

RESOLUTION

RE: APPROVE SITE SPECIFIC DEVELOPMENT PLAN AND USE BY SPECIAL REVIEW PERMIT, USR18-0069, FOR MINERAL RESOURCE DEVELOPMENT FACILITIES INCLUDING OIL AND GAS SUPPORT AND SERVICE RECYCLING SITES FOR PRODUCTION WASTE (CENTRALIZED E&P WASTE MANAGEMENT FACILITY) IN THE A (AGRICULTURAL) ZONE DISTRICT – ANADARKO E & P ONSHORE, LLC

WHEREAS, the Board of County Commissioners of Weld County, Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, the Board of County Commissioners held a public hearing on the 5th day of December, 2018, at the hour of 10:00 a.m., in the Chambers of the Board, for the purpose of hearing the application of Anadarko E & P Onshore, LLC, 1099 18th St. Denver, CO 80202, for a Site Specific Development Plan and Use by Special Review Permit, USR18-0069, for Mineral Resource Development Facilities including Oil and Gas Support and Service Recycling Sites for Production Waste (Centralized E&P Waste Management Facility) in the A (Agricultural) Zone District, on the following described real estate, being more particularly described as follows:

Lot B of Recorded Exemption, RE-2263; being part of the SE1/4 of Section 9, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado

WHEREAS, at said hearing, the applicant was present, and

WHEREAS, Section 23-2-230 of the Weld County Code provides standards for review of said Use by Special Review Permit, and

WHEREAS, the Board of County Commissioners heard all of the testimony and statements of those present, studied the request of the applicant and the recommendation of the Weld County Planning Commission and all of the exhibits and evidence presented in this matter and, having been fully informed, finds that this request shall be approved for the following reasons:

1. The submitted materials are in compliance with the application requirements of Section 23-2-260 of the Weld County Code.
2. It is the opinion of the Board of County Commissioners that the applicant has shown compliance with Section 23-2-230.B of the Weld County Code as follows:
 - A. Section 23-2-230.B.1. -- The proposed use is consistent with Chapter 22 and any other applicable code provisions or ordinance in effect.
 - 1) Section 22-4-140.A (EP.Goal 1) states: *“Encourage the minimization of mineral resource exploration and production waste and require the safe disposal of it;”* and (EP.Policy 1.1) states: *“Due to the impacts from surface impoundments and increasing public concern about them, other alternatives for disposal should be considered.”* This facility has been in operation since it was approved as a pilot program by the Department of Planning Services on November 24, 2015. The USR is

a request to make the pilot program a permanent facility. Anadarko recycles and reconditions mud/fluids from completions, midstream, and production. The recycled mud and fluids will be re-used in oil and gas operations including: workover/intervention operations, completions, and new drilling operations. Additionally, the facility can be used for the production of fresh mud for workover drilling and new drilling activities. All fluids are stored within enclosed tanks. All recycled muds and fluids produced at the facility will be transported back to the location where they were originally produced via truck. This use provides an alternative use of the muds/fluids generated from oil and gas drilling operations.

- 2) Section 22-4-140.B (EP.Goal 2) states: *“Mineral resource exploration and production waste facilities should be planned, located, designed and operated to encourage compatibility with surrounding land uses in terms of items such as general use, scale, height, traffic, dust, noise and visual pollution.”* This operation has been in operation for three (3) years and is centered on the northern portion of the approximately 100-acre site. The parcels to the north and west are owned by oil and gas companies. The parcels to the east and south are generally rural residential and the County has not received any complaints from the surrounding property owners since the operation commenced.
- 3) Section 22-2-20.H (A.Goal 8) states: *“Ensure that adequate services and facilities are currently available or reasonably obtainable to accommodate the requested new land use change for more intensive development.”* The applicant has requested a waiver from the requirement to install a septic system. The applicant is proposing bottled water and a portable toilet to be provided for employees, which is not acceptable according to the Department of Public Health and Environment policy. The Department of Public Health and Environment in their referral agency comments dated August 9, 2018, is requesting an On-Site Wastewater Treatment System (OWTS septic system) and a permanent, adequate water supply for drinking and sanitary purposes water.
- 4) Section 22-2-20.H.4 (A.Policy 8.4) states: *“The land use applicants should demonstrate that drainage providing stormwater management for the proposed land use change is adequate for the type and style of development and meets the requirements of county, state and federal rules and regulations.”* The Department of Public Works in their referral agency comments dated August 17, 2018, is requiring a Final Drainage Report and Certification of Compliance stamped and signed by a Professional Engineer registered in the State of Colorado.
- 5) Section 22-2-20.H.3 (A.Policy 8.3) states: *“The land use applicants should demonstrate that the roadway facilities associated with the proposed development are adequate in width, classification and structural capacity to serve the proposed land use change.”* The Department of Public Works in their referral agency comments date

