. ~~Oil and gas operations~~**OGFs** shall not cause unreasonable risks of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, and hazardous material vehicle accidents or spills.
- b. Emergency Preparedness Plan. Each Applicant with an operation in the County is required to implement an emergency preparedness plan for each specific ~~oil and gas facility~~**OGF**. The plan shall be referred to by the Office of Emergency Management, and the applicable fire district and filed with the County and updated on an annual basis or as conditions change (responsible field personnel change, ownership changes, etc.). The emergency preparedness plan shall consist of at least the following information:

- i. Name, address and phone number, including 24-hour emergency numbers for at least two persons located in or near Adams County who are responsible for emergency field operations.
- ii. An as-built facilities map in a format suitable for input into the County's GIS system depicting the locations and type of above and below ground facilities including sizes, and depths below grade of all oil and gas gathering and transmission lines and associated equipment, isolation valves, surface operations and their functions, as well as transportation routes to and from exploration and development sites, for emergency response and management purposes. The information concerning pipelines and isolation valves shall be held confidentially by the County's Office of Emergency Management, and shall only be disclosed in the event of an emergency. The County shall deny the right of inspection of the as-built facilities maps to the public pursuant to C.R.S. § 24-72-204.
- iii. Detailed information addressing each potential emergency that may be associated with the operation. This may include any or all of the following: explosions, fires, gas, oil or water pipeline leaks or ruptures, hydrogen sulfide or other toxic gas emissions, or hazardous material vehicle accidents or spills. For each potential emergency, threshold / trigger levels shall be pre-identified that govern when an emergency state is declared by the Applicant.
- iv. The plan shall include a provision that any spill outside of the containment area or which has the potential to leave the facility or to threaten a water body shall be reported to the emergency dispatch and the Director immediately.
- v. Detailed information identifying access or evacuation routes, ~~zone of influence for each emergency scenario~~ and identifying impacted facilities and buildings and health care facilities anticipated to be used in emergency scenarios.

Comment: COGA does not agree with the need to develop a zone of influence for each emergency scenario identified impacting facilities and buildings. Please provide justification.

- vi. Project specific emergency preparedness plans are required for any project that involves drilling or penetrating through known zones of hydrogen sulfide gas.
- vii. The plan shall include a provision that obligates the Applicant to reimburse the appropriate emergency response service providers for costs incurred in connection with any emergency.
- viii. Detailed information that the Applicant has adequate personnel, supplies, and funding to implement the emergency response plan immediately at all times during construction and operations. Demonstration that the Applicant has adequate personnel and supplies is satisfied with the required will serve letter.
- ix. The plan shall include provisions that obligate the Applicant to keep onsite and make immediately available to any emergency responders the identification and corresponding Material Safety Data Sheets (MSDS) of all products used, stored or transported to the site. The MSDS sheets shall be provided immediately upon request to the Director, a public safety officer, or a health professional. In cases of spills or other emergency events, the plan shall include provisions establishing a notification process to emergency responders of potential products they may encounter, including the products used in the hydraulic fracturing fluids.
- x. The plan shall include a provision establishing a process by which the Applicant engages with the surrounding neighbors and schools to educate them on the risks and benefits of the on-site operations and to establish a process for surrounding neighbors and schools within a half mile radius, unless determined otherwise by the Director of Community and Economic Development, to communicate with the Applicant.

Comment: This section needs to be moved to the appropriate section dealing with the neighborhood meeting for the site as part of the application process. COGA also requests more guidance on expectations in terms of what this engagement looks like.

xi. ~~Operator shall maintain storage of aqueous film forming foam (which shall not contain PFAS), absorption boom and granulated materials for ready deployment in case of leaks or other emergencies. Operator shall notify first responders of the location of said materials.~~

Comment: Operators should not be required to store fire-fighting foam onsite. This is outside the scope of expertise for most operators, and also is not practical at most sites (including a location for proper storage of such foam). Furthermore, this type of foam is applied with specialized fire suppression equipment that operators do not own. The operators rely on emergency services for these purposes and in Adams County have a good working relationship with the relevant fire departments, including assisting the fire departments financially to maintain and rotate inventory of such foam as needed. It is our understanding from our discussions with the Adams County fire departments that they also would prefer that operators do not try and store firefighting foam on site. COGA is not aware of any problem that exists here that makes the addition of this requirement necessary.

9. Recycle, Reuse and Disposal of Fluids:

- a. Operator ~~shallis encouraged to~~ recycle ~~or reuse~~ drilling, completion, flowback and produced fluids unless technically ~~or economically~~ infeasible ~~as established by a good faith evaluation by operator.~~

Comment: EPA is currently in the process of studying wastewater management, having released a draft study in May 2019 ("Draft Study"). The Draft Study focused on exploring additional options (beyond disposal and recycling of produced water in the oilfield) to increase flexibility and water availability in water scarce regions. See Study at 1-3. It is premature of Adams County to determine that such produced fluids must be recycled, particularly given significant technical and economic obstacles to recycling, and the current evaluation of additional options for management of produced fluids that could increase water resources in Colorado.

Operators also frequently have agreements already in place with surface owners to purchase fresh water from landowners for oil and gas drilling. Requiring recycling could result in a breach of these agreements and/or result in substantial loss of income to surface owners.

Recycling of these fluids is not only technically infeasible, but in most cases it is likely to be economically (and even legally) infeasible, as it would require operators to: breach or terminate agreements with landowners requiring operators to purchase freshwater for oil and gas drilling, maintain significant and large recycling facilities (such as significant water impoundments), obtain

multiple permits from various jurisdictions for these facilities; and develop a mechanism for transporting the fluids from these recycling facilities to each site. There are significant environmental considerations with such facilities, and those considerations may outweigh the benefit of recycling the fluids – particularly when considering the technical and economic constraints. If Adams County retains this requirement, it must include considerations of economic feasibility in addition to technical feasibility.

- b. Waste Drilling, completion, flowback and produced fluids may be temporarily stored in tanks while awaiting transportation to licensed/authorized disposal or recycling sites.

Comment: First, the County should clarify that by “waste” it means drilling, completion, flowback and produced fluids (consistent with the other provisions in this section). Second, “temporarily” is undefined, is vague, and no similar requirement exists in COGCC Rule 907. Third, the term “licensed” should be struck to account for authorized but non-commercial recycling facilities. Such facilities are appropriate and safe for disposal. In fact, COGCC requires management in “authorized” facilities in Rule 907, which we suggest replicating here.

- c. Waste Drilling, completion, flowback and produced fluids must is encouraged to be transported by pipelines unless and the operator should conduct and maintain a good faith evaluation of the technical and economical infeasibility of utilizing such pipelines.

Comment: Again, the County should clarify that by “waste” it means drilling, completion, flowback and produced fluids and/or produced water (consistent with the other provisions in this section). Second, this would be an unprecedented first-of-its-kind requirement in federal, state, and local regulation of oil and gas fluid waste management adopted without any determination as to technical, economic, or legal feasibility of the requirement. It is unclear whether the County intends that considerations of technical infeasibility include: impediments in obtaining rights-of-way or impediments in obtaining contracts from produced water facilities and transporters, among others. Oil and gas operators do not have a broad right of condemnation of land and thus mandating the use of pipelines impose serious logistical and financial burdens and may make it even more difficult (if not impossible) for operators to obtain rights-of-way in a cost-effective manner. Economic feasibility must be a consideration in whether to bring pipelines to a particular location. COGA has proposed language changes that operators must evaluate the technical and economic feasibility of utilizing such pipelines.

Finally, though COGA opposes this provision as written, to the extent the County keeps the requirement, economic infeasibility must also be considered before requiring produced water be transported via pipeline.

10. Stormwater Controls:

- a. ~~OGFs~~~~Oil and gas operations~~ shall be in compliance with COGCC rules related to stormwater management regulations and Adams County Stormwater Quality Regulations as contained in the Adams County Development Standards and Regulations / Ordinances and other applicable federal, state, and county requirements.
- b. The Owner or Operator must provide a stormwater management plan that identifies possible pollutant sources that may contribute pollutants to stormwater, best management practices, sampling procedures (if required), and inspections that, when implemented, will reduce or eliminate ~~any possible~~ water quality impacts. An operator's compliance with Colorado Discharge Permit System's Master General Permit for Stormwater Discharges Associated with Construction Activities and/or the COGCC Post-Construction Stormwater Program under COGCC Rule 1002.f (as applicable) shall meet the stormwater management plan requirement under this provision.

Comment: Adams County should clarify that plans developed in association with compliance with CDPHE Regulation 61 (including the Master General Permit for Stormwater Discharges Associated with Construction Activities) and the Best Management Practices and Post-Construction Stormwater Program required by COGCC Rule 1002.f (including the exception for Tier 1 Oil and Gas Locations), will meet the "stormwater management plan" requirement under this standard.

11. Water Bodies and Water Quality:

- a. General. ~~Oil and gas operations~~~~OGFs~~ shall not cause adverse impacts to surface or ground waters within Adams County. Operators shall comply with all Adams County rules, COGCC Rules, specifically with respect to spills and releases in floodplains and/or water bodies, and applicable water quality standards set by the Colorado Department of Public Health and Environment.

- b. Water quality plan. Operators shall implement a water quality plan and make available to Adams County upon request, such plan shall include details of or cross-references to such as operator's plans for water quality testing, prevention of discharge through berming and secondary containment~~illicit or inadvertent discharges,~~ stormwater discharge management, containment of pollutants, and spill notification and response as required by federal and state agencies. The owner or operator shall provide the County with the information it provides to the COGCC ensuring compliance with the water quality protection standards contained in COGCC Rules. ~~The owner or operator shall provide all water source test results to the county and maintain records of such results. The owner or operator shall provide its plans concerning downhole construction details and installation practices, including casing and cementing design, and shall inform the county how the plans establish that the facility does not create significant degradation to surface waters or drinking water aquifers.~~

Comment: COGA has concerns with the number of plans being requested by the County. Collectively, these regulations and other state and federal regulations will require operators to have: (1) a berming/secondary containment plan; (2) a stormwater management plan; and (3) a spill prevention, containment and countermeasure plan. Collectively, these address the detailed information requested by this provision. We have revised the language to make it more consistent with the plans already required to be maintained and to be clear that the water quality plan can cross-reference other existing plans instead of incorporating the same information into two different plans.

Senate Bill 181 provided the County with authority over land uses within its jurisdiction and clarified certain aspects of that authority with respect to oil and gas operations. However, nothing in Senate Bill 181 (and no other authority) grants the County any jurisdiction over "downhole" construction details and installation practices, including casing and cementing design. Such jurisdiction remains with the COGCC and is implemented by them as the agency with expertise over such activities.

- ~~c. Wastewater Injection Wells are prohibited in Adams County.~~

Comment: COGA disagrees with such a prohibition. Having to utilize wastewater injection wells in other locations results in more significant truck traffic and water hauling. Adams County has provided no basis for

prohibiting wastewater injection wells which are heavily regulated by the COGCC under authority delegated pursuant to the Safe Drinking Water Act.

- ~~d.c.~~ Floodplain. Disturbance within a 100-year floodplain will be allowed if the Operator has obtained a Floodplain Use Permit from the County and has complied with all of the County's legally adopted floodplain and engineering regulations. A "100-year floodplain" shall be, for purposes of this Section, a "Special Flood Hazard Area" as identified and mapped by the Federal Emergency Management Agency's National Flood Insurance Program and adopted by the County.

~~12. Well Plugging and Abandonment:~~

- ~~a. An operator shall comply with all COGCC rules regarding well abandonment and reclamation, including, but not limited to, removal of all equipment from the location and restoring the surface of the land to its original state. Notice of well plugging and abandonment shall be submitted by the operator to the Community and Economic Development Department within forty eight (48) hours. Notice shall include surveyed coordinates of the decommissioned well.~~

Comment: COGA has included specific comments on some of the proposed regulations below. However, as previously noted above, the revisions to the Colorado Oil and Gas Conservation Act and the Land Use Control Enabling Act provided in Senate Bill 19-181 limit local government authority over oil and gas operation to the regulation of land use and surface impacts. SB 19-181 did not provide local governments with the authority to regulate the technical and expertise-driven aspects of oil and gas operations, including downhole operations or plugged and abandoned wells. For this reason, the proposed regulations related to the technical aspects of plugging and abandoning wells and drilling new wells, exceed the scope of Adams County's legal authority, and remain solely within the scope of the COGCC's jurisdiction. COGA also questions why the County wants to duplicate state regulations, again noting the implications for the penalty scheme.

- ~~b. Decommissioned oil and gas well assessment. Prior to any hydraulic fracturing, and at periods following hydraulic fracturing, the operator must perform assessment and monitoring of plugged and decommissioned or removed from use, and dry and removed from use oil and gas wells (abandoned wells) within one quarter mile of the projected~~

~~track of the borehole of a proposed well. The assessment and monitoring includes:~~

*Comment: The adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181. Further, the COGCC mandates this analysis to occur pursuant to its Statewide Horizontal Offset Policy (2014) that is required for any horizontal well APD in the State. See <https://cogcc.state.co.us/documents/reg/Policies/InterimStatewideHorizontalOffsetPolicy.pdf>. Pursuant to the Statewide Horizontal Offset Policy and operators currently, review "all plugged wells within **1500 ft** of the proposed HZ well" and complies with all horizontal assessments required by the COGCC when mandated, but specifically when filing Form 2s.*

- ~~i. Identification of all abandoned wells located within one quarter mile of the projected track of the borehole of a proposed well based upon examination of COGCC and other publicly available records;~~
- ~~ii. A Risk assessment of leaking gas or water to the ground surface or into subsurface water resources, taking into account based on the plugging and cementing procedures described in any recompletion or plugged and abandoned (P&A) report filed with the COGCC;~~

Comment: The adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181.

Further, the COGCC mandates this analysis to occur pursuant to its Statewide Horizontal Offset Policy (2014) that is required for any horizontal well APD in the State. See <https://cogcc.state.co.us/documents/reg/Policies/InterimStatewideHorizontalOffsetPolicy.pdf>.

Operators already review the recompletion and PA reports of any PA'd well within 1,500' of the proposed horizontal wellbore as part of compliance with the Statewide Horizontal Offset Policy when determine if any mitigation must be done on the PA'd well prior to the drilling of the proposed horizontal well. Such information is included in an Offset Well Evaluation Analysis that must be submitted with all Form 2's for horizontal wells.

- ~~iii. Notification to the County and COGCC of the results of the risk assessment of the plugging and cementing procedures.~~

iv. ~~Permission from each surface owner who has an abandoned well on the surface owner's property to access the property in order to test the abandoned well. If a surface owner has not provided permission to access after thirty days from receiving notice, the applicant shall not be required to test the abandoned well.~~

Comment: The adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181. For this reason, the proposed regulations related to the permission from surface owners of "testing" of the abandoned wells, along with the technical aspects of plugging and abandoning wells and drilling new wells, exceed the scope of Adams County's legal authority, and remain solely within the scope of the COGCC's jurisdiction. Any Amendments requiring surveyed coordinates, notice, or other expanded mandates of COGCC Rule 311 and 319 will be in violation of SB 19-181.

Further, this sections ignores the fact that an operator seeking an OGF is often not the operator of the PA'd well and may not have authority to enter onto the surface, or even access the PA'd well. As such, there can be no obligation to test the abandoned well or even any ability to access the surface lands upon which the well is located.

v. ~~Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well prior to hydraulic fracturing~~

vi. ~~Comment: COGA reiterates that the adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181. Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well within one year and then every three years after production has commenced.~~

Comment: COGA reiterates that the adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181.

vii. ~~Notification of the results of the soil gas survey to the County and the COGCC within three weeks of conducting the survey or advising the County that access to the abandoned wells could not be obtained from the surface owner.~~

Comment: COGA reiterates that the adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181.

~~viii. In the event that contamination is detected during any soils testing, no further operations may continue until the cause of the contamination is detected and resolved and the county has given its approval for additional operations to continue.~~

Comment: COGA reiterates that the adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181.

Further, this requirement is overbroad and unduly burdensome. The existence of any soil contamination—including from abandoned wells not associated with the operator and for which the operator has no obligation to re-enter—should not provide the County with unfettered discretion to halt development. The proposed rule also does not define what constitutes "soil contamination" and in particular the relevant threshold for each potential soil contaminant.

~~e.d. Marking of plugged and abandoned wells. The operator shall permanently mark by a brass-plaque standard marker set in concrete, similar to a permanent bench mark to monument the plugged and abandoned well's existence and location. Such plaque shall contain all information required on a dry hole marker by the COGCC and the County.~~

Comment: COGA reiterates that the adoption of County regulations that regulate downhole operations or the plugging and abandonment of oil and gas wells exceeds the County's authority under Senate Bill 19-181. The requirement that the plaque be in brass is unnecessary and the County has not provided any rationale for that limiting factor. At least some operators weld on steel plates, which is sufficient to effectuate the intent of the proposed rule.

~~13.12.~~ Noise. The Operator shall control noise levels as follows:

a. Prior to operations operator will obtain a baseline noise study that encompasses at least three days, one of those days being a weekend.

~~b. Beginning with construction and up to production, the County may require continuous noise monitoring and may require that this be conducted by an approved third party consultant.~~

Comment: Requiring continuous noise monitoring is overly burdensome and unnecessary. Given existing regulations and thresholds for noise and the extensive mitigation measures imposed to reduce noise, continuous noise monitoring is not likely to be cost-effective, reasonable or necessary. The proposed regulation also does not identify the specific parameters for when this may be required or how the monitoring would be conducted—for example, whether it will be dBA, dBc or both, where the monitors must be placed, and how to account for wind and ambient noise levels. COGA suggests striking this provision in its entirety, as existing COGCC regulations and the remainder of these rules will ensure noise remains at acceptable levels. But at a minimum, if retained, Adams County should enumerate the specific, and limited, conditions under which continuous noise monitoring could be required and when should continuous noise monitoring could be discontinued.

e.b. The Operator must follow COGCC Regulations for noise level.

d.c. The Operator shall post 24-hour, 7 days per week contact information to in the event of deal with all noise complaints arising from Operator's oil and gas facility. This can be satisfied by posting relevant contact information on the company website.

Comment: The provision does not specify where such information must be posted. The location of the posting should be clarified. Any postings must be required only in a location that is publicly accessible without having members of public proceeding onto operator's property or facilities. For example, operators' websites often include a community relations phone number and email.

e.d. If necessary To ensure the Operator controls noise to the allowable levels set forth above in COGCC Rule 802, one or more of the following may be required the County may require the Operator to comply with one or more of the following requirements as needed and based on considerations of technical feasibility and cost-effectiveness:

Comment: This should clearly reference the COGCC regulations that establish the applicable noise level. It should also make clear that the appropriate mitigation measures will be determined based on technical and economic feasibility, as determined by discussions between the County and Operator.

The proposed rule should define what is meant by "acoustically insulated." Is there is a decibel level requirement and how will the decibel measurement be

taken. Consistent with our comment above, COGA also wants to emphasize that Adams County should adopt considerations of technical feasibility and cost-effectiveness into evaluating whether these shall be required otherwise these requirements may be unreasonable.

- i. Acoustically insulated housing or cover enclosing the motor or engine;
- ii. Noise management plan identifying hours of maximum noise emissions, type, frequency, and level of noise to be emitted, and proposed mitigation measures;

Comment: COGA has no comments on this if Adams County adopts considerations of technical feasibility and cost-effectiveness into evaluating whether these shall be required.

- ~~iii. Obtain all power from utility line power or renewable sources;~~

Comment: COGA notes that obtaining line power is often not economically or otherwise feasible and does not agree that it would ever be cost effective solely to address noise issues. This measure would only be feasible where highline power is already available on the location. Renewable sources are incapable of providing the power levels required. It is also unclear (with all the existing COGCC regulations and other provision) that this provision is necessary to address noise issues. For this reason, COGA proposes to strike this requirement.

- ~~iv.iii.~~ Utilize the most current equipment to minimize noise impact during drilling, completions, and all phases of operation including the use of "Quiet Fleet" noise mitigation measures for completions;

Comment: This should only be required in certain instances and when necessary to meet the regulatory thresholds. If noise levels are below the thresholds and development will not impact anyone from a noise perspective, these types of measures are not always appropriate and most certainly not necessary. Furthermore, Quiet Fleet is a proprietary technology of Liberty Oilfield Services. The regulations should ensure operators can employ equivalent services provided by other companies.

COGA has no further comments on this if Adams County adopts considerations of technical feasibility and cost-effectiveness into evaluating whether these shall be required.

- ~~v.~~iv. Sound walls around well drilling and completion activities to mitigate noise impacts;

Comment: COGA has no comments on this if Adams County makes clear it applies only if noise levels are in excess of the regulatory threshold and adopts considerations of technical feasibility and cost-effectiveness into evaluating whether these shall be required.(applicable for v, vi, vii)

- ~~vi.~~v. Restrictions on the unloading of pipe or other tubular goods between 6:00 p.m. and 8:00 a.m.;

- ~~vii.~~vi. Any abatement measures required by COGCC for high-density areas, if applicable.

- ~~14.13.~~ Air Emissions: Air contaminant emission sources shall comply with the permit and control provisions of the state air quality control program (C.R.S. § 25-7-101 et seq.) and the rules and regulations promulgated by the State Air Quality Control Commission. The Operator shall employ the following control measures and operating procedures to ~~avoid or~~ minimize ~~all~~ emissions into the atmosphere.

Comment: COGA has concerns with the use of the term “avoid” and “minimize all” emissions with respect to those control measures and operating procedures that the operator shall employ. Air emissions are allowed pursuant to state law. Operators are constantly evaluating ways to further reduce emissions from its oil and gas operations. But oil and gas operations are not a zero emissions process and proposing that all emissions be “avoided” would set an untenable and unattainable standard.

- a. Air quality action days. Operator shall respond to air quality action day advisories posted by the CDPHE for the front range ~~ozone air quality action days in the Denver Metro North Front Range (DMNFR)~~ area by ~~evaluating opportunities for~~ implementing suggested air emission reduction measures as feasible ~~and cost-effective and implementing those determined to be feasible and cost-effective. Suggested Emissions~~ reduction measures ~~shall be implemented for the duration of an air quality action day advisory and~~ may include measures such as:

Comment: The measures identified in this section are voluntary measures suggested by CDPHE to be implemented on ozone action days. Operators are voluntarily to implementing these measures to the extent feasible on air quality actions days in order to reduce ground-level ozone formation. The proposed regulation, however, should remove any mandatory language to make clear

these measures are voluntary and should only require that operators evaluate whether the suggested air emission reduction measures are feasible.

- i. Minimize vehicle and engine idling;
- ii. Reduce truck traffic and worker traffic;
- iii. Delay vehicle refueling;
- iv. Suspend or delay use of fossil fuel powered ancillary equipment; and
- v. Postpone ~~construction or~~ maintenance activities, ~~if feasible.~~

Comment: COGA has removed the term “if feasible” here because it has made clear above that all of these measures must be feasible. Further, construction activities cannot be readily postponed due to existing third party and related contracts.

- b. Leak Detection and Repair. Operator shall develop and maintain an LDAR program using ~~modern leak detection~~ optical gas imaging technologies ~~or other division (Air Quality Control Division) approved instrument monitoring method (AIMM)~~ for equipment used at the facility that complies with the following requirements:

Comment: Operators have concerns with the use of the term “modern leak detection technologies.” This term is ambiguous and subjective. COGA recommends that this be changed to optical gas imaging, as that is the current “modern” leak detection technology.

