



STATE OF COLORADO)
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County of Garfield)

At a regular meeting of the Board of County Commissioners for Garfield County, Colorado, held in the Commissioners' Meeting Room, Garfield County Administration Building in Glenwood Springs on Monday, the 17th day of August A.D. 2015, there were present:

<u>John Martin</u>	, Commissioner Chairman
<u>Mike Samson</u>	, Commissioner
<u>Tom Jankovsky</u>	, Commissioner
<u>Kevin Batchelder</u>	, Acting County Manager
<u>Tari Williams</u>	, Acting County Attorney
<u>Kelly Cave</u>	, Assistant County Attorney
<u>Jean Alberico</u>	, Clerk of the Board

when the following proceedings, among others were had and done, to-wit:

RESOLUTION NO. 2015-44

A RESOLUTION OF APPROVAL FOR AN AMENDMENT TO A LAND USE CHANGE PERMIT FOR TWO WATER IMPOUNDMENTS KNOWN AS 13E AND 13W, AND STORAGE OF MATERIAL, EQUIPMENT AND SUPPLIES ON A SITE OWNED BY OXY USA WTP, LP. THE 640-ACRE SITE IS LOCATED IN SECTION 4, TOWNSHIP 6 SOUTH, RANGE 97 WEST OF THE 6TH P.M., GARFIELD COUNTY

PARCEL NO# 2169-044-00-003

Recitals

A. The Board of County Commissioners of Garfield County, Colorado, (Board) received a request for an amendment to a conditional approval granted by the Board in Resolution 2014-07 to remove a Condition 6. of that resolution. This approval allows two existing Water Impoundments and two proposed Storage areas for material, equipment and supplies including operation of the facility to store a maximum of 121,480 BBLs of produced water in the two water impoundments and storage area not to exceed 3.03-acres within the 21.47-acre project area as shown in the site plan attached as Exhibit A.

B. This facility is located within a 640-acre parcel of land owned by OXY USA WTP, LP as described in a General Warranty Deed at Reception Number 713681 in the records of the Garfield County Clerk and Recorder.



C. The subject property is located within unincorporated Garfield County in the Resource Lands (Plateau) zone district, north of the Town of DeBeque.

D. Water Impoundment and Storage may be permitted in the Resource Lands (Plateau) zone district with Limited Impact review.

E. The Board is authorized to approve, deny or approve with conditions an amendment to the Limited Impact application which will result in issuance of a Land Use Change Permit pursuant to the 2013 Land Use and Development Code.

F. The Board of County Commissioners opened a public hearing on the 17th day of August, 2015 for consideration of whether the proposed amendment to the Land Use Change Permit should be granted or denied, during which hearing the public and interested persons were given the opportunity to express their opinions regarding the request.

G. The Board of County Commissioners closed the public hearing on the 17th of August, 2015 to make a final decision.

H. The Board on the basis of substantial competent evidence produced at the aforementioned hearings, has made the following determinations of fact:

1. That proper public notice was provided as required for the hearing before the Board of County Commissioners.
2. That the hearing before the Board of County Commissioners was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at that meeting.
3. That for the above stated and other reasons, and upon compliance with conditions of approval, the amendment to the Land Use Change Permit for two (2) Water Impoundments, 13E and 13W, and Storage of Equipment, Material and Supplies, is in the best interest of the health, safety, convenience, order, prosperity and welfare of the citizens of Garfield County.
4. That, upon compliance with conditions of approval, the application is in general conformance with the Comprehensive Plan 2030, as amended.
5. That, upon compliance with conditions of approval, the application is in conformance with the 2013 Land Use and Development Code.

RESOLUTION

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Garfield

County, Colorado, that:

- A. The forgoing Recitals are incorporated by this reference as part of the resolution.
- B. This resolution shall supersede and replace in its entirety any approvals granted in Resolution 2014-07.
- C. The Land Use Change Permit for a for two (2) Water Impoundments, 13E and 13W, and Storage of Equipment, Material and Supplies is hereby approved subject to compliance with the following conditions:
 1. That all representations made by the Applicant in the application and public hearing shall be conditions of approval, unless specifically altered by the Board of County Commissioners.
 2. That the facility shall operate in compliance with all applicable Federal, State, and local regulations governing the operation of this type of facility.
 3. The land use change permit is for two water impoundments, 13E and 13W, not to exceed 3.3-acres in size and storage capacity not to exceed 121,480 Barrels of produced water. In addition, the 21.47-acre project area is approved for two storage facilities as indicated on the approved site plan for a total area of 3.03-acres. No hazardous material or fuel storage is permitted within the facility.

Prior to Issuance of the LUCP

4. Prior to issuance of the Land Use Change Permit, the Applicant shall provide a supplement to the Traffic Analysis utilizing the 2011 Road & Bridge Traffic Counts and updating the report as appropriate to include traffic generated by the storage areas. The supplement shall include a finding consistent with the current study that no additional traffic improvements are recommended or provide specific recommendations that the Applicant shall be required to comply with subject to review by Garfield County.
5. Prior to issuance of the Land Use Change Permit, the Applicant shall provide written confirmation that all pipelines serving the facility have been properly permitted or are exempt from permitting requirements.
6. Condition deleted.
7. Prior to issuance of the Land Use Change Permit, the Applicant shall provide a statement by a qualified professional or representative of the Applicant confirming the adequacy of the access road to serve the site. A waiver from Article 7, Roadway Standards is approved pursuant to the approval criteria contained in Section 4-118 of the Land Use and Development Code, subject to compliance with the above requirement.