August 17, 2018, did not indicate any concerns with the roadway facilities. The City of Fort Lupton is requesting 110 feet of right-of-way on County Road (CR) 31 and CR 22. The County is requiring 140 feet of right-of-way on CR 22 and 60 feet of right-of-way on CR 31. The City of Fort Lupton's transportation plan does not extend north of CR 22, so staff did not add a Condition of Approval requesting additional right-of-way.

- B. Section 23-2-230.B.2 -- The proposed use is consistent with the intent of the A (Agricultural) Zone District. Section 23-3-40.A.2 allows for a Site Specific Development Plan and Use by Special Review Permit for Mineral Resource Development Facilities, Including Oil and Gas Support and Service Recycling Sites for Production Waste (Centralized E&P Waste Management Facility) in the A (Agricultural) Zone District.
- 1) Section 22-2-10.B states: *"The intent of the Agricultural Goals is to support all forms of the agricultural industry and, at the same time, to protect the rights of the private property owners to convert their agricultural lands to other appropriate land uses. The County recognizes the importance of maintaining large contiguous parcels of productive agricultural lands in nonurbanizing areas of the County to support the economies of scale required for large agricultural operations."* This site supports the oil and gas community in the County and the Conditions of Approval and Development Standards will assist in mitigating the impacts of the facility on the adjacent properties and ensure compatibility with surrounding land uses and the region.
- C. Section 23-2-230.B.3 -- The uses which will be permitted will be compatible with the existing surrounding land uses. The adjacent lands consist of pastures, crops, and rural residences. There are two (2) adjacent parcels that have residences within 200 feet of the subject site. There are eight (8) Use by Special Review Permits issued within one mile of the site. USR-1317 for parking and repairing vehicles and USR-1758 for an oil and gas support facility are located south of the site. MUSR14-0013 for a propane storage and service yard, USR13-0027 for a utility, excavation and storage facility, and MUSR11-0002 for truck parking and maintenance are located east of the site. USR16-0044 for an office trailer for field personnel, MUSR14-0022 for a non-1041 major facility of a public utility 24-inch natural gas pipeline, and USR-563 for a natural gas compressor station are located north of the site. The Weld County Department of Planning Services sent notice to sixteen (16) surrounding property owners. Planning staff received one phone call from a surrounding property owner asking that the operation be screened from CR 22. Screening is required as a Condition of Approval.
- D. Section 23-2-230.B.4 -- The uses which will be permitted will be compatible with future development of the surrounding area, as permitted by the existing zoning, and with the future development as projected by Chapter 22 of the Weld County Code and any other applicable code

provisions or ordinances in effect, or the adopted Master Plans of affected municipalities. The site is located within the three (3) mile referral area of the City of Fort Lupton and the Town of Platteville. The Town of Platteville did not return referral agency comments. The City of Fort Lupton responded with referral agency comments dated July 24, 2018, stating that they are requesting a total of 110 feet of right-of-way on both CR 31 and CR 22 and wish to annex the site. The site is also located within the Intergovernmental Agreement Area (IGA) of the City of Fort Lupton and the Town of Platteville. An email dated October 11, 2018, was received from the City of Fort Lupton that stated that the City is in conversation with the applicant to annex the site into the City of Fort Lupton. The email also stated that the applicant wishes to continue the USR process through the County. An email dated October 24, 2018, was received from the Town of Platteville which stated the Town does not wish to annex.