- i. Inspections must occur at least semi-annually ~~or at the specified frequency of equivalent method that is approved by the CDPHE as required by AQCC Regulation 7 more frequent inspections may be required based on the design, location and size of the facility.~~

Comment: Operators are amenable to conducting LDAR at a semi-annual frequency for all facilities, even though it goes beyond what is currently required under the AQCC regulations. However, Regulation 7 identifies certain large facilities that require LDAR more frequent than semi-annual. Adams County should defer to Regulation 7 on the frequency of inspections beyond semi-annual inspections.

~~ii.~~ If an infrared (IR) camera is used, operator shall retain an infrared image or video of all ~~any~~ leaking components identified during the before and after repair. Such records shall be maintained for two years and shall be made available to the county upon request.

Comment: No video or image should be required. This requirement does not reduce emissions and is a very significant recordkeeping burden. The County should defer to the stringent recordkeeping requirements already mandated by Regulation 7 for any LDAR inspections beyond semi-annual.

~~iii.ii.~~ Any leaks discovered by operator during an LDAR inspection, as well as any ~~including any~~ verified leaks that are reported to operator by a member of the public, shall be provided to the County in a publicly-available LDAR report substantially similar to that submitted by operator pursuant to AQCC Regulation 7 but containing information related only to LDAR in Adams County. ~~reported to the County no later than twenty-four hours after discovery. The operator shall maintain a weekly log of all reported leaks and shall make that log available upon request from the County.~~

Comment: Regulation 7 imposes robust recordkeeping and reporting requirements and authorizes inspection of records by the Division. The requirement to report all leaks discovered during LDAR inspections would be overly burdensome for both operators and the County. Under such a requirement, operators will spend more time focusing on reporting efforts than preventative efforts, repair and inspection. Adams County has not identified the need for having leaks reported within twenty-four hours of discovery. The requirement suggests that reporting is needed to ensure that repairs are completed timely; however, existing LDAR data submitted to the Division does not support that assumption, and in fact most leaks are repaired at the time of inspection. The County should defer to the stringent recordkeeping and reporting requirements under federal and state law. However, operators can agree to provide County specific information in a report to Adams County.

~~iv.iii.~~ Operator shall repair leaks as soon as possible, but at least within seventy-two hours, unless technically or operationally infeasible. First attempt must be made within 5 working days and repairs must be completed within 30 working days after discovery, unless parts are unavailable, the equipment requires shutdown to complete repair, or other good cause exists. If the

~~County determines that the leak presents an imminent hazard to persons or property, the operator may not operate the affected component, equipment or pipeline segment until the operator has corrected the problem and the County agrees that the affected component, equipment or pipeline segment no longer poses a hazard to persons or property. In the event of leaks that the County believes do not pose an imminent hazard to persons or property, if more than 48 hours repair time is needed after a leak is discovered, operator shall contact the County and provide an explanation of why more time is required~~

Comment: Repair timelines should be consistent with those imposed under state and federal regulations. The proposed 72 hour deadline far exceeds current requirements under federal or state law. Under state law, operators are required to make a first attempt at repair within 5 days of discovery and under federal law are not required to undertake repair for 30 days. In reality, repairs typically occur as soon as possible – often at the time of the inspection. However, because not all repairs can be completed within specified timeframes, it is inappropriate to develop a regulation requiring such immediate repair. Adams County has presented no basis for suggesting that a first attempt at repair within 5 days is not sufficient or demonstrated a need that would be served by a seventy-two hour repair requirement. In fact, mandating a different timeframe for repair and recordkeeping will create duplicative and inconsistent recordkeeping burdens with respect to the same leaking component.

This duplication is even more problematic with the seemingly inconsistent and two-tiered structure proposed here by Adams County. The first part of the provision states that leaks shall be repaired within seventy-two hours, but then states that leaks which do not pose an imminent hazard shall be repaired within 48 absent an explanation as to why that 48 hour requirement cannot be met. This adds substantial confusion and procedure to this process.

COGA also strongly disagrees with the language authorizing the County to essentially shut down an operator's facility if it, in the County's sole discretion, determines that a leak presents an imminent hazard to persons or property. First, the County does not have the relevant expertise to make this assessment. Second, the County has provided no standard for when such a requirement would be triggered. Finally, the language preventing the operator from re-initiating operations without the County's approval is unduly burdensome and inappropriate. If a leak has been fixed, then there should be no need for the County to have to weigh in on re-initiation of the facility, component or equipment.

~~v.iv.~~ The LDAR program~~Plan~~ shall include ~~the detailed~~ records~~keeping~~ required by AQCC Regulation 7 Sections XII.L.6 and XVII.F.8 for ~~of the LDAR inspections conducted pursuant to this section. for~~ ~~leaking components.~~

Comment: COGA notes that nowhere else does this provision reference a “plan,” but instead refers only to “an LDAR program.. Operators agree to keep recordkeeping of the inspections consistent with AQCC regulations, but do not agree to develop a “plan” regarding its methods for complying with those detailed recordkeeping requirements.

~~vi.v.~~ At least once per year, the operator shall notify the County five business days prior to an LDAR inspection of ~~its facilities~~~~each facility~~ ~~subject to this provision~~ to provide the County the opportunity to observe the inspection. ~~Only County personnel complying with personal operators’ personal protection equipment requirements will be authorized to observe the inspection.~~

Comment: Operators can agree to notifying the County once per year for each new facility that is subject to these requirements. Any County official planning to observe the inspection must provide and wear proper personal protection equipment that will be described by operators during any notice of the LDAR inspection.

c. Well Completions and Emissions Control

i. Operators shall ~~comply with the well completion requirements at 40 C.F.R. § 60.60.5375a(a) and COGCC Rule 805~~~~utilize EPA Reduced Emission Completions~~ for oil wells and gas wells.

Comment: Operators complete “green” completions consistent with COGCC Rule 805 and New Source Performance Standard 40 C.F.R. § 60.60.5375a(a). The current reference to “EPA Reduced Emissions Completions” is unclear, however, and the specific requirements intended to be referenced should be included here. COGA has made a proposed change to reflect the appropriate references.

~~ii. Operators must utilize closed loop, pitless drilling, completions and production systems without permanent on-site storage tanks for containment and/or~~

recycling of all drilling, completion, flowback and produced fluids and any required venting routed to at least 98% effective emissions control devices.

Comment: COGA first notes that this provision contains confusing and broad-based language. COGA has deleted those requirements it believes are not technically and economically feasible.

COGCC Rules currently only require closed loop or pitless drilling systems if a new well is proposed to be drilled within the 1000' setback or the external buffer of a public surface water supply source. Adams County has provided no justification for requiring similar measures at other sources or an explanation as to why the expansion of this requirements is necessary and reasonable to protect public health or the environment. However, operators would be willing to consider on a case-by-case basis utilizing closed loop or pitless drilling.

With respect to utilizing completions and production systems without permanent on-site storage tanks for containment, COGA has strong objections to this requirement as it relates to both completion and production. First, while a significant portion of the completions activities utilize skid-mounted temporary frac tanks, operators do seek to employ permanent equipment on-site during the completion process in order to reduce emissions. These permanent storage tanks (which are controlled by combustion devices) would be prohibited by this provision. Such prohibition could result in an increase in emissions during the completions process.

The requirement to use production systems without permanent on-site storage tanks appears to be an attempt to mandate tankless operations. Such a requirement is technologically and economically infeasible and could result in operators being unable to develop their mineral resources. While operators continue to look for opportunities to utilize tankless operations, there are significant impediments to doing so including the availability of oil pipelines that are capable of and willing to transport liquids with a high Reid vapor pressure and in the amount needed to remove tanks from the facility. Further, companies that cannot transport their own liquids face more significant costs in operating tankless facilities

To the extent Adams County intended this provision to require routing of temporary tank emissions for flowback and produced fluids to an emission control device, such a requirement significantly exceeds current requirements under both Regulation 7 and NSPS OOOOa. Both of these regulations exempt temporary tanks used for the drilling and flowback period from the control requirements applicable to permanent storage tanks. See 77 FR at 49,524–25 (revising definition of storage vessel to exclude storage vessels on site for less than 180 days).

d. Combustion Devices

- i. For any flares or combustion devices used, a manufacturer's test or other data demonstrating a hydrocarbon destruction or control efficiency with a design destruction efficiency of at least 98%.
- ii. ~~Flaring shall be eliminated other than during well maintenance, well stimulation flowback, purging operations, a productivity test, emergencies or upset conditions~~ Flaring of sales gas that would otherwise be routed to a gas gathering line at a well production facility shall be eliminated except during well maintenance, well stimulation flowback, purging operations, a productivity test, other than emergency or upset conditions and sales gas from wildcat wells; all flaring of high-pressure sales gas shall be reported to the county.

Comment: This requirement should be consistent with COGCC regulations and allow for flaring during certain maintenance and operation activities, in addition to emergencies or upset conditions. There are safety reasons beyond emergencies or upset conditions to allow flaring, and this is reflected in the proposed edits. This provision should also be subject to Adams County variance procedures should unforeseen circumstances arise under which an operator would need to request to flare beyond that allowed by this provision.

- iii. To the extent used, all flares, thermal oxidizers, or combustion devices shall be designed and operated as follows:
 1. The flare and or combustor shall be fired with natural gas when possible.
 2. The flare and or combustor shall be designed and operated in a manner that will ensure no visible emissions during normal operation. Visible emissions means observations of smoke for any period or periods of duration greater than or equal to one minute in any fifteen minute period during normal operation, pursuant to EPA Method 22. Visible emissions do not include radiant energy or water vapor.

3. The flare and or combustor shall be operated with a flame present at all times when emissions may be vented to it.

Comment: COGA notes that this is not currently required by AQCC regulations but agrees to this requirement for new facilities. Agreement to this for new facilities or at substantially modified facilities (as COGA has proposed that be defined) does not indicate support for this requirement at existing facilities and COGA does not believe Adams County has the legal right to make this or other new proposed requirements apply to existing facilities.

4. All combustion devices shall be equipped with an operating auto-igniter.

Comment: COGA notes that this is already required by AQCC regulations.

5. If using a pilot flame ignition system, the presence of a pilot flame shall be monitored using a thermocouple or other equivalent device to detect the presence of a flame. A pilot flame shall be maintained at all times in the flare's pilot light burner. A telemetry system shall be in place to monitor pilot flame and shall activate a visible and audible alarm, in the case that the pilot goes out.

Comment: Through its discussions with the County, COGA understands that the proposed rules will apply only to new facilities or facilities that expand a certain amount beyond the scope of the original permit. Depending on the definition of expansion beyond the scope of the original permit, operators can agree to the requirement to install a telemetry system if limited to new facilities or substantially modified facilities (as COGA has proposed that be defined). Installing this type of system at existing facilities is not economically feasible.

6. If using an electric arc ignition system, the arcing of the electric arc ignition system shall pulse continually and a device shall be installed and used to continuously monitor the electric arc ignition system.

e. Liquids Unloading

- i. Best management practices during liquids unloading activities are required, which may include the installation of artificial lift, or automated plunger lifts if feasible. The County and Operator will determine

~~appropriate best management practices on a case-by-case basis based on technical and economic feasibility and at least 90% emissions reductions when utilizing combustion to control any venting.~~

Comment: COGA does not understand the need for this provision. AQCC regulations address liquids unloading and already provide for use of best management practices to reduce emissions. Thus, we believe that this provision should be deleted.

If retained, this proposed requirement should be consistent with AQCC regulations, which allow expressly for venting during liquids unloading. We have provided a mark-up in the event that the language is retained.

Finally, not all liquids unloading can be prevented. Installation of artificial lift and automated plunger lifts are mechanisms designed to reduce the need for well liquids unloading. But well flow characteristics must justify artificial lift methods. Importantly, artificial lift and plunger lifts are typically not appropriate on newer facilities and provide the greatest benefit when a well has moved further into its life cycle. Furthermore, there is currently no feasible way to control emissions from unloading activities through a combustion device. Several operators are actively exploring this technology, but it is not currently able to be implemented due to safety concerns. For this reason, COGA strongly suggests the County strike the language relating to control of emissions from unloading activities.

- ii. ~~If—When~~ manual unloading ~~is—permitted occurs,~~
operator shall remain onsite.

Comment: COGA does not understand the need for this requirement given the requirements in the AQCC regulations.

- f. General air quality protection measures.

- i. Operators should ~~explore options to work to limit~~
~~reduce~~ truck traffic to and from the site.

Comment: COGA does not believe it is appropriate for this to be deemed as a mandatory requirement. Truck traffic is highly dependent on the feasibility of pipelines for water and oil – both of which have significant economic and other limitations. We propose changes to indicate that operators need only explore options to reduce truck traffic.

- ii. ~~Combustion devices with a design destruction efficiency Hydrocarbon control~~ of at least 98% or
~~better shall be installed~~ for crude oil, condensate, and
produced water tanks at a well production facility

with uncontrolled actual emissions of VOCs greater than twosix TPY VOCs per tank battery.

Comment: The reference to “hydrocarbon control” is unclear and should be clarified. We assume that this is intended to mean that crude oil, condensate and produced water tanks should be controlled by a combustion device with a design destruction efficiency of 98%. Note also that manufacturers certify a destruction efficiency of 98%

It is also unclear from the provision whether Adams County intends to refer to each individual tank with emissions greater than 2 tons per year per tank or whether it intends the 2 ton per year requirement to apply to each tank battery of crude oil, condensate or produced water tanks. If the former, Adams County is creating a threshold inconsistent with that set forth in the AQCC regulations – which establishes thresholds for tank batteries – not individual tanks. Furthermore, if based on a per tank requirement, it raises significant technical questions regarding how emissions on a per tank basis should be determined, an issue that is currently being evaluated at the federal level. Finally, if on a per tank basis, given the number of tanks at a battery for new and substantially modified facilities, the threshold would likely be above that currently required under the AQCC regulations. Thus, it would not make sense to have a threshold established on a per tank basis.

By contrast, if this provision applies to each tank battery, this requirement significantly exceeds existing requirements. Given that this requirement will only apply to new facilities or those expanded beyond the original permit, this will not achieve any additional emissions reductions beyond existing AQCC regulations. For crude oil and condensate, tanks at new facilities will already be required to be controlled either under the existing systemwide reduction requirements in Regulation No. 7, XII or pursuant to the requirements in Regulation No. 7, XVII to control tank batteries greater than 6 tons per year. While a threshold of 2 tons per year may require additional produced water tanks to be controlled (because produced water tanks tend to have the most significant emissions shortly after production begins), a requirement to install and maintain controls gains little benefit over time, especially when compared with the Regulation No. 7, XVII requirements. In addition, we understand that as part of rulemaking this fall at the AQCC, the Division plans to propose a new threshold in the nonattainment for controlling produced water tanks, though that threshold has not yet been finalized. Adams County should defer to that threshold and not create potential duplicative or inconsistent thresholds.

- iii. No venting, unless venting is reasonably required for maintenance, gauging, or safety of personnel and equipment, other than if necessary for safety or during an emergency

Comment: The regulation should allow for venting under the circumstances allowed in AQCC regulations. AQCC has some of the most extensive and comprehensive regulations against venting in the country. However, the AQCC recognizes that venting can be required during maintenance, gauging, and in circumstances for safety of personnel and equipment. These same circumstances for venting must be allowed here. Oil and gas operations cannot be operated with no venting during the circumstances described above.

- iv. ~~Operators should consolidate product treatment and storage facilities within a facility.~~

Comment: The County should clarify the purpose and rationale for this requirement. First it is unclear what is meant by “product treatment.” Typically, gas, crude oil, condensate and produced water do not undergo “treatment” at the well facility – only separation. Furthermore, it is not clear whether “storage facilities” are intended to mean something other than storage tanks. Other than storage tanks, well facilities tend to have one storage location for other products and thus requirements to consolidate are unnecessary. If intending to refer to storage tanks, it is not clear what is required to comply with this provision or the intent that is sought. Additionally, it is inconsistent with other provisions (such as the berm and secondary containment provisions) that would actually result in a greater footprint and less consolidation among product treatment and storage facilities.

- v. ~~Operators should centralize the compression units needed for the well production facilities within one facility where possible. should centralize compression facilities within a facility.~~

Comment: Further clarification is needed on the County’s purpose and rationale for this requirement and the environmental benefits it hopes to obtain. Emissions from a site’s compression facilities will remain the same regardless of where they are located within a facility. Compression is already located in relative proximity to the equipment it is servicing in order to reduce extra piping and connections. COGA strongly objects if the intent is to require separate compression facilities.

- vi. ~~For operators with existing oil and gas facilities in Adams County, demonstration that the facility will not result in any increase of VOCs from operator’s existing and planned development in the County. Operator may include anticipated reductions from plugging and abandoning existing wells located in the County when modeling total VOCs from existing and future development and related activities.~~

Comment: COGA understands that Adams County plans to eliminate this requirement. COGA very much supports that. However, since, COGA has not seen proposed language or revisions eliminating that requirement it includes its objections to this requirement for the record. Adams County's proposed rule will result in a strict zero-emission offset program – i.e., to mandate that no new VOC emissions are emitted in Adams County above and beyond existing the existing baseline only for operators with existing facilities. The scope of the offset program—which references both planned and existing development—is also not clear. Regardless of how the regulation is formulated, such. Such a requirement is unduly onerous, burdensome, and would prevent operators from developing their mineral interests and likely would constitute a taking of private property.

Colorado has the most stringent VOC requirements in the country – particularly in the nonattainment area in which Adams County resides. Additionally, the ozone nonattainment area will be moving into serious nonattainment and will have more stringent requirements on existing sources. Even accounting for the significant emission reduction requirements on new oil and gas sources, there will not be enough VOC emissions to offset new facilities. In most cases, plugging and abandoning existing, low-producing wells will not fully offset emissions from a new, modern facility. The existing, low-producing facilities just do not produce enough emissions. The only scenario under which this is potentially feasible, is where there is full electrification of the site and the ability to install tankless systems. Under this circumstance an operator can significant reduce emissions from a new facility. However, as discussed below, very few facilities have this capability because of lack of grid structure and because the operator needs to own and operate their midstream operations in order to install tankless facilities. Outside of this limited scenario, this provision will act as a de-facto ban on future development.

Adams County has failed to provide any justification for why a complete offset of new emissions, i.e., a zero-emission limit, which would prohibit new development from existing operators only, is both reasonable and necessary to protect public health, welfare, or the environment as required under Senate Bill 19-181 and the Colorado Land Use Control Enabling Act. Adams County has failed to identify the baseline emission level based on current development and operations and articulate the rationale for why limiting emissions beyond that baseline is necessary to protect public health, welfare, or the environment. The fact that the proposed rule only applies to operators with existing oil and gas facilities also belies the arbitrary nature of the rule and makes clear it is not based on a quantifiable emission level necessary to protect public health or the environment. As drafted, an operator with no existing operations in the county could develop an entirely new facility unconstrained from the offset requirement. Adams County also does not require any other industries to comply with similar offset standards. Development and industrial activity of all types results in some emissions, including VOC emissions. Adams County has not articulated why oil and gas production – and VOC emissions in particular – necessitate complete offset in order to protect public health, welfare, or the environment.

Finally, the proposed rule also conflicts with AQCC regulations implementing the federal Non-Attainment New Source Review (NNSR) Program. Under the NNSR program, major sources of ozone precursors must meet certain offset requirements. To qualify as an offset under the NNSR program, the proposed emission reduction must be “surplus.” See AQCC Reg. 3, Part A § V.E.I. This means the proposed offset cannot be “required by current regulations, relied on

for state implementation plan planning purposes, and not used to meet any other regulatory requirement.” Id. § V.C.13. The County’s proposed rule potentially imposes a regulatory requirement that would then prohibit operators from using the reductions obtained to both comply with the Adams County rules and the AQCC’s offset requirements. This could put sources that need to comply with NNSR permitting requirement in an untenable position.

- g. Site-specific air quality protection measures. To ~~eliminate or minimize air emissions—~~and depending on the potential volume of uncontrolled air emissions, location and nature of the OGF facility—some or more of the following measures may be required if available and demonstrated by credible research to provide a material air emissions reduction that is not otherwise achievable through other technologies or means and is economically feasible: the County may require any or all of the following depending on the size, location and nature of the facility:

Comment: COGA has concerns with the addition of the term “eliminate” or “minimize” emissions with respect to those control measures and operating procedures that the Operator shall employ. Air emissions are allowed pursuant to state law. Oil and gas operations are not a zero emissions process. Proposing that all emissions be avoided would set an untenable and unattainable standard. Minimizing emissions is a sufficient standard – particularly with the specific requirements articulated below – to achieve environmental protection.

Furthermore, this provision appears to grant the County complete discretion to “require any or all of the following depending on the size, location and nature of the facility” to minimize air emissions. This broad and undefined grant of authority does not include any specific standards or identify when the listed mitigation measures may apply. In this manner, the proposed regulation is wholly unsupportable under the law as the County has not identified any rational, non-arbitrary explanation or basis for requiring any of the proposed mitigation measures.

The proposed rule should at the very least identify the relevant emission thresholds or circumstances that could trigger a requirement to implement one or more of the identified mitigation measures.

Finally, COGA also understands that it is the County’s intent that the appropriate mitigation measures will be determined based on technical and economic feasibility as determined by discussions between the County and Operator. The proposed rule should make this clear.

- i. ~~Ambient Air Monitoring.~~ An air monitoring plan that describes how the operator will conduct baseline monitoring within 500 feet of a proposed facility prior

to construction and conduct monitoring during the drilling, completion and production phases of development shall be approved by the county prior to any activity. The plan shall include monitoring for all potential hydrocarbon emissions from the Oil and Gas Facility, which may include methane and VOCs, including but not limited to, methane, VOCs, Hazardous Air Pollutants (HAPs), Oxides of Nitrogen (NOx), Particulate Matter (PM), Fine Particulate Matter (PM 2.5), and Carbon Monoxide (CO). Operator shall pay for the baseline and ongoing monitoring. Baseline and continuous monitoring shall be done by a consultant approved of by the County. Monitoring at the production facility shall be limited to one (1) year, and may be excluded if the facility has no condensate tanks. Any AQCC regulation that is developed for ambient air monitoring for oil and gas facilities, drilling and/or completion activities shall supersede this requirement. Any continuous monitoring system shall be able to alert the operator of increases in monitored air pollutant concentrations.

Comment: COGA recommends that this provision be deleted. A requirement for the AQCC to consider development of continuous emissions monitoring was proposed in Senate Bill 181. The Air Pollution Control Division plans to hold a rulemaking on continuous emissions monitoring in the next year to fulfill the statutory mandate. However, the APCD has been clear that it does not have enough information at the current time to understand: (1) the technologies available to conduct continuous emissions monitoring; (2) the pollutants for which continuous emissions monitoring is available and reasonable; (3) the cost of technologies for conducting continuous emissions monitoring; (4) concerns regarding implementation of continuous emission monitoring systems; and (5) the value of continuous emission monitoring systems from an emissions perspective.