8. Prior to issuance of the Land Use Change Permit, the Applicant shall obtain the proper building permits for structures on the site, including existing/proposed fencing that shall consist of a minimum of a 7-foot chain-link fence capable of preventing elk and deer from entering the pit; concurrently it should have a small mesh type of fencing along the bottom of the fence (buried on-foot below grade level and extending a minimum of two-feet above grade capable of preventing small animals from entering between the gaps (gaps should be no larger than three-inches).
9. Prior to issuance of the Land Use Change Permit, the Applicant shall provide specifications and details for the proposed liners and leak detection systems of the ponds subject to review by Garfield County.
10. Prior to issuance of the Land Use Change Permit, the Applicant shall provide a Drainage and Erosion Control Plan that includes analyzes the 21.47-acre project area including sufficient detail to determine how site runoff is directed on the site and includes additional BMPs in areas of concentrated flow. This plan shall be reviewed for sufficiency by Garfield County.
11. Prior to issuance of the Land Use Change Permit, the Applicant shall provide a signed and stamped Drainage Report prepared by an engineer that satisfies the requirements of Section 7-204 of the 2013 Land Use and Development Code and includes documentation on the source of the runoff calculation intensities as well plans indicating how water will drain around the impoundments and storage areas (including grading plans). The Applicant shall provide information related to how the levels in the ponds will be monitored and management concerning items such as active water level, precipitation, freeboard, overflow level, etc. This information, once submitted shall be reviewed by Garfield County for compliance with code standards and BMP's.
12. Prior to issuance of the Land Use Change Permit the Applicant shall provide information regarding total amount of site disturbance related to proposed improvements and provide a revegetation security based upon \$2,500.00 per acre of revegetated area if the amount of disturbance is greater than one-half (1/2) acre.
13. Prior to issuance of the Land Use Change Permit the Applicant shall provide a Soil Plan that provides for soil cover if any topsoil stockpiles will site exposed for a period of ninety days or longer.

Wildlife Conditions

14. The Applicant shall comply with the following Colorado Parks and Wildlife recommendations regarding protection of wildlife:
 - A. Night Lighting should be of the full-cutoff type and/or timed or otherwise minimized to reduce disruption to wildlife.



- B. The Applicant shall install bear-proof trash containers at this facility and workers shall be advised that feeding bears is a prohibited activity.
- C. The wastewater pit(s) should be adequately protected to ensure that waterfowl and other birds are prevented – excluded – from entering or coming in contact with water in the pit(s). Adequate protection may include netting (preferred by CPW and USFWS), RADAR triggering noise deterrents, floating cover, or other device that is a demonstrably proven method of avian deterrent. Unacceptable methods including flagging, floating 4 inch hollow plastic balls, decoy predators, or other sight deterrents, reflectors, strobe lights, or zon guns (sonic blast). See the USFW web page for additional guidance at <http://www.fws.gov/mountain-prairie/fontaminants/contaminants1c.html>.
- D. Construction activities (on a daily basis, continuous, intermittent loud noise) such as heavy equipment operations (backhoes, bulldozers, generator, and heavy trucks) and or intensive human activities should occur outside of the time period from March 1 to June 30 to minimize impacts to greater sage-grouse production areas. Construction activities include earth moving and or pit liner removal or installation.
- E. CPW shall be notified immediately if any birds and/or wildlife are found dead or trapped within or around the pit, netting, or fences.
- F. Following the completion of construction activities, newly exposed soils should be revegetated as soon as possible to prevent erosion and to reduce the likelihood of non-native plants becoming established in the area. Seed mix used for revegetation should be certified as weed-free and consist of native seeds from plants that are common to the area.
- G. To reduce the likelihood of truck – wildlife collisions, proper speed limits (<25 mph) should be posted and enforced on all service roads.

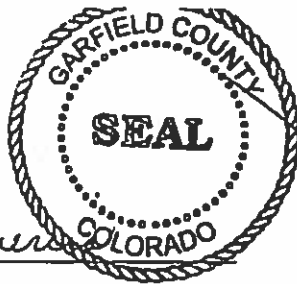
Other

- 15. Any future air quality permits for this facility shall be provided to the County upon issuance by CDPHE.
- 16. The applicant shall conduct on-site weed inventory in the spring or early summer of 2014 and provide the information to the County Vegetation Manager by June 30, 2014.

Dated this _____ day of _____, A.D. 20_____.

ATTEST:

GARFIELD COUNTY BOARD OF
COMMISSIONERS, GARFIELD



COUNTY, COLORADO

Jean M. Alberico
Clerk of the Board

[Signature]
Chairman

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

<u>COMMISSIONER CHAIR JOHN F. MARTIN</u>	<u>Aye</u> /Nay
<u>COMMISSIONER MIKE SAMSON</u>	<u>Aye</u> /Nay
<u>COMMISSIONER TOM JANKOVSKY</u>	<u>Aye</u> /Nay

STATE OF COLORADO)
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I, _____, County Clerk and ex-officio Clerk of the Board of County Commissioners, in and for the County and State aforesaid, do hereby certify that the annexed and foregoing Resolution is truly copied from the Records of the Proceeding of the Board of County Commissioners for said Garfield County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Glenwood Springs, this ____ day of _____, A.D. 20____.

County Clerk and ex-officio Clerk of the Board of County Commissioners



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EXHIBIT A