- E. Section 23-2-230.B.5 -- The application complies with Chapter 23, Articles V and XI, of the Weld County Code. The site is not located in a floodplain, the Geologic Hazard Overlay District, or in the A-P (Airport) Overlay District. Building Permits issued on the proposed lot will be required to adhere to the fee structure of the County-Wide Road Impact Fee, County Facility Fee and Drainage Impact Fee Programs.
- F. Section 23-2-230.B.6 -- The applicant has demonstrated a diligent effort to conserve prime agricultural land in the locational decision for the proposed use. The proposed facility is located on soils designated as "High Potential Dry Cropland-Prime if they become Irrigated" per the 1979 Soil Conservation Service Important Farmlands of Weld County Map. The proposed USR will not take any Prime (Irrigated) Farmland out of production.
- G. Section 23-2-230.B.7 -- There is adequate provisions for the protection of the health, safety, and welfare of the inhabitants of the neighborhood and County. The Design Standards (Section 23-2-240, Weld County Code), Operation Standards (Section 23-2-250, Weld County Code), Conditions of Approval and Development Standards can ensure that there are adequate provisions for the protection of the health, safety, and welfare of the inhabitants of the neighborhood and County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Weld County, Colorado, that the application of Anadarko E & P Onshore, LLC, for a Site Specific Development Plan and Use by Special Review Permit, USR18-0069, for Mineral Resource Development Facilities including Oil and Gas Support and Service Recycling Sites for Production Waste (Centralized E&P Waste Management Facility) in the A (Agricultural) Zone District, on the parcel of land described above be, and hereby is, granted subject to the following conditions:

- 1. Prior to recording the map:
 - A. The applicant shall submit a building permit for the mobile home office.

- B. The applicant shall submit a Screening Plan that screens the site from public right-of-way.
- C. The applicant shall submit a Lighting Plan.
- D. The applicant shall develop an Emergency Action and Safety Plan with the Office of Emergency Management and the Fire District. The plan shall be reviewed on an annual basis by the Facility operator, the Fire District and the Weld County Office of Emergency Management. Submit evidence of acceptance to the Department of Planning Services.
- E. An Improvements and Road Maintenance Agreement is required for off-site improvements at this location. Road maintenance includes, but is not limited to, dust control and damage repair to specified haul routes. The Agreement shall include provisions addressing engineering requirements, submission of collateral, and testing and approval of completed improvements.
- F. A Final Drainage Report and Certification of Compliance stamped and signed by a Professional Engineer registered in the State of Colorado is required.
- G. The map shall be amended to delineate the following:
 - 1) All sheets of the map shall be labeled USR18-0069.
 - 2) The attached Development Standards.
 - 3) The map shall be prepared in accordance with Section 23-2-260.D of the Weld County Code.
 - 4) The map shall delineate the landscaping and/or screening.
 - 5) The map shall delineate the lighting which shall adhere to the Weld County Code.
 - 6) All signs shall be shown on the map and shall adhere to Chapter 23, Article IV, Division 2 and Appendices 23-C, 23-D and 23-E of the Weld County Code.
 - 7) The map shall delineate the parking area for the employees.
 - 8) County Road 31 is a gravel road and is designated on the Weld County Functional Classification Map as a local road which requires 60 feet of right-of-way at full buildout. The applicant shall delineate on the site plan the existing right-of-way. All setbacks shall be measured from the edge of right-of-way. This road is maintained by Weld County.

- 9) County Road 22 is a paved road and is designated on the Weld County Functional Classification Map as an arterial road which requires 140 feet of right-of-way at full buildout. The applicant shall delineate on the site plan the future and existing right-of-way. All setbacks shall be measured from the edge of future right-of-way. This road is maintained by Weld County.
 - 10) The applicant shall show and label the approved access locations, approved access width and the appropriate turning radii (60') on the site plan. The applicant must obtain an access permit in the approved location(s) prior to construction.
 - 11) The applicant shall show and label the approved tracking control on the site plan.
 - 12) The applicant shall show and label the entrance gate, if applicable. An access approach that is gated shall be designed so that the longest vehicle (including trailers) using the access can completely clear the traveled way when the gate is closed. In no event shall the distance from the gate to the edge of the traveled surface be less than 35 feet.
 - 13) The applicant shall show and label the accepted drainage features and drainage flow arrows. Stormwater ponds should be labeled as "Stormwater Detention, No-Build or Storage Area" and shall include the calculated volume.
 - 14) The applicant shall show the drainage flow arrows.
 - 15) The applicant shall show and label the parking and traffic circulation flow arrows showing how the traffic moves around the property.
2. Upon completion of Condition of Approval #1 above, the applicant shall submit one (1) paper copy or one (1) electronic copy (.pdf) of the map for preliminary approval to the Weld County Department of Planning Services. Upon approval of the map the applicant shall submit a Mylar map along with all other documentation required as Conditions of Approval. The Mylar map shall be recorded in the office of the Weld County Clerk and Recorder by the Department of Planning Services. The map shall be prepared in accordance with the requirements of Section 23-2-260.D of the Weld County Code. The Mylar map and additional requirements shall be submitted within one hundred twenty (120) days from the date of the Board of County Commissioners Resolution. The applicant shall be responsible for paying the recording fee.
 3. In accordance with Weld County Code Ordinance #2012-3, approved April 30, 2012, should the map not be recorded within the required one hundred twenty (120) days from the date of the Board of County Commissioners Resolution, a