*Considerations regarding pollutant transport, wind direction, pollutant load and ambient air quality are extremely complex issues. It is premature for Adams County to be mandating any requirements for continuous emissions monitoring, particularly for the range of pollutants proposed which includes pollutants that are not found in any significant level at oil and gas facilities. **We recommend that this provision be eliminated at this time.** However, if this is to be maintained, we recommend that the above provisions must be made to ensure implementation is achievable.*

Adams County has not articulated why it believes continuous emissions monitoring should be required. There has been no demonstration that continuous emissions monitoring will result in fewer emissions. Additionally,

Adams County proposes that the continuous monitoring be conducted by a consultant – which will have a significant cost associated with it and may be untenable given that the primary value of continuous emissions monitoring is related to the ability to respond to results.

~~ii. The use of electric drill rigs.~~

Comment: As a threshold matter, a blanket requirement to use electric drill rigs would not be economically feasible or practical given the current supply of electric drill rig engines and the difficulty in accessing electric grid power. And as a potential mitigation measure to be decided upon on a case-by-case basis, this provision is also unworkable. These are long-term contracts that must be planned well in advance. Because electric drill rigs are in short supply, this would be impossible to comply with in most instances without significant advance notice.

Furthermore, constraints associated with bringing electrical power to locations in time for drilling operations are significant. State and local regulations generally force the location of O&G facilities into areas with less surrounding development and infrastructure. Usually, the access point to grid electrical service with the voltage and amperage required to operate a drilling rig is too far from the drill pad to make using grid power feasible. The Colorado Statewide Hydrocarbon Emission Reduction (“SHER”) stakeholder group is currently evaluating constraints related to electrical power and infrastructure. Adopting requirements that mandate electrical use at a site would be premature and could constrain operators from developing their mineral resources.

Adams County also does not have the legal authority to adopt a requirement mandating that operators use electric drill rigs.

~~iii. Tier 4 or better diesel engines, diesel and natural gas co-fired Tier 2 or Tier 3 engines, natural gas-fired spark ignition engines, or electric line power for hydraulic fracturing pumps.~~

Comment: For the reasons discussed above, Adams County does not have the legal authority under the federal Clean Air Act to regulate the types of engines used at oil and gas production facilities.

~~iv.ii.~~ The use of liquefied natural gas dual fuel hydraulic fracturing pumps.

~~v.iii.~~ Implementation of well production facility design that eliminates the need to install atmosphere hydrocarbon

~~tanks, if technically and economically feasible tankless production techniques.~~

Comment: COGA has strong objections to this requirement as it relates to tankless production. Any requirement to utilize tankless production techniques is inappropriate. Such a requirement may be technologically and economically infeasible and could result in operators being unable to develop their mineral resources. While operators continue to look for opportunities to utilize tankless operations, there are significant impediments to doing so including the availability of oil pipelines that are capable of and willing to transport liquids with a high Reid vapor pressure and in the amount needed to remove tanks from the facility. Moreover, it should be understood that even if facilities are connected to a liquid pipeline, they usually still have tanks on location as backup. This is an environmental and safety measure.

~~vi. Use of quiet design mufflers (also referred to as hospital grade or dual dissipative) or equivalent.~~

Comment: This is not an air issue and should not be included in this section. This should be included in the noise section. As mentioned in the comments on the noise section, COGA has no comments on this if Adams County makes clear it applies only if noise levels are in excess of the regulatory threshold and adopts considerations of technical feasibility and cost-effectiveness into evaluating whether these shall be required.

~~vii.iv. The use of zero emission controlled dehydrators or those that operate with a waste- and flash-gas recovery system.~~

~~viii.v. Use of a pressure-suitable separator and vapor recovery unit (VRU) where applicable.~~

Comment: What does "pressure-suitable" mean?

~~ix.vi. Pipeline infrastructure for produced water, natural gas, crude oil and condensate constructed and placed into service prior to the start of any fluid flow from any wellbore.~~

Comment: As noted above, any requirement to utilize tankless production techniques or require pipelines for all liquids is inappropriate. Operators can typically commit to constructed and in service placement of natural gas infrastructure before the start of any fluid flow from any wellbore, but cannot agree with such a requirement for produced water and crude oil. Such a requirement is technologically and economically infeasible and could result in operators being unable to develop their mineral resources. While operators continue to look for opportunities to utilize tankless operations, there are

significant impediments to doing so, including the availability of oil pipelines that are capable of and willing to transport liquids with a high Reid vapor pressure and in the amount needed to remove tanks from the facility.

~~xi.vii.~~ The use of ~~no~~low-bleed continuous and intermittent pneumatic devices. Operators must utilize pneumatic controllers that do not bleed or vent natural gas into the atmosphere where on-site electrical grid power is being used and the use of a no-bleed pneumatic controller is technically and economically feasible. This requirement can be met by replacing natural gas with electricity or instrument air, or routing the discharge emissions to a closed loop system or process.

Comment: The proposed language suggests that this requirement applies to existing facilities (e.g, the reference to “replacing natural gas”). As noted elsewhere, these provisions do not and cannot apply to existing facilities. Only new facilities and those triggering the permitting process are subject to these requirements. Furthermore, it is not technically or economically feasible to replace all natural gas pneumatics with electricity or instrument air, or to route the discharge emissions to a closed loop-system or process. This would go far beyond what is currently required under existing federal and state regulations, which already require the use of low-bleed or intermittent pneumatics for new facilities.

COGA believes that it is premature for Adams County to adopt no-bleed pneumatic controllers. The SHER process has been discussing no-bleed pneumatic controllers, and it continues to gather data, including from environmental organizations. Furthermore, the Division will be proposing pneumatic controller regulations for consideration by the AQCC this fall – the scope of which is not yet known. Adams County should not adopt pneumatic controller regulations at this time.

~~xi.viii.~~ Automated tank gauging.

Comment: COGA has no comments on the potential requirements related to automated tank gauging since the provision applies only to new or substantially modified facilities.

~~15.14.~~ Odors:

- a. ~~Operator must implement and maintain and make available to the County upon request, an odor mitigation plan that demonstrates how operator will minimize odors from its operations and~~ comply with Colorado Department of Public

Health and Environment, Air Quality Control Commission, Regulation No. 2 Odor Emissions, ~~Part A-5 CCR 10014, Part A Regulation No. 3, 5 CCR 1001-5, and Regulation No. 7, 5 CCR 1001-9 sections VII and VIII.~~ The plan shall also provide a plan for timely ~~evaluating~~responding to odor complaints from the community, and ~~process~~ for identifying and implementing ~~(to the extent necessary to achieve compliance with Regulation No. 2, Part A)~~ additional odor control measures to control odors emanating from ~~the Oil and Gas Facility, and a plan for coordinating such efforts with the County and Tri County Health Department Staff.~~

Comment: Regulations No. 3 and No. 7 do not address odor. Those regulations address permitting and controls of hydrocarbons, respectively. Thus, there is no pre-existing legal basis for requiring an odor mitigation plan to include information on an operator's plan to comply with existing regulations – particularly those not pertaining to odor.

The term “minimize odors” is vague and uncertain. Regulation No. 2 reflects the standards established by the Air Quality Control Commission that are unacceptable and need to be mitigated. Specifically, Regulation No. 2, Part A distinguishes between areas used predominantly for residential or commercial purposes and all other areas, and establishing a lower standard of odorous air in residential and commercial areas. If an operator's odor mitigation plan demonstrates compliance with Regulation No. 2, Part A, operators should not be required to undertake additional, significant and costly measures to eliminate all odors associated with the facilities.

- b. Operator must notify the County's LGD ~~no later than 24 hours~~by the end of the next business day after receiving odor complaint ~~or notice of an odor complaint.~~

Comment: Odor complaints do not constitute emergency or hazardous situations. Thus, requiring notification within 24 hours (which could include a weekend) is unnecessary for odor complaints. Rather, COGA proposes that notifications must be made by the end of the next business day after receiving the odor complaint.

- c. Operator must prevent odors from ~~Oil and Gas Facilities~~ from affecting the health and welfare of the public by proactively addressing and, to the fullest extent, resolving ~~verified~~ complaints filed by members of the community, in coordination with County and Tri-County Health Department staff.

Comment: Given the requirement to implement a plan to address odors and respond to complaints, this section is redundant and unnecessary. COGA agrees that operators can implement a plan to reduce and limit odors and can respond to and work to resolve complaints filed by members of the community. However, if the odors do not exceed those allowed pursuant to Regulation No. 2, Part A, then operators should not be required to undertake additional, significant and costly measures to eliminate all odors associated with the facilities.

- d. To ensure compliance with the odor mitigation plan, the County may require the Operator ~~to implement any of the following measures depending on the size, location and nature of the facility to comply with one or more of the following requirements as needed to ensure compliance with Regulation No. 2, Part A while taking into consideration technical and economic feasibility of any such requirement:~~

Comment: As a threshold matter, the County's authority needs to be further defined. COGA understands that it is the County's intent that the appropriate mitigation measures will be determined based on technical and economic feasibility as determined by discussions between the County and Operator. The proposed rule should make this clear.

It is also not clear what is meant by an "odorant which is not a masking agent." COGA understands odorants and masking agents to be synonymous. COGA is also not aware of any evidence that chillers reduce odor. The County has not provided any evidence on the technical feasibility of either of these proposed requirements.

- i. Adding an odorant ~~which is not a masking agent or adding chillers to the muds.~~
- ii. Using filtration systems or additives to minimize odors from drilling and fracturing fluids except that operator shall not mask odors by using masking fragrances.
- ~~iii. Enclose shale shaker to contain fumes from exposed mud, where safe and feasible~~

Comment: Operators have advised that the use of enclosed shale shakers is virtually never safe or feasible.

- ~~iv.~~iii. Wipe down drill pipe each time drilling operation "trips" out of hole

Comment: The proposed rule needs to further define what is meant by “wipe down” and what compliance with this would require. It cannot be that this establishes a zero-mud threshold.

~~v.~~iv. Increasing **additive odorant** concentration during peak hours.

~~16.~~15. Water source sampling and testing: Using records of the Colorado Division of Water Resources, the applicant will be required to identify and offer to sample all available water sources, **as defined in the COGCC regulations**, located within one-half mile of the proposed well or facility **that the operator has permission to sample**. All sampling must be conducted by third-party consultant approved of by the County. Sampling requirements include:

Comment: COGA believes that this entire section is unnecessary and duplicative of existing COGCC requirements. Though Adams County proposes to be more stringent than COGCC in certain ways, Adams County has provided no justification (particularly given the data that has resulted from COGCC’s existing baseline water testing program) that justifies such additional measures and explains why they are reasonable and necessary. Thus, COGA recommends deleting this entire Section 16 and deferring to existing COGCC regulations.

However, to the extent that Adams County retains these provisions, Adams County needs to be clearer that this is intended to refer to water wells registered with the Colorado Division of Water Resources. The reference to the Colorado Division of Water Resources suggests that is the intent; however, this needs to be clarified. Under COGCC regulations, operators are only required to test sources registered with the Division of Water Resources, except in certain limited areas. Any requirement to test surface waters would be inappropriate given the other potential contributors to those water bodies and the complex regulatory regimes associated with protection of those water bodies.

Operators currently comply with COGCC baseline sampling and its historic data does not suggest that additional monitoring beyond that required by COGCC is necessary. We note, however, that COGA does not think that third-party consultant approval is necessary in light of the fact that COGCC Rule 609.e requires that all sampling be performed in accordance with an accepted industry standard as stated in the COGCC Model Sampling and Analysis Plan.

a. Initial baseline samples and subsequent monitoring samples **consistent with the methodologies set forth in COGCC regulations.**

- b. Initial collection and testing of baseline samples from available water sources shall occur within twelve months prior to the commencement of drilling a well, ~~or within twelve months prior to the re-stimulation of an existing well for which no samples were collected and tested during the previous twelve months.~~

Comment: COGA does not agree that the sampling requirements should apply prior to re-stimulation of an existing well for which no samples were collected or tested during the previous twelve months. Only activities that require a Form 2 trigger new baseline sampling under COGCC regulations, and stimulation (as compared to re-completion) does not require a Form 2. Adams County should not exceed COGCC's authority in this area, particularly given that the results from historic baseline sampling have shown no need for concern.

- c. Post-~~completion~~stimulation samples of available water sources shall be collected and tested pursuant to the following time frame:
1. One sample within six months after completion;
 2. One sample between twelve and eighteen months after completion; and
 3. One sample between sixty and seventy-two months after completion.

~~4. For multi well pads, collection shall occur annually during active drilling and completion.~~

Comment: COGCC regulations require only sampling between six and twelve months of completion of the well and within sixty and seventy-two months after completion of the well. This adds at least one additional sample and potential additional sampling during drilling and completion. Though COGA can agree to this additional sampling for new wells, it continues to have concerns that Adams County is proposing additionally sampling when existing sampling has not shown any evidence or indications of concern.

- d. Operator shall collect a sample from at least ~~one up-gradient and two down-gradient~~ water sources within a one-half mile radius of the facility. If no such water sources ~~are-is~~ available, operator shall collect at least one samples from ~~additional~~ water sources within a radius of up to one mile from the facility ~~until samples from a total of at least~~

~~one up-gradient and two down-gradient water sources are collected.~~ Operators should give priority to the selection of water sources closest to the facility.

Comment: COGA disagrees with this provision. The COGCC only indicates that samples from both downgradient and up-gradient are preferred over cross-gradient locations. However, if up-gradient locations cannot be located within 1/2 mile, the COGCC does not require the operator to extend the area of sampling. In fact, it is inappropriate to expand the area of sampling as it creates a baseline data sample that is much further away and less accurate. As noted throughout this section, COGA disagrees with the duplication of COGCC's baseline sampling program.

- e. An operator may rely on existing groundwater sampling data collected from any water source within the radii described above, provided the data was collected within the twelve months preceding the commencement of drilling the well, the data includes measurement of all of the constituents measured in Table 1, and there has been no significant oil and gas activity within a one-mile radius in the time period between the original sampling and the commencement of drilling the well.

*Comment: COGA has no comments on this requirement except that it duplicates COGCC's requirements.
(applicable to e, f, g, h)*

- f. The operator shall make good faith, reasonable efforts to obtain the consent of the owner of the water source. If the operator is unable to locate and obtain permission from the surface owner of the Water Source, the operator shall advise the CED Director that the applicant could not obtain access to the water source from the surface owner.
- g. Testing for the analytes listed in Table 1, and subsequent testing as necessary or appropriate.

Comment: The analytes listed in Table 1 exceed current COGCC's requirements. COGA has proposed revisions to Table 1 to align with current requirements.

- h. Standard industry procedures in collecting samples, consistent with the COGCC model Sampling and Analysis Plan, shall be followed.
- i. Reporting the location of the water source using a GPS with sub-meter resolution.

Comment: The proposed rule exceeds current COGCC requirements. Adams County should defer to COGCC's regulations (381A.f(6) and (7) on this issue.

- j. Field observations. Reporting on damaged or unsanitary well conditions, adjacent potential pollution sources, odor, water color, sediment, bubbles, and effervescence.
- k. Test results. Provide copies of all test results described above to the County, the COGCC, and the water source owners within three months after collecting the samples.
- l. Subsequent sampling. If sampling shows water contamination above the levels described below, additional measures may be required including the following:
 1. If free gas or a dissolved methane concentration level greater than one milligram per liter (mg/l) is detected in a water sample source, determination of the gas type using gas compositional analysis and stable isotope analysis of the methane (carbon and hydrogen).

Comment: As noted above, the majority of these requirements are duplicative of those required by the COGCC. However, the COGCC's regulations and the County's proposed regulations differ with respect to reporting requirements, and this will create confusion. Only one set of results needs to be reported to all the interested parties. We believe that this further supports deferring to COGCC rules on baseline monitoring.

2. If the test results indicate thermogenic or a mixture of thermogenic and biogenic gas, an action plan to determine the source of the gas.
3. Immediate notification to the County, the COGCC, and the owner of the water source if the methane concentration increases by more than five mg/l between sampling periods, or increases to more than ten mg/l.
4. Immediate notification to the County, the COGCC and the owner of the water source if BTEX and/or TPH are detected as a result of testing. Such detections may result in

required subsequent sampling for additional analytes.

5. Further water source sampling in response to verified complaints from water source owners.
6. Timely production and distribution of test results, well location, and analytical data in electronic deliverable format to the CED Director, the COGCC and the water source owners.

Table 1. Water Quality Analytes

GENERAL WATER QUALITY	Alkalinity Conductivity (only pre-drilling) & TDS Ph (only pre-drilling) Dissolved Organic Carbon (or Total Organic Carbon) Bacteria Hydrogen Sulphide
MAJOR IONS	Bromide Chloride Fluoride Magnesium Potassium Sodium Sulfate Nitrate + Nitrite as N (total)(only pre-drilling)
METALS	Arsenic Barium (only pre-drilling) Boron (only pre-drilling) Chromium Copper Iron (only pre-drilling) Lead Manganese (only pre-drilling) Selenium (only pre-drilling) Strontium (only pre-drilling)
DISSOLVED GASES AND VOLATILE ORGANIC COMPOUNDS	Methane Ethane Propane BTEX as Benzene, Toluene, Ethylbenzene, Xylenes Total Petroleum Hydrocarbons (TPH)
OTHER	Water Level Stable isotopes of water (Oxygen, Hydrogen, Carbon)

Phosphorus (only pre-drilling)

~~17.16.~~ Dust:

- a. Operator shall minimize dust pollution associated with onsite activities and traffic.
- b. No untreated produced water or other process fluids shall be used for dust suppression.
- c. The operator will ~~minimize~~ avoid creating dust ~~and~~ avoid dust suppression activities within 300 feet of the ordinary high-water mark of any water body, unless the dust suppressant is water.

Comment: COGA has proposed minor revisions to reflect a duty to minimize dust creation and avoid any dust suppression activities other than water within 300 feet of the high-water mark. Additionally, below COGA has revised the regulation to reflect that these are now referred to as Safety Data Sheets and to include a requirement that they be maintained by the operator and provided upon request. COGA sees no value in additional submittals to the County.

- i. Safety Data Sheets (SDS) for any chemical-based dust suppressant shall be ~~maintained by the operator and submitted to the County upon request~~ prior to use.

~~18.17.~~ Visual Aesthetics.

- a. Operator shall submit a visual mitigation plan in compliance with COGCC Rules, including but not limited to, a list of the proposed colors for the Facilities, regardless of construction date, which are observable from any public highway, providing for paint that is uniform, noncontrasting, nonreflective color tones (similar to the Munsell Soil Color Coding System), and with colors matched to but slightly darker than the surrounding landscape, ~~a listing of the operations' equipment,~~ proposed fencing, and screening. Plan shall indicate the location of all outdoor lighting on the site ~~and any structures~~ and include cut sheets of all proposed fixtures. ~~If the well site is visible from a subdivision west of Imboden Road, Fencing shall be required around all well site equipment following drilling and completion, including, but not limited to, storage tanks, well heads, and meters if the well site is visible from a subdivision west of Imboden Road.~~ Such fencing shall screen equipment, provide safety precautions, and be compatible with the surrounding environment.

Should fencing apply to a well site, the design and construction of such fencing shall be approved by the Community and Economic Development Department ~~prior to the construction of any site~~. If a chain link fence is required to achieve safety requirements set by the COGCC, then landscaping and other screening mechanisms shall be required that comply with the County's Development Standards and Regulations and the Operator's safety requirements. Operator shall be responsible for obtaining consent by surface owner allowing any required fencing; however, if the surface owner will not grant consent after good faith efforts by the Operator to obtain such consent, then the fencing mandated by this provision shall not be required. The surface owner's preferences for fencing will also be taken into account when developing a visual mitigation and fencing plan.

Comment: the COGCC does not require a visual mitigation plan in all areas. Rather, mitigation may be presented as Best Management Practices in Form 2As. Despite this, COGA agrees with the development of a visual mitigation plan but has some concerns about the information to be included in the plan. COGA agrees with the proposal as it relates to paint, proposed fencing and screening. However, COGA disagrees with any requirement to list all of its operations equipment for safety reasons and confidential business reasons, COGA also does not agree with providing a list of all operations' equipment. Operators are only required to provide a "list of major equipment components" in the Form 2A, and this language contains no such limiting considerations.

The Plan is required to indicate the location of all outdoor lighting on the site "and any structures." The meaning of this term is unclear. We therefore recommend deleting or clarifying what is meant by "any structures."

Approval of the fencing should not be required prior to construction. Given the nature of drilling and completion activities, fencing may not be appropriate until moving into the production phase. Additionally, because sound walls are used during drilling and completion, fencing is generally not feasible at these stages.

COGA believes it appropriate to use all good and reasonable efforts to obtain authorization to install a fence; however, if an operator cannot do so or the surface owner demands unacceptable fees for erecting the fence as required by the County, then operators must have relief from this provision. COGA recommends the inclusion of language making this clear.

- b. Operator shall include as part of the visual mitigation plan ~~submit a~~ landscaping and berming plan that includes

maintenance and irrigation requirements for planted vegetation throughout the duration of operations, including production. Operator shall be required to provide maintenance funding through bonding to ensure funds are available for upkeep. Weed control is required at the facility and along access roads constructed by the operator until final reclamation and abandonment. Required Sound walls, if required shall be included in the visual mitigation plan and shall comply with the color scheme approved by the County, blending with natural background. All landscaping shall be in compliance with County requirements located at [] and in compliance with the safety requirements of the Operator. Existing vegetation shall be minimally impacted. Motorized equipment shall be restricted remain on to the areas designated for the well sites and access roads to the well sites. Operator is responsible for obtaining consent by surface owner allowing landscaping as well as automatic irrigation for landscaping in urban mitigation areas and/or parks/recreation areas; however, if the surface owner will not grant consent after good faith efforts by the Operator to obtain such consent, then the landscaping and irrigation mandated by this provision shall not be required. All plant materials shall be kept in a healthy growing condition at all times.

Comment: COGA proposes deleting the term “berming” here; as berming and secondary containment are addressed elsewhere in these provisions.

Additionally, there should not be excessive numbers of plans. We have proposed that the landscaping and sound plans be part of the visual mitigation plan. We have also suggested language to clarify that sound walls are not required in all instances. See 13.e.v. above.

COGA has deleted the phrase “and in compliance with the safety requirements of the Operator.” Operators will comply with their own safety requirements and has commented on the safety provisions proposed above. To the extent those safety requirements include provisions about landscaping, they will be contained in the safety plans developed by operators. Duplicating and cross-referencing requirements in multiple plans is inefficient and may create confusion.

COGA is not certain what is meant by the term “motorized equipment shall be restricted to the wells sites and access roads to the well sites.” As written, it reads as though the use of motorized equipment to the well sites and access roads will be limited. However, significant motorized equipment will be used throughout the life of the facility. We believe that this was intended to indicate that motorized equipment should not be used either off the well site or off the

access roads. We have made proposed changes to the language to address these concerns.

As noted elsewhere, the County must provide relief if, after good faith negotiations and reasonable attempts, operators are unable to obtain land owner approval. By both mandating certain requirements and requiring surface owner approval for many of those requirements, the County is placing the surface owner in the position of potentially being able to withhold approval unless operators pay unreasonable amounts. The County's regulations should not be encouraging or mandating that outcome. Thus, we have included language that will provide relief should a land owner not agree to a landscaping plan.

COGA has deleted the requirement to keep all plant materials in healthy growing condition at all times. The plan itself requires provisions for ensuring the maintenance of the landscaping, and operators cannot ensure that no plants will die. Natural occurrences such as hail storms, sun exposure, and natural plant death make this requirement infeasible.

With respect to the maintenance bond, there should not be separate bonding for this. There is another draft regulation that will provide for an operator bond and site specific bonding which should cover this if needed. The bond is not needed given that any regulation adopted could be inspected and compliance required.

Finally, please confirm if the reference to "urban mitigation area" is intended to refer to an Urban Mitigation Area as defined by COGCC rules.

- c. Operator shall submit lighting mitigation plan for all phases of development and operation, which adheres to best management practices to minimize light escaping the facility including making all lighting downward-facing and fully shielding bulbs to ~~prevent light emissions above a horizontal plane drawn from the bottom of the fixture~~avoid glare on public roads and occupied structures within one thousand feet. ~~Operator shall conduct a photometric study prior to start of construction to indicate impact on surrounding properties and measure the lumens emitted from the facility outside of the walls.~~

Comment: COGCC regulations address lighting but recognize that these efforts must be taken "to the extent practicable." This requirement goes significantly beyond those requirements by mandating specific types of lighting in all instances – not just where practicable or where there are public roads and Building Units. We propose amendments that only mandate the shielding in circumstances similar to the COGCC rules – when it would cause a glare on public roads or impact occupied structures. The requirement to conduct a

photometric study is also not practicable. COGA is not aware of a method to conduct a photometric study that would isolate the light impact solely from the facility and not also account for cross-pollution from other sources.

- d. Site ~~light~~ access and security. Site shall be properly secured, ~~which may include~~ing, but ~~is~~ not limited to, ~~use of~~ security fencing or barriers to prevent unauthorized access to site. Site shall be properly secured prior to the start of drilling. Proposed fencing, barriers, and screening shall be included in the visual mitigation plan.

Comment: COGA has made minor amendments to this provision to make clear that security fencing or barriers may not be used at all locations, but are one of a suite of options for properly securing the site.

~~19.18.~~ Flammable material. The area twenty-five feet around anything flammable shall be kept free of dry grass or weeds, conform to COGCC safety standards and applicable fire code. The operator's pre-application and application shall be reviewed by the serving fire district.

~~20.19.~~ Mud tracking. Operator shall take all practical measures to prevent mud and dirt tracking onto public right of ways and shall remove tracked mud and dirt within a reasonable time, ~~not to exceed two~~ hours.

Comment: The "not to exceed two hours" should be deleted, as such timing may be impossible.

~~21.20.~~ Trailers. ~~A construction trailer~~Construction trailers and residential trailers ~~are is~~ permitted during active drilling and completions only. ~~No residential trailers will be allowed.~~ Only equipment needed for project should be on site.

Comment: Operations may require this option during drilling and completions to accommodate the presence and safety of on-site personnel 24 hours per day.

~~22.21.~~ Private Roads. The Operator shall construct (unless already constructed) and maintain an access road designed to meet County and fire district standards and support an imposed load of 75,000 pounds that will accommodate emergency response vehicles such as, but not limited to, law enforcement, emergency command vehicles (cars/SUVs), ambulances, hazardous materials response vehicles, water tenders, and fire apparatus during construction and operation of new tank batteries, new drilling activity and reworks

or recompletions of existing wells, unless a local fire department or fire district agrees to a different or lesser standard or waived by the Board of County Commissioners or the Director of Economic and Community Development. With respect to new roads to new tank batteries, the Operator agrees to construct access roads at least twenty (20') feet wide (unless waived by the local fire district and the County's Public Works Department) with a Class 6 road base, or as approved by the local fire district, at least nine inches (9") thick. Best efforts will be made to improve inadequate access along private roads to existing tank battery sites identified by the fire district or County, based on service calls and demonstrated problems of accessing the site. Operator and County agree that spot inspections of access roads may be done by the County and/or appropriate emergency response agency, at such County or agency's sole risk and expense, to ensure that emergency access in accordance with this section is maintained. Operator is required to maintain and repair any damaged roads within ten (10) days of County notice, unless otherwise agreed to by the county and operator. Operator will assure that temporary access roads are reclaimed and revegetated within sixty days of discontinued use. Erosion shall be controlled in accordance with the Erosion and Sediment Control Plan while the roads are in use.

Comment: There should be flexibility for the operator to repair roads within 10 days in case there are issues outside of operators' control that prevent such repair. COGA recommends adding "unless otherwise agreed to by the County and operator" to this 10 day provision.

22. Public Roads. Operator shall utilize existing roads and access points where practical and apply for and obtain access permits for its oil and gas facilities from the County's Public Works Department. Requirements for the access permit may include the following: a) access location providing for a safe entrance/exit and utilization of main roadways to minimize impact /conflict with residents on local roadways; b) haul route and traffic data; c) pre/post inspection of roadways used by the Operator; d) collateral or bond to insure that road damage caused by the Operator is repaired; e) dust control (material used for dust control must be pre-approved by the County); f) road maintenance agreement during drilling phase; and g) payment of all applicable fees not otherwise covered by the Road Impact and Maintenance Fee. Operator shall exercise reasonable efforts to minimize heavy truck traffic on local roads within residential neighborhoods between the hours of 9 p.m. and 6 a.m., and shall work with and show written evidence that the applicable school district(s) has been consulted to minimize traffic conflicts with school buses when schools are in session. Operator shall obtain any legally valid and applicable

oversize and/or over weight moving permit from the County's Public Works Department. for all vehicles that exceed legal vehicle dimensions or weights as specified by the Colorado Department of Transportation and the County's Development Standards and Regulations.

Comment: Is this referencing the Road Impact and Maintenance Fee or is this intended to be another bond an operator must provide to the County? Please provide clarification on what additional fees this will be? Are these in addition to the Road Impact and Maintenance Fee?

23. Removal of debris. All excess debris shall be removed during construction activities. Site shall remain free of debris and excess materials at all times during operations. Burning of debris and other materials is strictly prohibited at all times.
24. Removal of equipment. No permanent storage of equipment. When no longer used, equipment shall be removed within thirty days unless a Temporary Use Permit for said storage is obtained from the County.
25. Maintenance of machinery. Routine field maintenance of equipment involving hazardous materials within 300 feet of any water body is prohibited. All fueling shall occur over impervious material and shall not be done during storm events. Operator shall operate and maintain all equipment in accordance with manufacturer specifications. Regular maintenance checks are required for all equipment.
26. Burning. No open burning of trash, debris or other flammable materials.
27. Chains. Traction chains shall be removed from heavy equipment on public streets.
28. Off-location flow lines and crude oil transfer lines
 - a. **To the extent practicable, o**Off-location flow lines and crude oil transfer lines regulated by the COGCC shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; surface water bodies; and city open space.

Comment: COGA believes this language is necessary to promote surface owners' desires and because operators may have the ability in some instances to consolidate crude oil transfer lines or their rights-of-way, which should be encouraged, as recognized by the County immediately below.

- b. Without compromising pipeline integrity and safety, applicant shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize impact.
- c. Setbacks from residential, commercial, or industrial buildings, places of public assembly, the high-water mark of any surface water body and sensitive environmental features will be determined on a case-by-case basis in consideration of the size and type of pipeline proposed and features of the proposed site.
- d. Operator must conduct leak detection inspections or pressure testing in order to identify flowline leaks or integrity issues.
- e. Operator must make available to County upon request all records required to be kept by COGCC
- f. Buried pipelines shall have a minimum of ~~four~~ three feet cover.

~~29. Gathering Lines~~

Comment: This suite of provision raises some concerns over whether the County is purporting to regulate gathering lines as OGF Facilities. COGA understands from the county that gathering lines will not be included in the OGF Permit process; accordingly, this entire section should be deleted.

- ~~a. To the extent practicable, gathering lines shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; surface water bodies; and city open space.~~
- ~~b. Without compromising pipeline integrity and safety, Operator shall share existing pipeline rights of way and consolidate new corridors for pipeline rights of way to minimize impact.~~
- ~~c. Setbacks from residential, commercial, or industrial buildings, places of public assembly, the high water mark of any surface water body and sensitive environmental features will be determined on a case-by-case basis in consideration of the size and type of pipeline proposed and features of the proposed site.~~
- ~~d. Operator must make available to County upon request all records submitted to PHMSA or the PUC including those~~

~~related to inspections, pressure testing, pipeline accidents and other safety incidents.~~

- ~~e. Well Connects. Well connects do not require permits. Well connects are defined as a pipeline, 10" or less inside diameter and 2 miles or less in length, laid running from the custody transfer point or production facility for a new well(s) to an existing gathering line connection point.~~

30.29. Temporary surface water lines

- a. Operator shall use temporary surface water lines, unless infeasible.
- b. Operator shall use County Road Right-of-Way and County drainage culverts for the laying and operation of temporary water lines on the surface and in accordance with Adams County Standards and Regulations, unless infeasible.
- c. Operator will bury temporary water lines at existing driveway and gravel road crossings, or utilize existing culverts, if available, with County approval.

31.30. Financial Assurance.

- ~~a. Operators shall be required to maintain environmental liability insurance to cover gradual pollution events.~~

Comment: This type of insurance can be very difficult or impossible for operators to obtain. Financial assurance is important but flexibility in how it is demonstrated is needed.

- ~~b.a.~~ Operator shall be required to file and maintain financial assurance as determined on a site-specific basis prior to commencing operations, and thereafter during the active life of the facility, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. Should any corrective actions be required by the County in order to protect the health, safety, welfare, and the environment which result from failure not involving a force majeure event of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.

Comment: Please provide clarification on the amount and renewal requirements of the bond? How will this sync with the COGCC bonding requirements?

- ~~32.31.~~ Mapping Information. Operator shall agree to provide coordinates and/or exact location of well sites to the County's GIS Department within forty-eight (48) hours of final completion of a well site in a format acceptable to the County. Any subsequent changes to a well site location shall also be provided to the County within forty-eight (48) hours of such changes.

4-10-02-03-03-04 *INSPECTION AND ENFORCEMENT*

1. Inspection: In recognition of the potential surface impacts associated with oil and gas facilities, all wells and accessory equipment and structures may be examined by the inspectors of the county at reasonable times to determine compliance with applicable provisions of this chapter, the International Fire Code, the International Building Code, and all other applicable standards in this title. For the purpose of implementing and enforcing the provisions of this chapter, the inspector and other authorized personnel have the right to enter upon private property the Oil and Gas Facility provided that they have provided twenty-four (24) hours notice to operator (except in the case of an emergency situation involving an immediate risk to public health, safety, welfare, the environment, or wildlife, or damage to the property of another.), received the appropriate safety training from the operator, are outfitted in the appropriate personal protective equipment, and comply with all applicable federal, state and local occupational safety laws while on the Oil and Gas Facility. The county may use the information collected on the inspections to enforce the requirements of this chapter. The county may also report this information to appropriate state and federal officials, including but not limited to information regarding alleged violations of state and federal rules. Any information collected from the inspection shall be provided to the operator and list the contact information of the inspecting party. Operator shall make available to County, upon request, all records required to be maintained by these regulations or to show compliance with these regulations, and the rules and regulations promulgated by the COGCC and the CDPHE, including permits, Air Pollutant Emission Notices (APENs) and other documents required to be maintained by the COGCC, CDPHE and these regulations. The County shall charge a yearly inspection fee for all Oil and Gas Facilities in the County. All fees shall be reasonable and adopted in accordance with applicable Colorado law~~Fees for Oil and~~

~~Gas Facility inspections shall be assessed according to the County's adopted fee schedule.~~

2. State Notification of Alleged Violations: Adams County will cooperate fully with the State of Colorado by notifying the Oil and Gas Conservation Commission of any and all violations of the Colorado Laws and Regulations.
3. Delinquent Taxes: One condition of any oil and gas well building permit is that all taxes as provided by statute, shall be paid.
4. Penalties and Fines: The County has authority under C.R.S. § 29-20-104, as amended, to impose fines for leaks, spills, and emissions covered by these regulations. The county shall not impose fines for leaks, spills and emissions that COGCC, CDPHE or other regulatory bodies with authority over.~~The following table summarizes the fine schedule for violations of these Development Standards and Regulations:~~

Comment: The County cites authority to impose fines for leaks, spills and emissions, but this fine schedule goes far beyond those issues and imposes penalties unrelated to leaks, spills and emission, such as paperwork violations.

In many instances, operators anticipate conditions of approval or best management practices required on its County OGF Permit to mirror requirements included on a COGCC Form 2A or Form 2. This could lead to an operator being assessed the same fine twice, once by the County and once by the state, for the exact same violation. This would lead to fines disproportionate to the conduct and raises concerns similar to double jeopardy where the State and County disagree about whether a violation did in fact occur and how the penalty policy should be assessed. COGA's members would appreciate more guidance on the County's proposed penalty schedule as well as how it will be implemented. The COGCC's penalty policy, for example, allows fines to be reduced where there are mitigating factors.

		Rule Classification		
		Class 1: Paperwork other ministerial regulations, a violation of which presents no direct risk of harm to public health, safety, welfare, and the environment.	Class 2: Regulations related at least indirectly to promoting the public health, safety, welfare, and the environment and wildlife resources, a violation of which presents a possibility of distinct, identifiable actual or threatened adverse impacts to those interests	Class 3: Regulations directly related to protecting public health, safety, welfare, the environment, and wildlife resources, a violation of which presents a significant probability of actual or threatened adverse impacts to those interests.
<i>Degree of threatened or actual impact to public health, safety, welfare, the environment, or wildlife</i>	<u>Major:</u> Actual significant adverse impacts	\$5,000	\$10,000	\$15,000
	<u>Moderate:</u> Threat of significant adverse impacts, or moderate actual adverse impacts	\$1,500	\$5,000	\$10,000
	<u>Minor:</u> No actual adverse impact and little or no threat of adverse impacts	\$200	\$2,500	\$5,000

5. County Violations: In addition to the fines outlined above, the County has authority to cite violations under its control over surface impacts from oil and gas operations pursuant to Section 1-05-06 Criminal Remedies and Enforcement.
6. Legal Non-conforming: Adams County recognizes that there are oil and gas operations locations and/or oil and gas facilities (and the

oil and gas operations occurring thereon) that were legally established prior to the effective date of these regulations that may or may not conform to these regulations. These ~~operation~~oil and gas locations and/or oil and gas facilities may ~~continue~~remain unaffected by the adoption of these regulations, provided the ~~operation~~oil and gas location is not extended, or expanded, by % of the disturbed area or the oil and gas facility is altered in a manner that ~~substantially~~ changes and/or alters the nature, character, or extent of the previously approved permit.

Comment: "Oil and gas operations" is an overly broad term for the purpose of a "non-conforming use". The "oil and gas location" or the "oil and gas facility" are what are deemed non-conforming, not the development or production operations. Further, there must be some boundaries around when a location requires a new OGF permit. This proposed language attempts to provide some of those sidebars.

04-10-02-03-05 **RESIDENTIAL CONSTRUCTION Standards**

1. **Residential Construction Standards:** The Director of Community and Economic Development may impose any one (1) or more of the following standards on a specific site basis as a condition of subdivision approval and/or building permits on platted or unplatted land:
 - a. The oil and gas well location shall include a two-hundred-fifty (250) foot buffer in the form of an easement on the Final Plat. No structures may be constructed within the buffer area.
 - b. Access to the oil and gas well location shall be provided by a public street or recorded easement for private access.
 - c. The Final Plat shall include notice to prospective buyers of the location of the oil and gas well and associated easements.
 - d. All oil and gas well flow lines and/or easements shall be graphically depicted on the Final Plat.
 - e. All surface and subsurface agreements shall be noted on the Final Plat by the recorded book and page number.
 - f. Pursuant to Section 4-06-01-02-01-12, where a new home and/or other permanent structure with plumbing is constructed within three hundred (300) feet of an existing oil and gas well, the property owner shall submit a signed waiver acknowledging the existence of the facility.

2. Plugged and Abandoned, and Former Oil and Gas Production

Sites: This Section is enacted to protect and promote the health, safety, morals, convenience, order, prosperity, or general welfare of the present and future residents of the County. These regulations are based upon the land use authority of the County.

- a. Prior to submittal of a final plat or site specific development plan, each plugged and abandoned well shall be located and surveyed. The plugged and abandoned well shall be permanently marked ~~by a brass plaque set in concrete similar to a permanent bench to the plugged and abandoned well's monument its~~ existence and location. ~~The marker shall be clearly legible and Such plaque~~ shall contain all information required on a dry hole marker by the Colorado Oil and Gas Conservation Commission and the County.
- b. As a condition of review of any final plat or site specific development plan which contains a plugged and abandoned well or former oil and gas production site or is within 200 feet of such well or site, the owner shall submit a location diagram of the location of the well.
- c. On every final plat or site specific development plan which contains a plugged and abandoned well, there shall be dedicated a well maintenance and workover setback depicted on the plat, the dimensions of which shall be not less than fifty feet in width and 100 feet in length. No structures shall be located within this setback. The plugged and abandoned well shall be located in the center of the setback. There shall be public access for ingress and egress to the setback of a width of not less than twenty feet.
- d. Every final plat and site specific development plan which contains a plugged and abandoned well or a site specific development that includes a property that is less than 200 feet from a plugged and abandon well, shall include the following notation: "The owner shall disclose to prospective purchasers of lots within a radius of 200 feet of the plugged and abandoned well of (1) the location of the plugged and abandoned well, (2) the location of the maintenance and workover setback, and (3) the purpose for the well maintenance and workover setback."
- e. As a condition of building permit review, no dwelling shall be constructed within fifty (50) feet of a plugged and abandoned well.

- f. Prior to issuance of a grading permit within a development containing a known reserve pit site, the reserve pit site shall be tested for expansive soils. Reserve pits containing expansive soils in locations proposed for buildings shall be subject to the provisions of the International Building Code.

g. ~~No utility lines shall be installed within ten feet of any plugged and abandoned well.~~

Comment: COGA does not understand the purpose of this regulation. A properly plugged and abandoned well presents no risk.

4-10-02-03-06 COGCC AND COUNTY APPROVALS REQUIRED

Development of the OGF shall not commence unless and until applicant receives an approved OGF Permit, including any approved waiver(s), and receives ~~all the~~ required ~~approvals and Form 2A.~~ permits from ~~the~~ COGCC.

Comment: The Form 2A is the necessary COGCC permit for siting of the surface location. As drafted, this expands to all COGCC approvals, which is unnecessary.

August 22, 2019

Adams County Community and Economic Development
4430 S. Adams County Parkway
Brighton, CO 80601

VIA EMAIL

SUBJECT: Adams County Proposed Development Code Update

Good afternoon,

The Colorado Petroleum Council (CPC) appreciates the opportunity to review and comment on Adams County's Proposed Development Code update. CPC is a division of the American Petroleum Institute (API) and represents all facets of the oil and natural gas industry in Colorado. CPC and its member companies are committed to ensuring a strong, viable oil and natural gas industry capable of meeting the energy needs of Colorado in a safe and environmentally responsible manner. We hope you will view us as a resource as this stakeholder process moves forward.

We appreciate your belief that a robust stakeholder process is vitally important to identifying and resolving highly technical and complex issues in cases such as this. We sincerely appreciate the county's willingness to discuss our concerns. We would also like to take a moment and thank the staff for their work and outreach to our industry.

However, while we appreciate the significant changes the county has agreed to make to the proposal, we do still have some significant concerns with the code as drafted. We compliment the county and their staff for the progress that has been since this code's initial inception, but we find many of the new code provisions troubling. As written, this code will prove to be a difficult path for our members to navigate.

Code Concerns

As an initial matter, we again acknowledge the county has addressed some of our concerns. This includes the removal of the emissions cap, the addition of an administrative waiver and administrative approval, the clarification of several provisions, and the amended provisions of the alternative site analysis.

However, while SB19-181 does give local governments more authority of the surface impacts of oil and gas, the legislation does not give local governments the authority to regulate downhole activity. We believe the regulation of areas such as plugging and abandonment, hydraulic fracturing fluid, and others constitute regulation of downhole activities by the county and as such should be removed. Further, SB19-181 provides that all local government regulations must be "necessary and reasonable." We are of

the opinion that several of the provisions contained in this code do not meet this clear legislative standard. This includes various provisions contained in the air emissions regulations, noise regulations, alternative site analysis, and others. These provisions are extremely strident, and it will be difficult for operators to comply. At the heart of our concern is this code seeks to find a solution to problems with oil and gas development in Adams County that currently do not exist. As this code will have extensive impacts on the private property rights of Adams County residents and operators, we feel it necessary to highlight this clear legislative standard and note its application to the Adams County code is crucial.

Further, while the alternative site analysis does now provide for an applicant to propose compact sites, we would also note that we believe the code should also contain a provision allowing for either an expedited process or significant deference given to those already in place pads that are simply being expanded. This type of development proposal reduces the surface impact of oil and gas by the consolidation of locations, which directly benefits the health, safety, and welfare of Adams County citizens.

Furthermore, the hearing provision for an air quality violation allows that any person who is affected and not adequately represented shall have an opportunity to be a party. This is an extremely broad provision and will likely allow for individuals who have neither standing nor a legitimate interest to cross-examine witnesses and participate in a hearing with which they have no vested interest. A provision such as this not only allows for non-interested parties to participate in a hearing, but also provides no guardrails or protections that will ensure that those parties will participate in good faith or provide arguments rooted in fact.

We are also still concerned that the code contains numerous broadly worded provisions that provide little guidance or certainty to our operators. While we appreciate the county providing clarification is several instances, we still believe as written the code contains numerous undefined terms that affords the county broad latitude and discretion while providing little stability to our operators.

Finally, the code requires operators to identify current residents in at least two provisions. While we understand the counties desire to reach out and afford notice to citizens, identification of current residents is a difficult task. County records afford a party the opportunity to identify proper owners, not necessarily residents. This code will require ascertaining not only the owners of the subject property, but each individual that may be a tenant in some fashion.

Again, we thank you for your time. As always, CPC truly appreciates the opportunity to comment. However, as written our members cannot support this code. We will be anxiously looking to the county for guidance on this code's implementation and hope that the county will be willing to discuss the impediments to development that arise as we move forward.

If you have any questions, please do not hesitate to contact me at (720) 878-7688, or mcgownec@api.org.

Sincerely,

Chris McGowne
Associate Director
Colorado Petroleum Council

From: [Erica Hannah](#)
To: [Katie Keefe](#)
Subject: FW: Board of County Commissioners Meeting on Oil and Gas
Date: Thursday, August 22, 2019 11:16:59 AM

Erica Hannah

Clerk to the Board of County Commissioners, *Board of County Commissioner's Office*

ADAMS COUNTY, COLORADO

4430 S. Adams County Parkway 5th Floor, Suite C5300

Brighton, CO 80601

o: 720.523.6358 | ehannah@adcogov.org

www.adcogov.org

From: mariacweese@aol.com [mailto:mariacweese@aol.com]
Sent: Thursday, August 22, 2019 11:15 AM
To: Erica Hannah
Cc: mariacweese@aol.com
Subject: Board of County Commissioners Meeting on Oil and Gas

Please be cautious: This email was sent from outside Adams County

August 22, 2020

Ms. Erica Hannah, Clerk to the Board of County Commissioners
Adams County Government Center
4430 South Adams County Parkway
Brighton, CO 80601

Dear Esteemed Members of the Planning Commission,

You're going to hear from many activists who trumpet extremely scary-sounding research while you consider how to implement new oil and gas rules. They're trying to paralyze the SB-181 rulemaking process with alarmist claims about public health.

My letter is part of what I hope serves as counterpoint to these over the top claims, because the vast majority of them are old and discredited claims that state health regulators have already looked into many times before.

For example, during last year's campaign over Proposition 112, anti-oil and gas activists made every possible health claim they could think of – including a so-called compendium of scientific, health and media findings produced by anti-fracking groups in New York.

But when reporters asked the CDPHE to examine the document, state health experts ripped it apart. They concluded it was unscientific and compiled by groups with a clear anti-fracking bias. The so-called compendium was also contradicted by CDPHE's own research and thousands of air quality samples taken in close proximity to Colorado oil

and gas development sites – research that showed no elevated short- or long-term health risks.

When anti-oil and gas groups continue to repeat discredited claims about public health, it shows they are acting in bad faith. They are trying to scare the public and distract policymakers from the facts, which show that oil and gas development is heavily regulated and closely monitored by public health experts already.

They make alarmist claims to promote a false choice – that you can't have health and safety and an energy industry at the same time. But for many years, Colorado has proven that you can have both, and lead the nation in both.

As you work on implementation of SB-181, I hope you'll keep this in mind. It can be easy to be distracted by the frantic arm-waving of a few to the detriment of the work in front of you. Listen to the reasonable voices. I trust you'll implement these rules fairly if you do.

Many thanks,

Maria del Carmen Guzman-Weese
10490 Hobbit Lane
Westminster, CO. 80031

August 21st, 2019

EXHIBIT 4- Associated Case Materials

Community & Economic
Development Department
www.adcogov.org



4430 South Adams County Parkway
1st Floor, Suite W2000B
Brighton, CO 80601-8218
PHONE 720.523.6800
FAX 720.523.6967

Request for Comments

Case Name: Regulation Amendments
Case Number: PLN2019-00011

July 24, 2019

Adams County Community and Economic Development is requesting comments on the following:

Code amendments to certain sections of the Adams County Development Standards and Regulations, specific to oil and gas development, including:

- *Oil and Gas Facility Permit* – This regulation modification incorporates approval criteria and standards for processing an Oil and Gas Facility Permit (formerly titled Administrative Use by Special Review Permit). [Section 2-02-14, Chapter 2]
- *Zone District Regulations* – These code amendments modify all portions of regulations pertaining to zone district requirements for Oil and Gas Facilities. [Chapter 3]
- *Design Requirements and Performance Standards for Oil and Gas Facilities* – These regulations are specific to design and operation requirements of Oil and Gas Facilities. [Section 4-10-02-03-03, Chapter 4]

To view the proposed code amendments to the Development Standards and Regulations, please visit the County's website at: www.adcogov.org/planning/currentcases. To view existing language of the current Development Standards and Regulations, please visit the County's website at: <http://www.adcogov.org/development-standards-regulations>.

Please forward written comments on this case to the Department of Community and Economic Development at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 or by phone at (720) 523-66986 by **August 13, 2019** so that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to kkeefe@adcogov.org.

Thank you for your review of this case.

Katie Keefe
Case Manager

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Emma Pinter
DISTRICT 3

Steve O'Dorisio
DISTRICT 4

Mary Hodge
DISTRICT 5

From: [Katie Keefe](#)
To: [Barb Binder](#)
Subject: Adams County Request for Comments - Oil and Gas Regulations
Date: Wednesday, July 24, 2019 7:08:00 PM
Attachments: [Request for Comments_PLN2019-00011.pdf](#)
[DSR Chapter 2 2-02-14.pdf](#)
[DSR Chapter 4 4-10-02-03-03.pdf](#)
[Chapter 3 Draft Regulations.pdf](#)

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: Katie Keefe

Sent: Wednesday, July 24, 2019 6:42 PM

To: christine.nyholm@gmail.com; sloflin@coloradologic.org; cteal68@msn.com;
arikowitt@yahoo.com; Markkowitt@hotmail.com; suzannecabral.nmnse@gmail.com;
rugbylyn@gmail.com; abbeypalte@gmail.com; renee.larrarte@conservationco.org;
sophia.cuervos@conservation.org; juan.gallegos@conservationco.org; jminor@earthjustice.org;
c3kristi@gmail.com; northrangeconcernedcitizens@gmail.com

Subject: Adams County Request for Comments - Oil and Gas Regulations

Good afternoon,

Please find attached a letter requesting comments on proposed code amendments to the Adams County Development Standards and Regulations (DSR) pertaining to Oil and Gas Facilities. The specific section of each chapter within the DSR, as referenced in the Request for Comments letter, are also attached.

The following changes have been made to section 2-02-14-01, Oil and Gas Facility Permit, since the previous request for comments issued via email on July 17, 2019:

- Neighborhood Meetings are required as specified in section 2-02-14-05-2;
- Requirement to identify water resource lawfully available as specified in section 2-02-14-05-3-f; and
- Deleted provision allowing for discretionary acceptance of public comments by the Board of County Commissioners at public hearing in section 2-02-14-07-4.

A 1,000-ft setback from schools, licensed daycares, residences and environmentally sensitive areas was established as a *General Provision* in chapter 4, section 4-10-02-03-03-3.

No changes have been made to Chapter 3 since the prior request for comments was issued.

As stated in the attached letter, **all comments must be received by August 13th** to be considered for Planning Commission Public Hearing on August 22, 2019.

Thank you,

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: Katie Keefe
To: ["patrick.j.pfaltzgraff@state.co.us"](mailto:patrick.j.pfaltzgraff@state.co.us); ["dick.parachini@state.co.us"](mailto:dick.parachini@state.co.us); ["mike.silverstein@state.co.us"](mailto:mike.silverstein@state.co.us); ["gary.baughman@state.co.us"](mailto:gary.baughman@state.co.us); sean.hackett@state.co.us
Subject: Adams County Request for Comments - Oil and Gas Regulations
Date: Wednesday, July 24, 2019 6:31:00 PM
Attachments: [Request for Comments_PLN2019-00011.pdf](#)
[DSR Chapter 2_2-02-14.pdf](#)
[DSR Chapter 4_4-10-02-03-03.pdf](#)
[Chapter 3 Draft Regulations.pdf](#)

Good afternoon,

Please find attached a letter requesting comments on proposed code amendments to the Adams County Development Standards and Regulations (DSR) pertaining to Oil and Gas Facilities. The specific section of each chapter within the DSR, as referenced in the Request for Comments letter, are also attached.

The following changes have been made to section 2-02-14-01, Oil and Gas Facility Permit, since the previous request for comments issued via email on July 17, 2019:

- Neighborhood Meetings are required as specified in section 2-02-14-05-2;
- Requirement to identify water resource lawfully available as specified in section 2-02-14-05-3-f; and
- Deleted provision allowing for discretionary acceptance of public comments by the Board of County Commissioners at public hearing in section 2-02-14-07-4.

A 1,000-ft setback from schools, licensed daycares, residences and environmentally sensitive areas was established as a *General Provision* in chapter 4, section 4-10-02-03-03-3.

No changes have been made to Chapter 3 since the prior request for comments was issued.

As stated in the attached letter, **all comments must be received by August 13th** to be considered for Planning Commission Public Hearing on August 22, 2019.

Thank you,

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: [Katie Keefe](#)
To: [Morton, Marc - DNR](#)
Bcc: [Jill Jennings Golich](#)
Subject: Adams County Request for Comments - Oil and Gas Regulations
Date: Wednesday, July 24, 2019 6:33:00 PM
Attachments: [Request for Comments_PLN2019-00011.pdf](#)
[DSR Chapter 2 2-02-14.pdf](#)
[DSR Chapter 4 4-10-02-03-03.pdf](#)
[Chapter 3 Draft Regulations.pdf](#)

Good afternoon,

Please find attached a letter requesting comments on proposed code amendments to the Adams County Development Standards and Regulations (DSR) pertaining to Oil and Gas Facilities. The specific section of each chapter within the DSR, as referenced in the Request for Comments letter, are also attached.

The following changes have been made to section 2-02-14-01, Oil and Gas Facility Permit, since the previous request for comments issued via email on July 17, 2019:

- Neighborhood Meetings are required as specified in section 2-02-14-05-2;
- Requirement to identify water resource lawfully available as specified in section 2-02-14-05-3-f; and
- Deleted provision allowing for discretionary acceptance of public comments by the Board of County Commissioners at public hearing in section 2-02-14-07-4.

A 1,000-ft setback from schools, licensed daycares, residences and environmentally sensitive areas was established as a *General Provision* in chapter 4, section 4-10-02-03-03-3.

No changes have been made to Chapter 3 since the prior request for comments was issued.

As stated in the attached letter, **all comments must be received by August 13th** to be considered for Planning Commission Public Hearing on August 22, 2019.

Thank you,

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: [Katie Keefe](#)
To: ctalbert@hbadenver.com; hwilliams@hbadenver.com; mgifford@agccolorado.org
Cc: [Christine Dougherty](#)
Subject: Adams County Request for Comments - Oil and Gas Regulations
Date: Wednesday, July 24, 2019 7:05:00 PM
Attachments: [Request for Comments_PLN2019-00011.pdf](#)
[DSR Chapter 2_2-02-14.pdf](#)
[DSR Chapter 4_4-10-02-03-03.pdf](#)
[Chapter 3 Draft Regulations.pdf](#)

Good afternoon,

Please find attached a letter requesting comments on proposed code amendments to the Adams County Development Standards and Regulations (DSR) pertaining to Oil and Gas Facilities. The specific section of each chapter within the DSR, as referenced in the Request for Comments letter, are also attached.

The following changes have been made to section 2-02-14-01, Oil and Gas Facility Permit, since the previous request for comments issued via email on July 17, 2019:

- Neighborhood Meetings are required as specified in section 2-02-14-05-2;
- Requirement to identify water resource lawfully available as specified in section 2-02-14-05-3-f; and
- Deleted provision allowing for discretionary acceptance of public comments by the Board of County Commissioners at public hearing in section 2-02-14-07-4.

A 1,000-ft setback from schools, licensed daycares, residences and environmentally sensitive areas was established as a *General Provision* in chapter 4, section 4-10-02-03-03-3.

No changes have been made to Chapter 3 since the prior request for comments was issued.

As stated in the attached letter, **all comments must be received by August 13th** to be considered for Planning Commission Public Hearing on August 22, 2019.

Thank you,

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: [Katie Keefe](#)
To: ryan.seastrom@coga.com; paulesm@api.com; milt.heath@heathus.com; arnold@pipe208.com; kimberly.mendoza-cooke@anadarko.com; Maxwell.O.Blair@conocophillips.cp; pvarra@extractionog.com; scrouch@extractionog.com; sfakharzadeh@gwogco.com; elind@gworco.com; mpfister@gworco.com; blloyd@petroshrecorp.com
Cc: [Christine Dougherty](#)
Bcc: [Jill Jennings Golich](#)
Subject: Adams County Request for Comments - Oil and Gas Regulations
Date: Wednesday, July 24, 2019 6:53:00 PM
Attachments: [Request for Comments_PLN2019-00011.pdf](#)
[DSR Chapter 2_2-02-14.pdf](#)
[DSR Chapter 4_4-10-02-03-03.pdf](#)
[Chapter 3 Draft Regulations.pdf](#)

Good afternoon,

Please find attached a letter requesting comments on proposed code amendments to the Adams County Development Standards and Regulations (DSR) pertaining to Oil and Gas Facilities. The specific section of each chapter within the DSR, as referenced in the Request for Comments letter, are also attached.

The following changes have been made to section 2-02-14-01, Oil and Gas Facility Permit, since the previous request for comments issued via email on July 17, 2019:

- Neighborhood Meetings are required as specified in section 2-02-14-05-2;
- Requirement to identify water resource lawfully available as specified in section 2-02-14-05-3-f; and
- Deleted provision allowing for discretionary acceptance of public comments by the Board of County Commissioners at public hearing in section 2-02-14-07-4.

A 1,000-ft setback from schools, licensed daycares, residences and environmentally sensitive areas was established as a *General Provision* in chapter 4, section 4-10-02-03-03-3.

No changes have been made to Chapter 3 since the prior request for comments was issued.

As stated in the attached letter, **all comments must be received by August 13th** to be considered for Planning Commission Public Hearing on August 22, 2019.

Thank you,

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: [Katie Keefe](#)
To: christine.nyholm@gmail.com; slofin@coloradologic.org; cteal68@msn.com; arikowitt@yahoo.com; Markkowitt@hotmail.com; suzannecabral.nmne@gmail.com; rugbylyn@gmail.com; abbeypalte@gmail.com; renee.larrarte@conservationco.org; sophia.cuervos@conservation.org; juan.gallegos@conservationco.org; jminor@earthjustice.org; c3kristi@gmail.com; northrangeconcernedcitizens@gmail.com
Bcc: [Christine Dougherty](#); [Jill Jennings Golich](#)
Subject: Adams County Request for Comments - Oil and Gas Regulations
Date: Wednesday, July 24, 2019 6:41:00 PM
Attachments: [Request for Comments PLN2019-00011.pdf](#)
[DSR Chapter 2 2-02-14.pdf](#)
[DSR Chapter 4 4-10-02-03-03.pdf](#)
[Chapter 3 Draft Regulations.pdf](#)

Good afternoon,

Please find attached a letter requesting comments on proposed code amendments to the Adams County Development Standards and Regulations (DSR) pertaining to Oil and Gas Facilities. The specific section of each chapter within the DSR, as referenced in the Request for Comments letter, are also attached.

The following changes have been made to section 2-02-14-01, Oil and Gas Facility Permit, since the previous request for comments issued via email on July 17, 2019:

- Neighborhood Meetings are required as specified in section 2-02-14-05-2;
- Requirement to identify water resource lawfully available as specified in section 2-02-14-05-3-f; and
- Deleted provision allowing for discretionary acceptance of public comments by the Board of County Commissioners at public hearing in section 2-02-14-07-4.

A 1,000-ft setback from schools, licensed daycares, residences and environmentally sensitive areas was established as a *General Provision* in chapter 4, section 4-10-02-03-03-3.

No changes have been made to Chapter 3 since the prior request for comments was issued.

As stated in the attached letter, **all comments must be received by August 13th** to be considered for Planning Commission Public Hearing on August 22, 2019.

Thank you,

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: [Katie Keefe](#)
To: ["sauerd@mapleton.us"](#); ["angelica.wineland@adams12.org"](#); ["jschoepflin@adams14.org"](#); ["hwhitehead@dt26j.com"](#); ["sortega@sd27j.net"](#); ["supt@aurorak12.org"](#); ["debram@bsd29j.com"](#); ["turrell.tom@byers.k12.co.us"](#); ["pswanson@adams50.org"](#); ["gregrabenhorst@re3j.com"](#); ["allenc@wiggins50.k12.co.us"](#); ["jpeter@adams50.org"](#)
Cc: [rmiller@wiggins50.k12.co.us](#); [Charlotte Ciano](#); [marvin@rebel-net.tec.co.us](#); [Patrick Sanchez](#); [drjdoss@aol.com](#); [jlbarry@aps.k12.co.us](#); [robinp@bsd29j.com](#); [mjohnson@strasburg31j.org](#); [matt.schaefer@adams12.org](#); [rrivera@adams14.org](#)
Bcc: [Jill Jennings Golich](#)
Subject: Adams County Request for Comments - Oil and Gas Regulations
Date: Wednesday, July 24, 2019 6:25:00 PM
Attachments: [Request for Comments PLN2019-00011.pdf](#)
[DSR Chapter 2 2-02-14.pdf](#)
[DSR Chapter 4 4-10-02-03-03.pdf](#)
[Chapter 3 Draft Regulations.pdf](#)

Good afternoon,

Please find attached a letter requesting comments on proposed code amendments to the Adams County Development Standards and Regulations (DSR) pertaining to Oil and Gas Facilities. The specific section of each chapter within the DSR, as referenced in the Request for Comments letter, are also attached.

The following changes have been made to section 2-02-14-01, Oil and Gas Facility Permit, since the previous request for comments issued via email on July 17, 2019:

- Neighborhood Meetings are required as specified in section 2-02-14-05-2;
- Requirement to identify water resource lawfully available as specified in section 2-02-14-05-3-f; and
- Deleted provision allowing for discretionary acceptance of public comments by the Board of County Commissioners at public hearing in section 2-02-14-07-4.

A 1,000-ft setback from schools, licensed daycares, residences and environmentally sensitive areas was established as a *General Provision* in chapter 4, section 4-10-02-03-03-3.

No changes have been made to Chapter 3 since the prior request for comments was issued.

As stated in the attached letter, **all comments must be received by August 13th** to be considered for Planning Commission Public Hearing on August 22, 2019.

Thank you,

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: [Katie Keefe](#)
To: eliza.hunholz@state.co.us; joe.busto@state.co.us; joanna.williams@state.co.us; patrick.j.pfaltzgraff@state.co.us
Subject: Adams County Request for Comments - Oil and Gas Regulations
Date: Wednesday, July 24, 2019 6:37:00 PM
Attachments: [Request for Comments PLN2019-00011.pdf](#)
[DSR Chapter 2 2-02-14.pdf](#)
[DSR Chapter 4 4-10-02-03-03.pdf](#)
[Chapter 3 Draft Regulations.pdf](#)

Good afternoon,

Please find attached a letter requesting comments on proposed code amendments to the Adams County Development Standards and Regulations (DSR) pertaining to Oil and Gas Facilities. The specific section of each chapter within the DSR, as referenced in the Request for Comments letter, are also attached.

The following changes have been made to section 2-02-14-01, Oil and Gas Facility Permit, since the previous request for comments issued via email on July 17, 2019:

- Neighborhood Meetings are required as specified in section 2-02-14-05-2;
- Requirement to identify water resource lawfully available as specified in section 2-02-14-05-3-f; and
- Deleted provision allowing for discretionary acceptance of public comments by the Board of County Commissioners at public hearing in section 2-02-14-07-4.

A 1,000-ft setback from schools, licensed daycares, residences and environmentally sensitive areas was established as a *General Provision* in chapter 4, section 4-10-02-03-03-3.

No changes have been made to Chapter 3 since the prior request for comments was issued.

As stated in the attached letter, **all comments must be received by August 13th** to be considered for Planning Commission Public Hearing on August 22, 2019.

Thank you,

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: [Katie Keefe](#)
To: [Brian Hlavacek](#); mdeatrich@tchd.org; landuse@tchd.org
Bcc: [Jill Jennings Golich](#)
Subject: Adams County Request for Comments - Oil and Gas Regulations
Date: Wednesday, July 24, 2019 6:28:00 PM
Attachments: [Request for Comments_PLN2019-00011.pdf](#)
[DSR Chapter 2 2-02-14.pdf](#)
[DSR Chapter 4 4-10-02-03-03.pdf](#)
[Chapter 3 Draft Regulations.pdf](#)

Good afternoon,

Please find attached a letter requesting comments on proposed code amendments to the Adams County Development Standards and Regulations (DSR) pertaining to Oil and Gas Facilities. The specific section of each chapter within the DSR, as referenced in the Request for Comments letter, are also attached.

The following changes have been made to section 2-02-14-01, Oil and Gas Facility Permit, since the previous request for comments issued via email on July 17, 2019:

- Neighborhood Meetings are required as specified in section 2-02-14-05-2;
- Requirement to identify water resource lawfully available as specified in section 2-02-14-05-3-f; and
- Deleted provision allowing for discretionary acceptance of public comments by the Board of County Commissioners at public hearing in section 2-02-14-07-4.

A 1,000-ft setback from schools, licensed daycares, residences and environmentally sensitive areas was established as a *General Provision* in chapter 4, section 4-10-02-03-03-3.

No changes have been made to Chapter 3 since the prior request for comments was issued.

As stated in the attached letter, **all comments must be received by August 13th** to be considered for Planning Commission Public Hearing on August 22, 2019.

Thank you,

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: [Katie Keefe](#)
To: pbinney@ci.aurora.co.us; eburke@brightonco.gov; water@thortonwater.com; PatrickStock@crestviewwater.net; hkb@water.denver.co.gov; dkaunisto@eccv.org; sniebur@eccv.org; sbrownhill@rcalaw.com; edgewaterinc04@aol.com; pcaddell@yahoo.com; bradley.a.simons@gmail.com; bkrogers60@msn.com; hbw_sd@comcast.net; highplainswater@outlook.com; board@hilandacreswater.org; CSIMMONDS@MWRD.DST.CO.US; andy@mcclarylaw.com; ebarenberg@owen-engineering.com; manager@northpecoswater.org; jjamsey@nwsd.com; jjamsay@NWSWSD.com; kscott@sacwsd.org; strawaternsan@tds.net; don.halffield@xcelenergy.com; boblembke@unitedwaterdistrict.com; c3construction@live.com
Bcc: [Jill Jennings Golich](#); [Christine Dougherty](#)
Subject: Adams County Request for Comments - Oil and Gas Regulations
Date: Wednesday, July 24, 2019 6:39:00 PM
Attachments: [Request for Comments PLN2019-00011.pdf](#)
[DSR Chapter 2 2-02-14.pdf](#)
[DSR Chapter 4 4-10-02-03-03.pdf](#)
[Chapter 3 Draft Regulations.pdf](#)

Good afternoon,

Please find attached a letter requesting comments on proposed code amendments to the Adams County Development Standards and Regulations (DSR) pertaining to Oil and Gas Facilities. The specific section of each chapter within the DSR, as referenced in the Request for Comments letter, are also attached.

The following changes have been made to section 2-02-14-01, Oil and Gas Facility Permit, since the previous request for comments issued via email on July 17, 2019:

- Neighborhood Meetings are required as specified in section 2-02-14-05-2;
- Requirement to identify water resource lawfully available as specified in section 2-02-14-05-3-f; and
- Deleted provision allowing for discretionary acceptance of public comments by the Board of County Commissioners at public hearing in section 2-02-14-07-4.

A 1,000-ft setback from schools, licensed daycares, residences and environmentally sensitive areas was established as a *General Provision* in chapter 4, section 4-10-02-03-03-3.

No changes have been made to Chapter 3 since the prior request for comments was issued.

As stated in the attached letter, **all comments must be received by August 13th** to be considered for Planning Commission Public Hearing on August 22, 2019.

Thank you,

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: [Katie Keefe](#)
To: cwilder@acfpd.org; [Ronald Sigman](#); calebconnor@bennettfirerescue.org; weven@brightonfire.org; [Mike Disher](#); jason.hollands@cityofthornton.net; Stephanie.harpring@cityofthornton.net; Kevin.Brody@cityofthornton.net; dnorris@netecin.net; jeffbybee@northmetrofire.org; solomon.rich@sablealturafire.org; [R Lapenna](#); tbeach@seweldfire.org; DMaikran@cityofwestminster.us; ffields@svfd8.org
Subject: Adams County - Draft Oil and Gas Facility Regulations
Date: Wednesday, July 17, 2019 1:17:00 PM
Attachments: [Chapter 3 Draft Regulations.pdf](#)
[Chapter 2 Draft Regulations 07172019.pdf](#)
[Chapter 4 Draft Regulations 07172019.pdf](#)

Good morning,

Please find attached for your review the Adams County draft regulations for Oil and Gas Facilities (OGF) as presented to the Board of County Commissioners during the July 16th public study session. These can also be found on the County's [Oil and Gas Information webpage](#).

Please bear in mind that two options for OGF setback distances are being analyzed by staff and will be presented to the Commissioners during the next public study session scheduled for July 23rd. Proposed setback options will be posted to the County's [Oil and Gas Information webpage](#) immediately prior to the next public study session scheduled for July 23rd.

Comments and feedback on the draft regulations and proposed setback options, once posted to the website, can be submitted via email to kkeefe@adcogov.org. All comments must be received by August 4th for the Planning Commission study session on August 8th.

Thank you,

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: [Katie Keefe](#)
To: dkocis@arapahoe.gov; [Mark Deven](#); srodrigu@auroragov.org; smcdonald@arvada.org; tsiles@bennett.co.us; HPrather@brightonco.gov; TYellico@broomfield.org; ccramer@c3gov.com; dmartinelli@c3gov.com; lindsay.carder@DenverGov.org; twilliams@fedheights.org; bsvoboda@northglenn.org; collin.wahab@cityofthornton.net; Grant.Penland@cityofthornton.net; jmaxey@weldgov.com; akirchner@cityofwestminster.us; Dloseman@cityofwestminster.us
Subject: Adams County Draft Oil and Gas Facility Regulations
Date: Wednesday, July 17, 2019 1:18:00 PM
Attachments: [Chapter 2 Draft Regulations_07172019.pdf](#)
[Chapter 3 Draft Regulations.pdf](#)
[Chapter 4 Draft Regulations_07172019.pdf](#)

Good morning,

Please find attached for your review the Adams County draft regulations for Oil and Gas Facilities (OGF) as presented to the Board of County Commissioners during the July 16th public study session. These can also be found on the County's [Oil and Gas Information webpage](#).

Please bear in mind that two options for OGF setback distances are being analyzed by staff and will be presented to the Commissioners during the next public study session scheduled for July 23rd. Proposed setback options will be posted to the County's [Oil and Gas Information webpage](#) immediately prior to the next public study session scheduled for July 23rd.

Comments and feedback on the draft regulations and proposed setback options, once posted to the website, can be submitted via email to kkeefe@adcogov.org. All comments for this initial public comment phase must be received by August 4th for the Planning Commission study session on August 8th.

Thank you,

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: [Katie Keefe](#)
To: [Morton - DNR, Marc](#)
Subject: RE: Adams County - Draft Oil and Gas Facility Regulations
Date: Wednesday, July 17, 2019 12:48:00 PM
Attachments: [Chapter 2 Draft Regulations_07172019.pdf](#)
[Chapter 4 Draft Regulations_07172019.pdf](#)
[image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)

Marc,

Our team made a few revisions to Chapter 2 and 4 last night based on comments and direction received from the BoCC yesterday. Can you swap out on your G drive and circulate via email as necessary?

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: Morton - DNR, Marc <marc.morton@state.co.us>

Sent: Wednesday, July 17, 2019 6:47 AM

To: Jeff Robbins - DNR <jeff.robbs@state.co.us>; Mike Leonard - DNR <mike.leonard@state.co.us>

Cc: Greg Deranleau <Greg.Deranleau@state.co.us>; Stanczyk, Jane <Jane.Stanczyk@state.co.us>;

John Noto - DNR <john.noto@state.co.us>; Mimi Larsen - DNR <mimi.larsen@state.co.us>; Katie

Keefe <KKeefe@adcogov.org>

Subject: Fwd: Adams County - Draft Oil and Gas Facility Regulations

Please be cautious: This email was sent from outside Adams County

Jeff/Mike, et al - Please see e-mail and draft regulations for COGCC review and comment as submitted by Katie Keefe of Adams County.

I will place the draft regs on the G drive

at: **G:\SB19181\Draft_Local_Govt_regs\Adams_County.**

Please take the opportunity to review and I will compile comments and revisions.

Thanks very much.

Marc

Marc

----- Forwarded message -----

From: **Katie Keefe** <[KKeefe@adcogov.org](mailto:kkeefe@adcogov.org)>

Date: Tuesday, July 16, 2019

Subject: Adams County - Draft Oil and Gas Facility Regulations

To: "marc.morton@state.co.us" <marc.morton@state.co.us>

Good morning Mark,

Please find attached for your review the Adams County draft regulations for Oil and Gas Facilities (OGF) as presented to the Board of County Commissioners during the July 16th public study session. These draft regulations can also be found on the County's [Oil and Gas Information webpage](#). If you could forward this email onto your colleagues at COGCC who would like this first opportunity to provide comments and feedback prior to the public hearing process, that would be greatly appreciated. We'll consolidate comments and incorporate as appropriate into the next revision prior to presenting to the Planning Commission at the August 8th study session. A formal referral will be sent to COGCC when the public notice and comment period begins on August 1st.

Please bear in mind that two options for OGF setback distances are being analyzed by staff and will be presented to the Board of County Commissioners at the next public study session scheduled for July 23rd. Proposed setback options will be posted to the County's [Oil and Gas Information webpage](#) immediately prior to the next public study session scheduled for July 23rd.

Comments and feedback on the draft regulations and proposed setback options, once posted to the website, can be submitted via email to kkeefe@adcogov.org. All comments for this phase must be received by August 4th for the Planning Commission study session on August 8th.

Thank you,

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

[4430 South Adams County Parkway, 1st Floor, Suite](#) W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: [Katie Keefe](#)
To: sauerd@mapleton.us; angelica.wineland@adams12.org; jschoepflin@adams14.org; hwhitehead@dt26j.com; sortega@sd27j.net; supt@aurorak12.org; debram@bsd29j.com; turrell.tom@byers.k12.co.us; pswanson@adams50.org; gregrabenhorst@re3j.com; allenc@wiggins50.k12.co.us
Bcc: [Christine Fitch](#); [Jill Jennings Golich](#); [Jen Rutter](#)
Subject: Adams County - Draft Oil and Gas Facility Regulations
Date: Tuesday, July 16, 2019 11:05:00 PM
Attachments: [Chapter 2 Draft Regulations.pdf](#)
[Chapter 3 Draft Regulations.pdf](#)
[Chapter 4 Draft Regulations.pdf](#)
[image001.jpg](#)
[image002.jpg](#)

Good morning,

Please find attached for your review the Adams County draft regulations for Oil and Gas Facilities (OGF) as presented to the Board of County Commissioners during the July 16th public study session. These can also be found on the County's [Oil and Gas Information webpage](#).

Please bear in mind that two options for OGF setback distances are being analyzed by staff and will be presented to the Commissioners during the next public study session scheduled for July 23rd. Proposed setback options will be posted to the County's [Oil and Gas Information webpage](#) immediately prior to the next public study session scheduled for July 23rd.

Comments and feedback on the draft regulations and proposed setback options, once posted to the website, can be submitted via email to kkeefe@adcogov.org. All comments must be received by August 4th for the Planning Commission study session on August 8th.

Thank you,

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: [Katie Keefe](#)
To: ryan.seastrom@coga.com; paulesm@api.com; milt.heath@heathus.com; arnold@pipe208.com; kimberly.mendoza-cooke@anadarko.com; Maxwell.O.Blair@conocophillips.cp; pvarra@extractionog.com; scrouch@extractionog.com; sfakharzadeh@gwogco.com; elind@gworco.com; mpfister@gworco.com; blloyd@petroshrecorp.com
Bcc: [Jill Jennings Golich](#); [Christine Fitch](#); [Jen Rutter](#)
Subject: Adams County - Draft Regulations for Oil and Gas Facility
Date: Wednesday, July 17, 2019 1:17:00 PM
Attachments: [image001.jpg](#)
[Chapter 3 Draft Regulations.pdf](#)
[Chapter 2 Draft Regulations_07172019.pdf](#)
[Chapter 4 Draft Regulations_07172019.pdf](#)
[image002.jpg](#)

Good morning,

Please find attached for your review the Adams County draft regulations for Oil and Gas Facilities (OGF) as presented to the Board of County Commissioners during the July 16th public study session. These can also be found on the County's [Oil and Gas Information webpage](#).

Please bear in mind that two options for OGF setback distances are being analyzed by staff and will be presented to the Commissioners during the next public study session scheduled for July 23rd. Proposed setback options will be posted to the County's [Oil and Gas Information webpage](#) immediately prior to the next public study session scheduled for July 23rd.

Comments and feedback on the draft regulations and proposed setback options, once posted to the website, can be submitted via email to kkeefe@adcogov.org. All comments must be received by August 4th for the Planning Commission study session on August 8th.

Thank you,

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: [Katie Keefe](#)
To: christine.nyholm@gmail.com; slofin@coloradologic.org; cteal68@msn.com; arikowitt@yahoo.com; Markkowitt@hotmail.com; suzannecabral.nmns@gmail.com; rugbylyn@gmail.com; abbeypalte@gmail.com; renee.larrarte@conservationco.org; juan.gallegos@conservationco.org; jminor@earthjustice.org; c3kristi@gmail.com; [Susan - North Range Concerned Citizens](#)
Bcc: [Jill Jennings Golich](#); [Christine Fitch](#); [Jen Rutter](#)
Subject: Adams County Draft Oil & Gas Facility Regulations
Date: Wednesday, July 17, 2019 1:01:00 PM
Attachments: [image001.jpg](#)
[Chapter 2 Draft Regulations_07172019.pdf](#)
[Chapter 3 Draft Regulations.pdf](#)
[Chapter 4 Draft Regulations_07172019.pdf](#)
[image002.jpg](#)

Good evening,

Please find attached for your review the Adams County draft regulations for Oil and Gas Facilities (OGF) as presented to the Board of County Commissioners during the July 16th public study session. These can also be found on the County's [Oil and Gas Information webpage](#).

Please bear in mind that two options for OGF setback distances are being analyzed by staff and will be presented to the Commissioners during the next public study session scheduled for July 23rd. Proposed setback options will be posted to the County's [Oil and Gas Information webpage](#) immediately prior to the next public study session scheduled for July 23rd.

Comments and feedback on the draft regulations and proposed setback options, once posted to the website, can be submitted via email to kkeefe@adcogov.org. All comments must be received by August 4th for the Planning Commission study session on August 8th.

Thank you,

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

From: [Katie Keefe](#)
To: [Greg Barnes](#); [Greg Labrie](#); [Eden Steele](#); [Juliana J. Archuleta](#); [David Rausch](#); [Marissa Hillje](#); [Matthew Emmens](#)
Cc: [Jen Rutter](#); [Jill Jennings Golich](#)
Subject: Adams County Draft Oil and Gas Facility Permit Regulations
Date: Wednesday, July 17, 2019 8:03:00 AM
Attachments: [image001.jpg](#)
[Chapter 2 Draft Regulations.pdf](#)
[Chapter 4 Draft Regulations.pdf](#)
[image002.jpg](#)

Good morning!

Please find attached for your review and comments, draft regulations for Oil and Gas Facilities (OGF) as presented to the Board of County Commissioners during yesterday's (July 16th) public study session.

Two options for OGF setback distances for specific land uses are being analyzed by staff and will be presented to the Commissioners during the next public study session scheduled for July 23rd. We're looking at 1,000-ft and 1,500-ft setbacks from schools, licensed childcare facilities, and residences.

The oil and gas regulation team would appreciate your feedback on Chapter 2 revisions and Chapter 4 regulations. Location of specific requirements are referenced below to aid in your review. If you'd prefer these documents in Word, please let me know.

Comments and feedback should be emailed to me by August 4th ahead of the scheduled Planning Commission study session.

- Stormwater → chapter 2: 86-88, chapter 4: 142, 150-151, 159-160
- Planning → all of chapter 2, specifically 82-86, 89-93
- Engineering → all of chapter 2, specifically 86-89; chapter 4: 142-146, 150

Thank you!

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org

The Denver Post, LLC

PUBLISHER'S AFFIDAVIT

City and County of Denver)
State of Colorado)
)

The undersigned Donna Martinez
being first duly sworn under oath, states
and affirms as follows:

1. He/she is the legal Advertising Reviewer of The Denver Post, LLC, publisher of *The Denver Post* and *Your Hub*.
2. *The Denver Post* and *Your Hub* are newspapers of general circulation that have been published continuously and without interruption for at least fifty-two weeks in Denver County and meet the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in *The Denver Post* on the following date(s):

7/31

Donna Martinez
Signature

Subscribed and sworn to before me this 31st
day of July, 2019.

Jamie Lynn Kittelson
Notary Public

Jamie Lynn Kittelson
Notary Public
State of Colorado
Notary ID 20054026395
My Commission Expires July 6, 2021

(SEAL)

NOTICE IS HEREBY GIVEN, that an application has been filed by Adams County, Case # PLN2019-00011 requesting: Amendments to the Adams County's Development Standards and Regulations with respect to: approval criteria and standards for Oil and Gas Facility Permit (formerly Administrative Use by Special Review Permit); code modifications to zone district regulations regarding oil and gas facilities; and regulations specific to design requirements and performance standards for oil and gas facilities:

LEGAL DESCRIPTION: Unincorporated Adams County

APPROXIMATE LOCATION: Unincorporated Adams County

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Adams County Planning Commission in the Hearing Room of the Adams County Government Center, 4430 S. Adams County Parkway, Brighton, CO - 1st Floor, on the 22nd day of August, 2019, at the hour of 6:00 p.m., where and when any person may appear and be heard and a recommendation on this application will be forwarded to the Board of County Commissioners.

NOTICE IS FURTHER GIVEN, that a public hearing will be held by the Adams County Board of County Commissioners in the Hearing Room of the Adams County Government Center, 4430 S. Adams County Parkway, Brighton, CO - 1st Floor, on the 3rd day of September, 2019 at the hour of 9:30 a.m., to consider the above request where and when any person may appear and be heard.

For further information regarding this case, please contact Katie Keefe at the Department of Community and Economic Development, 4430 S. Adams County Pkwy, Brighton, CO 80601, 720.523.6986. Amendments to the Adams County's Development Standards and Regulations may be viewed online at www.adcogov.org. This is also the location where the maps and/or text certified by the Planning Commission may be viewed.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS
JOSH ZYGIELBAUM, CLERK OF THE BOARD

From: [Megan Ulibarri](#)
To: legals@denverpost.com
Cc: [Katie Keefe](#); [Kevin Mills](#)
Subject: Newspaper Publication Request
Date: Thursday, July 25, 2019 8:14:21 AM
Attachments: [OIL AND GAS REGULATION AMENDMENTS NEWSPAPER PUBLICATION Denver Post.doc](#)

Good Afternoon ,

Please see the attached publication request for the following case(s):

- **PLN2019-00011**

May I get this case published in the July 31st, issue of the Denver Post. If there are any issues with deadlines please let me know. Please provide confirmation that the request has been received.

Please bill account **25-350311**

Thank you,

Megan Ulibarri
Community and Economic Development
4430 South Adams County Parkway, Suite W2000B
Brighton, CO 80601-8212
720.523.6848 | mulibarri@adcogov.org

From: [Megan Ulibarri](#)
To: [Sheree Sandell](#)
Cc: [Katie Keefe](#); [Kevin Mills](#)
Subject: Newspaper Publication Request
Date: Thursday, July 25, 2019 8:08:40 AM
Attachments: [OIL AND GAS REGULATION AMENDMENTS PLN2019-00011 Westminster.DOC](#)

Good Morning Sheree,

Please see the attached publication request for the following case(s):

- **PLN2019-00011**

May I please get this case published in the August 1st issue of the Westminster Window and Northglenn/Thornton/Sentinel. If there are any issues with deadlines please let me know. Please provide confirmation that this request has been received.

Please bill account **25-350311**

Thank you,

Megan Ulibarri
Community and Economic Development
4430 South Adams County Parkway, Suite W2000B
Brighton, CO 80601-8212
720.523.6848 | mulibarri@adcogov.org

From: [Megan Ulibarri](#)
To: [DNA Legals](#)
Cc: [Katie Keefe](#); [Kevin Mills](#)
Subject: RE: Newspaper Publication Request
Date: Monday, July 29, 2019 12:58:14 PM
Attachments: [image008.png](#)

Hello,

Please proceed.

Thanks,

Megan Ulibarri

Community and Economic Development
4430 S. Adams County Parkway, Suite W2000B
Brighton, CO 80601
o: 720.523.6848 | mulibarri@adcogov.org

From: dmartinez@dpmedia.co <dmartinez@dpmedia.co> **On Behalf Of** DNA Legals
Sent: Monday, July 29, 2019 12:50 PM
To: Megan Ulibarri <MULibarri@adcogov.org>
Cc: Katie Keefe <KKeefe@adcogov.org>; Kevin Mills <KMills@adcogov.org>
Subject: Re: Newspaper Publication Request

Please be cautious: This email was sent from outside Adams County

See revised proof, please confirm if good.

Thank you,

Donna, covering for Nicole

Exhibit 4.3 - Open House Invitation

From: [Katie Keefe](#)
To: jpeterson@adams50.org; rmiller@wiggins50.k12.co.us; Charlotte.Ciancio@rebel-net.tec.co.us; drjdoss@aol.com; jlbarry@aps.k12.co.us; robinp@bsd29j.com; mjohnson@strasburg31j.org; turrell.tom@byers.k12.co.us; matt.schaefer@adams12.org; rrivera@adams14.org; mdeatrich@tchd.org; landuse@tchd.org; barr.lake@state.co.us; joanna.williams@state.co.us; patrick.j.pfaltzgraff@state.co.us; dick.parachini@state.co.us; mike.silverstein@state.co.us; gary.baughman@state.co.us; joe.busto@state.co.us; ryan.seastrom@coga.com; paulesm@api.com; milt.heath@heathus.com; arnold@pipe208.com; kimberly.mendoza-cooke@anadarko.com; Maxwell.O.Blair@conocophillips.cp; pvarra@extractionog.com; scrouch@extractionog.com; sfakharzadeh@gwogco.com; elind@gworco.com; mpfister@gworco.com; blloyd@petroshrecorp.com; christine.nyholm@gmail.com; slofin@coloradologic.org; ctael68@msn.com; arikowitt@yahoo.com; Markkowitt@hotmail.com; suzannecabral.nmnse@gmail.com; rugbylyn@gmail.com; abbeypalte@gmail.com; renee.larrarte@conservationco.org; sophia.cuervos@conservation.org; juan.gallegos@conservationco.org; jminor@earthjustice.org; c3kristi@gmail.com; northrangeconcernedcitizens@gmail.com; cwilder@acfpd.org; Ronald.Sigman@calebconnor@bennettfirerescue.org; weven@brightonfire.org; Mike.Disher@jason.hollands@cityofthornton.net; Stephanie.harpring@cityofthornton.net; Kevin.Brody@cityofthornton.net; dnorris@netecin.net; jeffbybee@northmetrofire.org; solomon.rich@sablealturafire.org; R.Lapenna@tbeach@seweldfire.org; D.Maikran@cityofwestminster.us; ffields@svfd8.org; sean.hackett@state.co.us; marc.morton@state.co.us; Brian.Hlavacek@ctalbert@hbadenver.com; hwilliams@hbadenver.com; mgifford@agccolorado.org; mattsura.law@gmail.com; ecarlson@fostergraham.com; milagro1@centurylink.net; Cindy.Wakefield@David.Foster@adammanor1@gmail.com
Bcc: [Heidi M. Miller](#); [Christine Dougherty](#); [Christine Fitch](#); [Jill Jennings Golich](#); [Elizabeth Paranhos](#); [Keith Huck](#); [Jen Rutter](#)
Subject: Open House Invitation - Adams County Proposed Oil and Gas Regulations
Date: Thursday, August 1, 2019 7:07:00 PM
Importance: High

Good evening,

Adams County Community and Economic Development Department will be hosting an Open House event *on each of the following dates* to meet with stakeholders in the Oil and Gas Regulation development process. This is an opportunity to share with staff your comments, provide input and ask questions regarding the proposed regulations. You can come by any time during the scheduled event.

<u>Date</u>	<u>Time</u>	<u>Location</u>
August 12, 2019	5:30-7:30 PM	Platte River A Room, West Conference Center, 4430 S. Adams County Parkway, Brighton, CO 80661
August 15, 2019	2:00-4:00 PM	Apple C Room, Human Services Center, 11860 Pecos St., Westminster, CO 80234

We look forward to meeting with you during one of the open houses.

Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*
ADAMS COUNTY, COLORADO
4430 South Adams County Parkway, 1st Floor, Suite W2000A
Brighton, CO 80601
o: 720.523.6986 | kkeefe@adcogov.org
www.adcogov.org

NOTICE IS HEREBY GIVEN, that an application has been filed by **Adams County**, Case # **PLN2019-00011** requesting: Amendments to the Adams County's Development Standards and Regulations with respect to: approval criteria and standards for Oil and Gas Facility Permit (formerly Administrative Use by Special Review Permit); code modifications to zone district regulations regarding oil and gas facilities; and regulations specific to design requirements and performance standards for oil and gas facilities:

LEGAL DESCRIPTION: Unincorporated Adams County

APPROXIMATE LOCATION: **Unincorporated Adams County**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Adams County Planning Commission in the Hearing Room of the Adams County Government Center, 4430 S. Adams County Parkway, Brighton, CO – 1st Floor, on the **22nd day of August, 2019**, at the hour of 6:00 p.m., where and when any person may appear and be heard and a recommendation on this application will be forwarded to the Board of County Commissioners.

NOTICE IS FURTHER GIVEN, that a public hearing will be held by the Adams County Board of County Commissioners in the Hearing Room of the Adams County Government Center, 4430 S. Adams County Parkway, Brighton, CO – 1st Floor, on the **3rd day of September, 2019** at the hour of 9:30 a.m., to consider the above request where and when any person may appear and be heard.

For further information regarding this case, please contact **Katie Keefe** at the Department of Community and Economic Development, 4430 S. Adams County Pkwy, Brighton, CO 80601, 720.523.6986. Amendments to the Adams County's Development Standards and Regulations may be viewed online at www.adcogov.org/This is also the location where the maps and/or text certified by the Planning Commission may be viewed.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS
JOSH ZYGIELBAUM, CLERK OF THE BOARD

TO BE PUBLISHED IN THE **July 31, 2019 ISSUE OF THE **Denver Post****

Please reply to this message by email to confirm receipt or call **Katie Keefe** at 720.523.6986.

NOTICE OF PUBLIC HEARING FOR LANDUSE

NOTICE IS HEREBY GIVEN, that an application has been filed by **Adams County**, Case # **PLN2019-00011** requesting: Amendments to the Adams County's Development Standards and Regulations with respect to: plugged and abandoned oil and gas wells; expiration and renewal of Use by Special Review permits for oil and gas facilities; text to incorporate the assessment of oil and gas road impact fees; and miscellaneous other changes on the following property:

LEGAL DESCRIPTION: Unincorporated Adams County

APPROXIMATE LOCATION: **Unincorporated Adams County**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Adams County Planning Commission in the Hearing Room of the Adams County Government Center, 4430 S. Adams County Parkway, Brighton, CO – 1st Floor, on the **22nd day of August, 2019**, at the hour of 6:00 p.m., where and when any person may appear and be heard and a recommendation on this application will be forwarded to the Board of County Commissioners.

NOTICE IS FURTHER GIVEN, that a public hearing will be held by the Adams County Board of County Commissioners in the Hearing Room of the Adams County Government Center, 4430 S. Adams County Parkway, Brighton, CO – 1st Floor, on the **3rd day of September, 2019**, at the hour of 9:30 a.m., to consider the above request where and when any person may appear and be heard.

For further information regarding this case, please contact **Katie Keefe** at the Department of Community and Economic Development, 4430 S. Adams County Pkwy, Brighton, CO 80601, 720.523.6986. This is also the location where the maps and/or text certified by the Planning Commission may be viewed.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS
JOSH ZYGIELBAUM, CLERK OF THE BOARD

TO BE PUBLISHED IN THE **August 1, 2019 ISSUE OF THE Thornton Sentinel.**

Please reply to this message by email to confirm receipt or call **Katie Keefe** at 720.523.6986.

NOTICE OF PUBLIC HEARING FOR LANDUSE

NOTICE IS HEREBY GIVEN, that an application has been filed by **Adams County**, Case # **PLN2019-00011** requesting: Amendments to the Adams County's Development Standards and Regulations with respect to: approval criteria and standards for Oil and Gas Facility Permit (formerly Administrative Use by Special Review Permit); code modifications to zone district regulations regarding oil and gas facilities; and regulations specific to design requirements and performance standards for oil and gas facilities:

LEGAL DESCRIPTION: Unincorporated Adams County

APPROXIMATE LOCATION: **Unincorporated Adams County**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Adams County Planning Commission in the Hearing Room of the Adams County Government Center, 4430 S. Adams County Parkway, Brighton, CO – 1st Floor, on the **22nd day of August, 2019**, at the hour of 6:00 p.m., where and when any person may appear and be heard and a recommendation on this application will be forwarded to the Board of County Commissioners.

NOTICE IS FURTHER GIVEN, that a public hearing will be held by the Adams County Board of County Commissioners in the Hearing Room of the Adams County Government Center, 4430 S. Adams County Parkway, Brighton, CO – 1st Floor, on the **3rd day of September, 2019**, at the hour of 9:30 a.m., to consider the above request where and when any person may appear and be heard.

For further information regarding this case, please contact **Katie Keefe** at the Department of Community and Economic Development, 4430 S. Adams County Pkwy, Brighton, CO 80601, 720.523.6986. This is also the location where the maps and/or text certified by the Planning Commission may be viewed.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS
JOSH ZYGIELBAUM, CLERK OF THE BOARD

TO BE PUBLISHED IN THE **August 1, 2019 ISSUE OF THE Westminster Window and Thornton Sentinel.**

Please reply to this message by email to confirm receipt or call **Katie Keefe** at 720.523.6986.

EXHIBIT 5- Stakeholder Engagement

Week 1 Stakeholder Meetings

COGCC Stakeholder Meeting

In attendance:

- COGCC: Jane Stanczyk, Mimi Larson, Mike Leonard, Jeff Robbins, Marc Morton
- County: Katie Keefe, Keith Huck, Jill Jennings Golich, Christy Fitch

Jeff Robbins:

- The COGCC is interested in entering into an MOU or IGA with the County in order to jointly process applications to reduce conflict. To be discussed with Heidi and Elizabeth
- Keep in mind that the County can use the Technical Review Board at any stage in their process to determine the viability of an application.

Mike Leonard:

- The regulations promulgated should contain a strong definition of siting
- Mike thought it was a good idea to have two separate processes
- Maybe establish a quick sheet with objective criteria. If the O&G developer cannot meet that objective criteria up front, they must explain why.
- Mike suspects that we will see waivers for: problems with the BMPs, traffic patterns, access points...not likely to see may waivers for siting
- Most operators will not have issues with BMPs; however, some will say they cannot afford the certain BMPs
- If basing siting on pad size, look at the pad size during construction and after the drilling takes place.
- Recommends MOUs with Adams County municipalities to tie in to our regulations...consistent across the board
- Things to figure out:
 - Fines/ how that would look with the COGCC when they fine for a violation if we also fine the violation and look to fine??
 - What is a safety setback? Local governments and the COGCC will have to research this in order to make rules
 - The COGCC actual setback is 200 feet, 500 feet is the requirement for waivers
 - Who determines final reclamation? Is the county going to require a reclamation bond
- FYI: CRS 34-60 statutes have been updated and are on the COGCC website

Mimi Larsen

- Suggests the County work with COGCC on how the enforcement piece is supposed to work

Jane Stanczyk:

- The scale of the operations controls the impact on the surrounding area
- Urban Mitigation Rules: Might be good to look at these for certain performance standards
- Designated outdoor activity areas: Don't be afraid to apply for one of these, it is easy!
- The COGCC hosts the Operators the third Tuesday of the month, Jane suggested the County attend or listen in to see what the questions the operators have.

Marc Morton

- Will proposed regulations have to go through the AG's office:
 - No...it was previously so they would not conflict with the COGCC's rules
- Groundwater things to look at: would it mobilize contaminants, surface disturbance
 - Given SB181, there could be 3 agencies protecting the groundwater: COGCC, Division of Water Resources, and the Local Government
- Also suggested the County go to the Operator meetings

School District Stakeholder Meeting

No one in attendance

Operators and Industry Stakeholder Meeting

Miracle Pfister: Great Western

Andrea Gross: Upstream

Megan Grimes: Petroshare

Bonnie Lamond: Extraction Oil & Gas

Ryan Seastrom: COGA

Erin Lind: Great Western

Patty Varra: Extraction

Staff: Katie Keefe, Keith Huck, Jill Jennings Golich, Christy Fitch

Discussion:

- What is the new process
- What is the County looking at for setbacks? Katie gave the licensed child care example
- Miracle Pfister:
 - Hard to determine certain setbacks on a particular parcel
 - Response, Katie: goal is that we have a conceptual review at the beginning which allows for an alternative site analysis
- Andrea Gross:
 - When does someone need a conceptual review meeting?
 - Response: If you see any issues I would ask for a conceptual review---Christy
 - Keep the county informed about the right location of a drilling area
- Miracle Pfister:
 - Sometimes the issue comes up that the location is great, but the parcel owner will not give them a surface agreement...one of the reasons we have alternative sites
 - GW would like to see a path to work through hardships
- Patty Varra:
 - Setback number might be in conflict to what is the best siting
 - **Things to figure out:** Setback hardline? What would be the hard line?
 - BoCC would be approving the whole permit at that stage with the waiver

BMPs

- Miracle: there is a problem with prescriptive technologies being written into codes where something could be better
 - Do the ambient sound→ threshold of the COGCC
 - Sometimes they are reporting certain things already to the COGCC, wants the county to try and not be duplicative. i.e. if they are already giving an agency some information, try to work together
- Patti Barra: Performance based standards instead of certain specific technology
 - Ongoing monitoring: would be required with performance based:: Katie
 - Option: Could have continuous monitoring for locations that are in a certain distance of homes, people, etc
- Operator's sampling and monitoring is mostly done by a third party
- Traffic Impact Fee:
 - Will that continue as it is? Patty Varra
 - Response: we have not discussed changes to the traffic impact fee
 - Pipelines, not wanting a prescriptive requirement for piping of all product because there are times when it is not possible to tie in to a pipeline→Patty Varra

- Electric Rigs:
 - Would not want a requirement to have electric rigs. → Matter of having access to the power...available wattage not always there in the more rural locations: Patty
- Completion Equipment
 - For sound monitoring, focus on decibels rather than the technology
- Notification:
 - More explicit requirement for a groundwater well notification
 - Testing wells within a half mile → Operators must first determine the integrity of the well
 - Testing from the disturbed area/the pad instead of the parcel location
 - Maybe change the way the notification process is done...Applicant does notification instead of the County
- First Responders
 - Single TRP card that is the same so they are familiar with the format
 - Weld County has an emergency response plan with the TRP card that is signed by the fire department??
 - We currently require a will serve letter before they apply to the permit
 - In Weld they emergency response coordinator works with the County to go through the plan
 - In order to get an ERP in Weld, they need a assigned address
 - Would like to see a template for the process, lat long at the access point or an actual address
 - Things to discuss: How do we provide addresses during the USR process?
 - MOU requires meeting/doing a table top with the fire department
 - Requirement on the fire department for something they do not necessarily need to do
 - Requiring it for every location is hard
 - Maybe it can be upon the request of the Fire Department
 - Local municipalities are hands on
- Air Monitoring
 - Very costly...some place down the road to pull back on the air monitoring that is happening after a certain period of time
 - Maybe air monitoring is not a requirement at every pad
 - Team requested/asked to not make air monitoring at every location...maybe not every place needs this as a codified requirement→maybe a site specific basis
- Third party list to provide to O&G applicants
 - COGCC provides a list
 - Maybe we can give a list of certain qualifications that person must have
- Zoning:
 - Operators are drilling on a parcel that is zoned for future subdivision...the owner intends to develop it but the operator is working on the site prior to housing going up...how would the county consider this zoning?
- Fines/Fees
 - Option: Choose to let the state regulate what is on their level
 - Option: Maybe we regulate only the things that are above and beyond the COGCC
 - Might need to clarify how fines, etc work in the code with respect to the COGCC
- Reverse Setbacks
 - What is feasible for a setback for proposed development: equal to what the setback for the drilling
 - Weld County is 350ft from existing battery's or wells
 - 350 is a safe distance...allows room for a rig to get in
- Timeline:

- More opportunities for meetings before the regulations are adopted or would the remaining input be through public comment?
- Operators suggested another stakeholder meeting after regulations are drafted

Emergency Responders

Thornton fire asked about mitigation fees and how will the fire departments recover costs?

There were questions about the cumulative impact on the environment etc.

Siting regulations and requirements were also discussed.

Weld County implemented an addressing system to locate pad sites in addition to using latitude and longitude. Lat & Long does not always help identify access to the pad site and it can be difficult or impossible to locate without an address

It was discussed that the following items would be nice to have for emergency responders:

- Lat and long
- Pad site addresses (especially for large ranches)
- Localized training for first responders
- Mitigation around but not the actual site
- Pipeline training
- Tabletop trainings for 1st responders

Weld County is working on a template for a TRP (Tactical Response Plan) Card. TRP would one sheet from and back that will provide the Fire Districts with the plan for the site and then the fire district would be able to disseminate information to fire, rescue, police, etc.

WEBEOC – fire departments enter into a database what equipment they have and the information is shared with the other fire and police departments.

Impact fee: All agreed an Impact fee would be helpful for training, etc.

Questions were asked about set-backs for the various hazards and that this information should be in the EAP.

Discussion about system for alerts on site of chemicals, etc. that will kill or injure you.

Fire would like summary of the comments after operators meeting.

Stakeholder Meetings Week 2

FRRESH and ACCDAN

In attendance: Christine Nyholm, Carla Teal, Judy Kowitt, Mark Kowitt, Suzanne Cabral, Lyndsey Collins

Staff: Katie Keefe and Christy Fitch

Neighborhood Meetings

- The operators have changed the way they do community meetings, they sometimes give a presentation, but most of the time they just have tables...not allowing them to raise hands and ask questions
 - Want the opportunity for everyone to hear the questions
 - Format or type of requirement that the neighborhood outreach meeting would require

Air monitoring

- Comment from Staff: CDPHE and Air Quality might require air quality monitoring, but local jurisdictions have not have the authority prior to do air monitoring
- They suggest we ask the oil companies to do the air quality monitoring, possibly through a 3rd party air monitoring company
- Want to include sites around the O&G well...increase air monitoring to the neighborhoods surrounding the well
- Fining might be a great concept, but when you fine a company, they do not listen

Jody Kowitt:

- Insurance companies do not cover damage under homes related to fracking...wants to see liability on what happens from structures or foundations
- Christy/Katie: the County does not have authority over down hole activities, that is regulated by the COGCC

Fines:

- The COGCC does "Incentive reductions" this group does not want to see a reduction in fines
- COGCC rarely collects fines → comment from stakeholders
- Would like to see an increased fine based on severity and response of the O&G operator
- Would like to see notification of homes in a certain radius if there is a spill..."basic evacuation zone"

Stakeholders suggested that we require a civil engineer assessment for each oil and gas well to ensure any public, health, safety, and welfare

- Environmental impact study was not required unless they were in the natural resource conservation overlay...previously we did not have the authority to require an environmental impact study unless it was in the overlay
- Staff mentioned that a civil engineer might not be the best person to assess the impacts on the area...could require an environmental impact study for each new facility

- Question to be answered: Could the County require methane monitoring?

The Stakeholders expressed a desire to extend the moratorium, Erie is extending it until 2020 when the COGCC finishes the rulemaking.

Regulatory power over flowlines:

- Stakeholders suggested that the county could put in very strict pipeline regulations
- As an example: Silver Creek Elementary --> the pipeline is very close to the school

Increased notification

- Stakeholders want to be able to notify the future property owners, not just current property owners
- Larger signage at the facility site
- Addressing or legal description with map if we cannot do addressing → The County already provides a map in their notice.

Water Well Testing

- The stakeholders like the well water testing program
- The stakeholders want a larger notification for the testing program

Setbacks

- Do not adopt Anything less than 2,500 feet for a setback from residential, schools, and daycare

Fees

- Question to be answered: can the County require the operator to pay a hazmat fees?

Stakeholders want to see a bond for reclamation through the permit process

Suggested a Permit expiration if a use is not established within a certain period

Criteria for approval:

- Want to take off the requirement for density

Radon Testing: Increased at properties closer to fracking sites

Want to see investment in the community by the oil and gas companies

Coding of trucking:

- Tell them what types of trucks they can use on site for emissions
- Natural gas powered trucks
- Emission free

Flare when necessary: flare unless there is a "major upset"

- Maybe if they use the most modern techniques flares could be eliminated

- Most modern/greener gaskets...best technologies

Suggested BMPs from the Group:

Incomplete design

Gas detection

MOU with fire departments

Flowlines

Radon Testing @ site

Homebuilders Association Meeting

In attendance: Erik Carlson (Foster Graham)

Staff: Katie Keefe and Christy Fitch

Questions from Erik

- Subdivision platted, can they drill before the residences are built? --> would have to be something to be determined, what goes first
- Current 50 foot setback from abandoned wells--> operators have told us that this is not feasible
- Alternative site analysis: would like to see coordination between surface developers and O&G developers

Tri-County Health Department

Update on Private Well Sampling Program with Adams County: sample around 70 wells each year, it has been a successful program.

- TCHD has changed the way they are regulating wastewater
- TCHD wants to be included in the emergency response plan for each facility
- Setbacks should be the same from existing and future residences
- Notify TCHD of an air permit and an unplanned emission
- Check for vibration, light and noise
 - o Suggested the county does a noise impact study
- TCHD suggests an inspection and monitoring fee
- TCHD has developed a report/survey for air monitoring in Adams County. This was presented to the BoCC.
 - o TCHD's suggestion was taking the lead on air monitoring if funded by the County
- Setbacks: studies have found that there are no significant health impacts at 500ft, but that study does not take into account noise, etc.
 - o Once a facility is up and running, there are not many health issues
- Require air monitoring more often than every 6 months
 - o Increase air monitoring if the facility is found out of compliance
- The County should look into setting up a hotline for nuisance conditions...to be run by the O&G operator
- Look into regulating odor
 - o Odor control plan as part of the permit process

Local Governments

In 2017 Weld County made siting regulation changes.

Pipeline regulations in Weld are not administrative.

Weld implemented an addressing system for sites because large acreages and ranches sometimes have difficult accesses and lats and longs are not always very helpful. Many of their changes are things that were previously referred to the COGCC. Surface activities only. Siting analysis currently goes back to operators and landowners. Take SUA's from operators. Trying to address alternate locations. Enhanced scrutiny on locations close to homes.

Reverse setbacks are being considered so homes, etc. cannot be built close to sites.

Commerce City does not currently have setback requirements. They use model template like Broomfield's requirements. The city council authorized use of oil and gas focus group before they make changes to their codes.

Attorney for Brighton – regional plan around emergency response and possibility of sharing inspector time on wells. Hoping Adams will take leadership on these.

Brighton does not have a setback requirement of site is more than 1000 feet.

City of Westminster – focus has been on protecting Standley Lake and reservoirs connected with that and creating diversions for runoff. Westminster used Broomfield codes and review as template and discussed using Broomfield inspectors. Current protections on source waters are limited. Special protections. See – Rule 71B or 72B.

Discussions whether administrative approval or council approval is better. Leaning towards administrative approval and if challenged will go to council approval.

Westminster not looking at additional setbacks because Weld county data shows that incidences are well within containment of the current setbacks. They are discussing reverse setback because they have had a few instances where recovered wells were not known about until construction.

Arvada is pretty much on the edge of the plan, but surface protections are important to them and they are establishing protocols. They do not have much area for development.

Great feedback from First Responders. TRP cards, Tactical response. They would like a template that would be useful regardless of which agency arrived first. Also, whether we would require visual monitoring or some type of beacon system.

Some resident groups are requesting setbacks for sensitive populations, water sources, and homes.

There were questions regarding the cost on continuous air quality monitoring, FTE costs, etc. and the possibility of sharing resources. Would there be a third party to read monitoring results? The more quantitative the more manpower.

COGCC still procession permits but much slower. Any permit with implications is last to be reviewed. If there is discrepancy between COGCC and local government on location, currently no decision is made, and it is frustrating. In the instances where there is a difference of opinion, an alternate site analysis may be required. Commerce City does technically have alternate site locations required. They all it in all zoning districts if the operator proves it is the only feasible location to access mineral rights. Commerce City is Administrative approval.

Agreed by all - Alternate site application should provide the same information permit application. State should require an alternate location and justification.

How to Mitigate Noise: Michael Leonard COGCC

Boulder has sound monitors within 200 feet of site.

Adams – light industrial noise is baseline monitoring before drilling starts.

Commerce City – baseline + 4 decibels for drilling within ¼ mile of homes, baseline is 350 feet from noise source. Goes to complainant's backyard to monitor.

Westminster – has not decided which way to go but looking at stricter than COGCC is better.

Any rig may be adapted to electric motor. But not always feasible. There are a lot of variables in noise monitoring

Behrens & Associates – Noise Monitoring for Northwestern. Great resource for noise monitoring.

Baseline requirement in all zones.

Local government would like to have local municipalities effected to have feedback.

Would like definitions of site, siting, site analysis, etc. – Brighton has definitions

Broomfield – uses GIS mapping for schools, etc. to determine site analysis which comes up with a scoring system and lets them know if a site is in an acceptable radius or not.

*Commerce City (Dominic Martinelli) has a model template they use to locate sites as well including a layer for future buildout.

Weld, Commerce City, Brighton – looking at building in fees for monitoring and inspecting sites

Weld County has the first pass of their regulations on their website

Everyone is invited to the Arapahoe County Stakeholder meetings.

LOGIC Stakeholder Meeting – July 3, 2019

Sara Loflin, LOGIC
Joel Minor, Esq., EarthJustice

Katie described purpose of 181 and what the County is trying to incorporate.

Will the County inspectors have jurisdiction? In addition to violations there could be fines associated with accidental releases, etc.

Will be a requirement for an alternate site evaluation.

LOGIC: Now have ability to look at cumulative impacts as does CHPD.

County has been in touch with CDPHE

APCD holding stakeholder meeting on proposed reg revisions around July 28th – preview??

EarthJustice: Well interpretive piece comes into play for local jurisdictions with cumulative impacts issue and what impacts will it cause to public safety.

All comments will go to county attorneys and focus group. Study session will be held with BOCC and draft regs will be presented.

Comments and input from Board – two weeks to research, revise and put into drafts. July 30th public hearing process to adopt revised regs. July 31 – August 7 public meetings on new regs. August 8 – Planning Commission study session. August 22 public hearing for planning commission. Planning commission will provide recommendations to BOCC and September 3rd. Hope to have new regs adopted at this hearing.

Alternative site analysis at what stage would be required as the primary site analysis. They will have a list of criteria. If site cannot meet criteria – will need waiver and will go to the Board.

LOGIC: Is there any discussion of using COGCC objective criteria as a catalysis for next 18 -24 months to further public process?

- Figure out how there is a public process that is not solely operator driven. There have been some neighborhood meeting people felt intimidated.
- Did Christine attend neighborhood meetings? What was her impression?
- Option to say no is critical.
- Looking at increasing setbacks for day cares, schools and sensitive populations.
- Have had residents living in close proximity to well experience some significant health impacts.
- They are experiencing significant impacts. One having major asthma episodes that can be measured and tied to a particular 6-month period.
- One instance - Operator is using odor masking chemicals and residents are getting rashes.

Enforcement piece – can a site be shut down?

Immediate compliance versus what has been allowed.

What zoning are we discussing? In alignment with future land uses.

Only allowed in certain zones. If they want a waiver they have to go to public hearing.

New protocol for existing setbacks? Discussion about reverse setbacks as well.

Traffic and emission impacts were discussed.

EarthJustice can provide written comments

Operators to be accountable for traffic pattern usage etc by subcontractors.

7/9/2019 Stakeholder Notes

Protogete-CC
Commerce City Residents

Water aquifers-Who regulates? Can local government do anything to address this?

Notification distance, notices in different languages. Number of days between notice and neighborhood and/or public meeting should be at least 10 days but no more than 15 days. Suggest several phases of notification during the process of the development, e.g.,
Drilling/Completions/Production

Bilingual notice (Spanish, English)

- Clear language free of jargon and technical terms, utilize diagrams, photos, sketches when appropriate to convey message
- Notice both property owners and property tenants
- Depending on site location, interpreter service required for neighborhood meeting
- Provide multiple avenues for neighborhood comment submission, e.g., website link, phone number to leave message, email address
- Commenter provides address and Permit number (eliminate repetitive comments from one individual or group)
- County or Operator should offer multiple avenues to provide comments: phone line (message), website link, E mail.

Neighborhood Meeting-Possibility of streaming these online for people who can't attend in person. Asked about childcare at this meeting for people with families.

Website-Links for different languages

Notice to residents impacted after the well goes horizontal past the ½ mile area for notification?

County should conduct cost benefit analysis for each OGF permit.

Require worker certification.

If water and air quality are showing bad at the baseline test, does this mean we will deny the permit or what happens next.

Prohibit drilling within 3-miles of Arsenal and Barr Lake.

Baseline air monitoring. Would like to see the test done near proposed location then moved out from there to impacted residents. Targeted spots around locations that have several other locations around them. Cumulative impacts.

Suncor into consideration when doing the air testing.

Limit wells per permit.

Visible cues for notice of potential impacts????

8/12/2019 Open House 5:30 – 7:30PM

Staff: Christy Fitch, Christine Dougherty, Katie Keefe, Keith Huck

Many residents believe that minimum setback should be 2,500-ft.

What is the science behind only requiring 1,000-ft setback?

- CDPHE data analysis from first study showed that there is no significant correlation between health impacts and setbacks less than 500-ft
- CDPHE received criticism on study

Staff suggested residents also provide concerns to CDPHE, COGCC

What if COGCC implements 1500 ft setback?

Commerce City has 191 wells and was under ozone non-attainment; what is AdCo going to do to address that?

EPA has designated Denver Metro Front Range as being significant non-compliance for NAAQS

50-70% of emissions are from OGF

Alert days numerous

Children born within 1 mile of well, have higher risk of heart defects, according to 1 study.

Staff is not taking the lives and health of residents seriously.

We can't go outside anymore; people are moving

Why are buffer distance measurements taken to parcel line and not the building footprint?

Property with mineral reserves and rights – concerned with not being able to access due to new regulations

Do you understand why we want public hearing for every Permit?

Pooling applications are not posted on County website

Have you added cumulative impacts to air quality within the proposed regulations?

Information is not always available on the website – hard to find some information

Notification should be one mile radius – some of the commissioners said they were open to one mile notification at last study session.

Concerned that all OGF is going to request a waiver

Pro-industry and wants Adams County to wait until COGCC completes their rulemaking series

Notice publication should be electronic and posted to social media and website

Posting notice on proposed location site?

Involved with COGCC for 3 years – they are understaffed, unresponsive, forced pooling stripped resident of rights. Respect for individual property rights.

1,000-ft setback from homes: property owner consent is not adequate; should be 2500-ft

Looked at 1500-ft setback in 2017 and 2018 – more distance limits access

Basing regulations on land use compatibility only is not acceptable

Regulations are pro-industry and we are prioritizing industry – mineral rights are not owned by individuals; we got ours stripped

Cannot balance the rights of few mineral rights holders with entire County's residents.

Studies are showing that VOCs from oil and gas is influencing air quality; cannot add hundreds of wells without negatively impacting air quality.

CDPHE 90-day exemption – what are we doing to change that?

It is a CDPHE policy not local policy

Legacy wells are big source of VOC

Financial solvency – abandoned wells – how are we making operators pay for abandoned well remediation?

\$82,500 / well to plug and abandon

Really disappointed in Adams County for selecting 1,000-ft versus 1,500-ft. Why was setback distance chosen based upon land use only and available land left to develop.

Ask Commissioner's why they are deciding to stay with CDPHE study rather than NIOSH study to determine the setback distance.

More reasons on why they chose to go with less setback

Want commissioners to know that residents need residents to be the priority; what are Commissioners' priorities? Are they using the authority of SB-181?

Silver Creek and other schools are outside the half-mile radius.

Limit permits to the number of staff available to inspect the number of wells already in existence; if County does not have staff right now to support the new regulations, then don't lift moratorium

If we are basing the success of Adams County on the oil and gas industry we are going to fail

County needs more than 1 FLIR camera to respond to concerns and complaints

Are inspection reports publicly available?

How many permits do we have on hold and how many have been permitted have not broken ground?

What's going on with the Ivey Pad? Christine provided thorough explanation. GW went beyond what they told community they had planned for during the previous meeting.

What the regulations are going to apply to, e.g., Sparrow → Permitted by County

COGCC sent letter to Operators stating they will not approve Form 2 or 2A

What would cause denial of permit → outlined in Chapter 2

What financial responsibilities fall on who?

Straumberg explosion → air monitoring should be on a continuous basis;

Why are we not requiring continuous monitoring across the board? Discussion on all the variables, regulations, emission potential, constituents of the material being extracted.

Afterhours work is not being inspected – nonroad equipment

Concerned regulations don't have teeth if we don't have staff to inspect and enforce

8/15/2019: Open House Event

ACCDAN would like to see 1,500-ft setback at a minimum – this should

School setback distance should be much greater than 1,000-ft

Staff – we're basing site selection on a holistic basis; setbacks are just one small component of the regulatory approach to protecting public health, safety and welfare

We're trying to keep our air clean and our water quality clean – we have people close to us that work in the industry and understand that they need jobs but to put these facilities in our neighborhoods.

Further away is fine with me; kids are not going to be able to enjoy recess

It's law now to prioritize health and safety and the County is failing at this directive; allowing industry to dictate what controls and measures they have to meet; now County is negating that

500 wells pending; all but one close to urban development

What if APCD or COGCC comes out with a greater setback but ADCO has already permitted wells at 1,000-ft? For that reason, the moratorium should be extended.

What happens to the communities that are within the

Resident has a question for industry: how do they feel about the 1,000-ft setback?

Common sense would tell you that a distance greater than 1000 ft would be more protective

Staff – SB19-181 includes a provision for reasonable and necessary

Jeff Robbins has said numbers of times that local governments can now exceed what COGCC is doing and I fear that ADCO is not exceeding what COGCC requires

1000-ft makes the industry happy and it is an arbitrary choice

Staff: Land use authority and compatibility; decision was not arbitrary

Costs are going to land on the County

Chapter definition of substantial modification:

Additional equipment – what if we're replacing equipment with better technology.

Adams County residents – how are they notified of amendments and land use cases

Publications in paper; Posted on website; Director is looking into social media presence

Request for clarification on the number of neighborhood meetings; notification radius; location

Comment that staff is smiling and they haven't had much opportunity to smile with what's been going on lately

Fee schedules subject to change? Yes the entire fee schedule is updated annually.

Christy brought up change in notification and notice posting to require signs

What are county regulations going to require – are they going to take away my right to extract my minerals?

OGF locations must be at least 1000 feet apart but can be on the same parcel – how did we come to that direction?

Land developer: Is there a way to force an older existing well to plug and abandon if it's just sitting there and only producing one barrel a month? County need to take a look at this and figure out if we can force p&a and remediation.

County has a duty to hold those operators in the County to that standard.

Resident –saw list of operators and I live in area with a lot of them; do these things only apply to one operator?

Clarified that the regulations are applicable to all operators that apply for the new OGF Permit

Will this have a detrimental impact on business and industry? Intent is not to have this effect but direction is to establish regulations that allow for reasonable development and protect public

8/23/19: SH meeting re: DLF Recommendations

Katie Keefe	EPM, ADCO
Christine Dougherty	O&G Liaison, ADCO
Christy Fitch	County Attorney ADCO
Kirk Jordan	Operating Engineers
Chris McGowan	CPC
Natalie Svenson	Great Western
Bonnie Lamson	Extraction
Patty Vaara Varra	Extraction
Ryan Seastrom	COGA
Miracle Pfeister	Great Western
George Fields	Pipefitters Union 208

Miracle: 2 levels of training

EE go through OSHA reg'd training & GW training
Contractor ee's go through regulatory training
100% can access

C.F: What API Standards do you/industry follow? Answer - there are a # of applicable stds

To join Operating Engineers - 3yr. apprenticeship program requires OSHA-10hr
144 hrs trng/yr & be qualified on ^{different} pieces of equipment

Crane operators have nationally-recognized certifications

Have to go through Gold Shovel Std trng program

Pipefitters local - install interstate pipelines
Gold Shovel Std - Xcel program

8/23/19 → Conference call

Sheet 2

George & Kirk

Bennett, CO training facility
HFO & pipefitters

Kirk:

Most of cranes on E&P sites are from
Operating Engineers Local - journey level
w/ Certs; Earthmoving/trenching

George:

Welders from union → Certs & test welds
on ea type of pipe in field; QA'd via x-ray NDT
entails often up to 3 days of testing

Invite Commissioners to visit training
facility in Bennett, WA : Kirk

~~AW~~ AWS → Governing body of welding
in U.S.

Ryan Seastrom - COGA

~~Propose~~ Safety Staff best suited to provide
answers & clarity
Miracle Pfeister: GW has EHS

Onboarding process for contractor's: must pass
Safety std; insurance policy; drug testing;
annual re-vetting process

Extraction: Ivan → Safety Mgr

meeting invitation Tuesday 10:00 AM -

Chris McGowne: CPC

12:00 PM

8:30-10:00 AM

Brad Johnson, CP
Jayme Mead, Conoco Philips
Ryan Seastrom, COGA
Natalie Svenson, Great Western
Ivan Stinke, Extraction
Mike Paulus, API
Kevin Kane, Bayswater Extraction
Ben Huggins ,GW
Bonnie Lamond, Extraction

Chris McGowne, CPC
Gary, Pipefitters Local 208
Staff
Christy Fitch
Katie Keefe
Keith Huck
Jill Jennings Gollich
Christine Dougherty

Chris → how is the apprenticeship program framed in the recommendations from DALF?

Ryan → is 15% of workhours a blanket requirement?

Mike → There is a proposed rulemaking on updating – describing standard recognizing entities to obtain certification

Ben → incentive based program among other industries not mandated program; specialty trade is one thing, but another thing to apply this toward oilfield workforce specialties

Chris → we partner with the Unions – are talking overall workhours or 15% of each activity and trade
How is the Operator supposed to know whether a subcontractor has an apprenticeship program?
How do we maintain flexibility in the percentage of workforce when scheduling and workhours are constantly shifting and changing throughout the process. Estimation of hours in construction scheduling constantly changes due to in field events.

We rely on subcontractors to honor contracts that we obtain them for; if they want to put apprenticeship on the job it is their responsibility to fulfill the contract and to oversee and manage their own apprenticeship program → Operators do not want to be contracting employer; do not want to tell contractors how to run their business or manage their business

Ivan → risk of losing skilled workers in the E&P realm; crews that are highly trained and skilled are at risk of being; contractors have their own apprenticeship programs

USDOL apprenticeship program doesn't truly cover upstream oil and gas operations – E&P side manages their own apprenticeship programs because it doesn't fit into USDOL program.

Strict adherence to prescriptive requirements in SB-181 doesn't work because ICC testing doesn't always capture the skills applicable to oilfield operations

Need to have capability to hire contractors that have the highly trained workforce in the oilfield industry.

1. Ivan → OSHA 30 was never intended for general worker – it is geared toward supervisors; Safeland was developed to address specific safety and health risks to oil and gas which is more robust and hazard awareness. Instructors must have standardized accreditation
2. CP has internal training, Safety Leadership Seminar, not general construction or industry, it is tailored to oil and gas; request contractors have Safeland or OSHA 10 and still go through their program.

3. Safeland is nationwide; they manage the program
4. Operators can utilize Safeland or have their own similar program that is tailored to the operations specific to that Company Most Operators utilize the Gold Standard Program for training staff.

Certifications – workers

1. Hazard communication training is performance-based training, so is trade work training
2. Does every single person have to have all training and certifications?
3. Job hazard analysis of specific tasks that result in specific safety training when there are no certification programs associated with it.
4. HazWOper → tailored to the work you're doing; unnecessary to require 40-hour for workers not expected to actively contain and clean up haz mat release
5. Manage contractors through several mechanisms:
 - a. Onsite supervisor verifies they've been certified on particular operation
 - b. Quality control group that oversees welding and weld test results
 - c. Third party NDE oversight of welding
6. Pipefitters, Gary, concurs these are typical processes
 - a. Welders have test paperwork on procedure and specification
 - b. Welder qualification record based on NDT QC
 - c. NDT performed on welds in field
7. If welding to a code they are required to be certified; applicable codes
8. How are standards used – guidance documents based on nature of work and applicable codes
 - a. AWS, ICC, ASME

Heavy equipment operation is performance based/employer qualification except for cranes and PITs

Internal training and observation

Contract management provides oversight of HEO qualifications –

Contractor audit process – request training records for individuals performing specific tasks and operating equipment; request training records, training program and ensure

IS Network, PEC – third party audit service of contractors; ensure scope of activity is covered by existing safety programs and training programs

Safety Plans

Extraction has safety plans applicable to scope and activity of operations

Job Hazard Analysis for site specific operations and hazards associated with operations

Safety plan is comprehensive → tailored safety plans

Term safety in itself is very broad and there are many aspects to it – workers are given the information they need that is directly applicable to their responsibilities but there is general awareness of all site activities

Process Safety management system

OSHA standard that does not apply to E&P – we have specific constraints and conditions that vary in response to geology and subsurface conditions which makes prescriptive application of PSM very challenging because it is dynamic operation. Broad application of PSM is impossible for upstream operations. Site safety plan and hazard recognition program that ensures worker buy-in and ownership of safety program.

Is there better terminology to use than process safety management system – there are safety systems that are followed and cover all processes.

Training matrix for OSHA required training and internal required training

Master Service Agreement outlines requirements for worker training and that it must be presented upon request. If audit discovers not in compliance than it is a breach of the contract

 Their equipment, their employees, their safety program and documentation requirements.

 Contractors hired because they are the specialists

 Difficult to place supervisory responsibilities on operator over subcontractors

Deficiencies within contractor MSA found during audit, Operator imposes corrective action plan (depending on severity of deficiency) on contractor and if this cannot be met or it's severe enough, contract may be severed.

ISNetworld creates a scorecard for contractors based on injury and illness rate and training required for specific work conducted.

Federal Bill Under DOL to establish Standards Recognitions



SafeLandUSA - Syllabus

1. Incident Reporting and Investigation

- Responsibility for reporting
- Definition of an incident to report
- How to report an incident
- Types of incidents
- Purpose of incident investigation
- Explain why incidents need investigation

2. Accident Prevention Signs and Tags

- Types and meaning of signs and tags
- Definition and design

3. Hand Safety

- General safety rules "Right tools for the job"
- Types of cutting tools , Pocket Knife, Machete, Bush Knife, Hatchets
- Causes of hand injuries

4. Material Handling

- Materials Handling Equipment
- Forklift Safety
- Cranes, Rigging & Tag Lines
- Working with Hand tools
- Cheater Bar/Pipe
- Personal Lifting Introduction
- Why back injuries occur - Back Injury Prevention
- Lifting Safely - Safety Tips for Lifting
- Alternatives to Lifting

5. Behavioral Safety

- Overview
- Roles and Responsibilities - Behavior Based Safety
- Making an Observation

6. First-Aid/CPR/AED Considerations

- Respond only to level trained and know who is trained
- Location of Emergency Contact Numbers and Equipment
- Bloodborne Pathogens



SafeLandUSA - Syllabus

7. Confined Space

Hazards of Confined Spaces
Roles and Responsibilities
Categories: Permit Required vs. Non-Permit Required

8. Lockout/Tagout

Overview of Lockout/Tagout
Identifying Hazardous Energy
Roles and Responsibilities
Procedures - Lockout Only, Tagout Only, Group Lockout,
Removal of Locks and Tags

9. Drug and Alcohol / Substance Abuse

Government Regulations / Company Requirements
Testing
Supervisor Training Requirements: Reasonable Suspicion
Employee Awareness: Effects and Consequences

10. Hazard Communication

Overview of Hazard Communication
Identification of Chemicals: SDS, Labels and Warning, Chemical
Inventory
Training Requirements

11. Electrical Safety

Overview of Electrical Safety
Causes of Electrical Accidents
Results of Unsafe Work Practices
Energized vs. De-energized
Working Near Exposed De-energized Parts
Working Near Energized Equipment
Overhead Line Safety
Portable Electrical Equipment
Inspecting Welding Leads / Electrical Cords / GFCI
Electrical PPE

12. Intervention / Stop Work Authority

Overview
Management Leadership / Support of Intervention
Describe an individual's responsibilities to do interventions
Explanation of how interventions are used (Examples)



SafeLandUSA - Syllabus

13. Fire Prevention and Portable Fire Extinguishers

Overview of Fire Protection, Prevention, and Detection
Respond only to level trained and know who is trained
Elements/Causes of Fire
Fire Classification
Extinguishing Methods / Types of Extinguishers

14. Walking Working Surfaces

Overview
Guarding Floor and Wall Openings and Holes
Housekeeping
Scaffolding/Ladders
Stairways/Handrails

15. Job Safety Analysis / Pre-Job Planning

Overview
Roles and Responsibilities of Hazard Identification
JSA Elements (Job steps, Hazard Identification, Mitigation)

16. Personal Protective Equipment, Respiratory

PPE Overview
Eliminate - Control - **Protect**
Selection, Fit, Adjustment of PPE
Eye and Face Protection
Head, Foot and Hand Protection
Respiratory Requirements - Types of Respirators
Hearing Protection
Protective Clothing and FRC

17. Prevention of Workplace Violence

Overview
Responsibilities - Recognition and Notification

18. Working at Heights

Overview
Only work to your level of training
Responsibilities - Prevention of dropped objects and falls
Personal Protective Equipment and Inspection Requirements
Equipment for working at heights (Manlifts, Fall Protection Systems)



SafeLandUSA - Syllabus

19. Permit To Work

- Overview
- Roles and Responsibilities
- Types of Permits - Examples: Confined Space, Hot Work, LOTO, etc.

20. Driver Safety / Transportation Safety

- Overview / Statistics
- No Cell-phone use while driving / Driving Distractions
- Valid Driving Licenses / Certifications / Endorsements
- Adverse Weather - Road Conditions - Wildlife
- Fatigue
- Vehicle condition/inspections
- Journey Management
- Backing/Parking/Location Hazards
- Loading Securement and Off-loading
- Seatbelt usage
- Driving under the influence

21. ENVIRONMENTAL

- Federal and State Regulations & Compliance and Reporting
- Roles and Responsibilities
- Response and Reporting of discharges, leaks & spills
- Minimize waste
- All wastes go in specific containers
- Overview of HAZWOPER

22. EXCAVATION - TRENCHING & SHORING

- Overview
- Identification of Underground Hazards / ONE CALL – 811
- Levels of Training / Competency Requirements
- Safe Work Practices / Procedures / Permits
- Hazards Recognition and Mitigation
- Use of Personal Protective Equipment
- Hazardous Atmospheres
- Emergency Response Plans



SafeLandUSA - Syllabus

23. Industrial Hygiene / Occupational Health

Overview

Roles and Responsibilities

Exposure Types - Skin contact, Inhalation, Ingestion, Radiation (Ionizing & Non-Ionizing), Noise, etc.

Common Hazards - Benzene, Lead, H₂S, CO₂, NORM, Mercury, Diethanolamine, Hexavalent chromium, methanol, welding fume, N₂, Fibers (Asbestos, Mineral, etc.), Fumes, Liquids, Weather, Dust, Biological, Respirable Silica, Diesel Particulate Matter, etc.

Monitoring and Mitigation

Thermal Stress

24. Site Specific Hazards and Emergency Evacuation

Banned Items - Weapons i.e. Firearms, ammunition, clubs, etc.,

Illegal drugs, Alcohol, Lighters/matches, Explosives

New Personnel - Short Service Program (Identification, Mentoring, etc.)

Reporting to Work - Fitness for Duty

Emergency Planning/Response (alarms, muster areas, etc.)

Wildlife

Weather Conditions - Lightning, Windstorm, Hurricane, Tornado,

UV exposure, Snow & Ice, Flooding, etc.

Simultaneous Operations / Communication

EXHIBIT 6 – PC Public Hearing Sign-in Sheets

Adams County Planning Commission

Hearing Date:

SIGN-IN SHEET

Please Print Legibly

Name	Address	City	Zip Code	Telephone	For	Against	Information
Jeff Yeavitz	35600 E 157 th	Hudson	80642	303-656-1214			
MARY WILLIAMS	24600 E 156 th	Hudson	80642	720-515-1310			
Karla Hittman	10790 E 163 rd Ct	Brighton	80602	3038869178			
Wynne Hansen	10805 Meade Ct	Westminster	80031	3035505712			
Jane Hansen	" "	Westminster	80031	3035505712			
Edon Kober	" "	Brighton	80602	303-280-7258			
Christy Mary Wilson	730 W. 105 th A	Westminster	80260	(3) 451-8375			
Steve Melvin	" "	" "	" "	" "			
Joe Jurek	3990 W. 102 nd AVE	Westly	80031	8706 720-415-			
Phil Kasper	6340 HOWELL BLVD	W ADAMS	80221	720-275 6821		✓	
Wendy Engstrom	13885 Glencrest	Thornton	80602	303 452 9212			
Lyndee Collins	14641 Garfield St	Brighton	80602				
Pam Green	3843 Dyanne Dr	Thornton	80241	303-356-1000			
✓ Celia Teul	3721 E. 138 th Pl	Thornton	80602	970-518-5274			
✓ Brooke Wilkins	3573 W. 62 nd AVE Denver CO 80221	Denver	80221	303-702-3584			
Kristina Darling	3400 W 64 th Ave	Denver	80221	303-520-4501			
Teresa Darling	3400 W 64 th Ave	Denver	80221	720 691 3968			
Amy Scandella	3141 W. 63 rd Ave	Denver	80221	3-590-5576			✓

ADAMS COUNTY PLANNING COMMISSION
HEARING DATE: August 22, 2019

(Please Print)

[illegible]

SIGN UP FOR OIL AND GAS PUBLIC COMMENT

ADAMS COUNTY PLANNING COMMISSION
HEARING DATE: August 22, 2019

(Please Print)

NAME	ADDRESS (include city, state & zip code)	PHONE #	DO YOU WISH TO SPEAK	
			Yes	No
✓ Stephanie Sicker	13440 Detroit Ct. Thornton 80241	7.628-1699	X	
✓ Cathy & Andy Morris	730 W. 100 Pl. Northglenn 80260	(3) 451-0375	X	
✓ JOE SANECKY	3990 W. 102ND AVE WEST 80031	720-415-8706	X	
✓ Wendy Engelmann	13885 Glencoe St Thornton 80602	303-452-9212	X	
✓ Stan Barry	6597 Pecos St. Denver CO	787-640-8377	X	
✓ Lyndsey Collins	14641 Garfield St. Brighton 80602	7-417-1927	X	
✓ Peni Caren	3843 Pyanna Dr Thornton CO 80241	_____	X	
✓ WAYNE L. ANDERSON	8860 CODY STREET, WESTMINSTER CO 80021	(303) 324-4566	X	
✓ Kenneth L Pierce	9486 Steele Dr Thornton CO	303-815-4613		
✓ Angelina Lofgren	294 E 135th Dr. Thornton 80241	31641-3262	X	
✓ Judith Kowitz	13471 Columbine Cir Thornton 80241	410 702 1880	X	

PUBLIC COMMENT FOR LAND USE HEARING

 ADAMS COUNTY PLANNING COMMISSION
 HEARING DATE: August 22, 2019

(Please Print)

NAME	ADDRESS (include city, state & zip code)	PHONE #	DO YOU WISH TO SPEAK	
			Yes	No
Joseph Elliott	6261 Lowell Den CO 80221	303-427-5932	X	
Blade Elliott	6261 Lowell Blvd	303-427-5932	X	
Toni Dawkas	6231 Lowell Blvd.	720 587 9426	X	
Jana Westmeyer	3345 W 63RD AVE DENVER CO 80001	720 308-9054	X	
Jane + Patty Gaspar	1224 Spruce Dr. G. / Den CO	303 550 6884	X	
✓ Russ Watterson	8230 E 126th Place Shonston	720 884 7738	X	
✓ Nick Klebenstein	14178 Sunblaze Loop Broomfield	(3) 210 7370	X	
Teresa Darting	3400 W 64th Ave Denver	720-651-3968	X	
Todd Harman	3050 W 63rd Rd Denver CO	760 715 0840	X	
Kristina Darting	3400 W. 64th Ave Denver			
DANIEL RIEF	3393 W. 62nd AV. DENVER	303 351 3303		X
Victor Fedotkov	3035 W 63RD AVE DENVER	720 635 3422		✓

SIGN UP FOR OIL AND GAS PUBLIC COMMENT

ADAMS COUNTY PLANNING COMMISSION

HEARING DATE: August 22, 2019

(Please Print)

NAME	ADDRESS (include city, state & zip code)	PHONE #	DO YOU WISH TO SPEAK	
			Yes	No
✓ Ryan Seastrom	1800 Glenarm Pl Denver CO 80202	3-861-0362	X	
✓ Chris McGowne	1660 Lincoln Denver CO 80264	303-860-0099	X	
✓ Scott Hillman	10790 E. 1163rd Ct.		X	
✓ Miracle Pfister	964 Malley Dr. Northglenn	3-489-1749	X	
✓ Philip Hancock	4093 Specialty Pl Longmont CO	970-364-2820	X	
✓ Eileen Roberts			X	
✓ Susan Fakharzadeh	1001 17th St, #2000 Denver 80202	720-595-2095	X	
✓ Linsen Jones	12248 N Ivy Way Brighton 80402	303.505.7350	X	
✓ Jason Davidson	5301 Tejon St		X	
✓ Spencer Croun	370 17th St, Denver Ste 5300		X	
✓ Johanna Ostrum	370 17th St. Denver Ste 5300		X	
✓ Kathy Steerman	370 17th St. Denver Ste 5300		X	
✓ Daniel Reashaw	13865 Trenton St. Thornton CO 80602	619-807-5622	X	