\$50.00 recording continuance charge shall be added for each additional three (3) month period.

4. The Department of Planning Services respectfully requests a digital copy of this Use by Special Review, as appropriate. Acceptable format is a projected ESRI shapefile (.shp, .shx, .dbf, .prj) with a defined coordinate system (i.e., NAD 1983 UTM Zone 13N, WGS 1984, NAD 1983 HARN StatePlane Colorado North FIPS 0501 (US Feet)....etc.). This digital file may be sent to maps@co.weld.co.us.
5. Prior to Construction:
 - A. The approved access and tracking control shall be constructed prior to on-site construction. This site requires a tracking control device and a minimum of 300 feet of recycled asphalt or road base.
 - B. If more than one (1) acre is to be disturbed, a Weld County Grading Permit will be required.
6. Prior to Certificate of Occupancy:
 - A. An onsite wastewater treatment system is required for the proposed facility and shall be installed according to the Weld County Onsite Wastewater Treatment System Regulations. The septic system is required to be designed by a Colorado Registered Professional Engineer according to the Weld County Onsite Wastewater Treatment System Regulations.
 - B. Documentation showing the facility has a permanent, adequate water supply for drinking and sanitary purposes.
 - C. Documentation showing the facility has a Design and Operations Plan approved by the Colorado Oil and Gas Conservation Commission (COGCC).
7. The Use by Special Review activity shall not occur, nor shall any building or electrical permits be issued on the property, until the Use by Special Review map is ready to be recorded in the office of the Weld County Clerk and Recorder or the applicant has been approved for an early release agreement.

The above and foregoing Resolution was, on motion duly made and seconded, adopted by the following vote on the 5th day of December, A.D., 2018.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

APPROVED AS TO FORM:

County Attorney

Date of signature: _____

Steve Moreno, Chair

Barbara Kirkmeyer, Pro-Tem

Sean P. Conway

Julie A. Cozad

EXCUSED
Mike Freeman

**SITE SPECIFIC DEVELOPMENT PLAN
USE BY SPECIAL REVIEW PERMIT
DEVELOPMENT STANDARDS
ANADARKO E & P ONSHORE, LLC
USR18-0069**

1. A Site Specific Development Plan and Use by Special Review Permit, USR18-0069, is for Mineral Resource Development Facilities, including Oil and Gas Support and Service Recycling Sites for Production Waste (Centralized E&P Waste Management Facility) in the A (Agricultural) Zone District, subject to the Development Standards stated hereon.
2. Approval of this plan may create a vested property right pursuant to Section 23-8-10 of the Weld County Code.
3. The number of employees will be eight (8) per shift, as stated by the applicant.
4. Hours of operation are twenty-four (24) hours each day, seven (7) days per week, as stated by the applicant.
5. The screening/landscaping on the site shall be maintained in accordance with the approved Screening/Landscaping Plan.
6. The lighting on the site shall be maintained in accordance with the approved Lighting Plan.
7. All signs shall adhere to Chapter 23, Article IV, Division 2 and Appendices 23-C, 23-D and 23-E of the Weld County Code.
8. The property owner or operator shall be responsible for controlling noxious weeds on the site, pursuant to Chapter 15, Articles I and II, of the Weld County Code.
9. The access on the site shall be maintained to mitigate any impacts to the public road, including damages and/or off-site tracking.
10. There shall be no parking or staging of vehicles on public roads. On-site parking shall be utilized.
11. Any work that may occupy and/or encroach upon any County rights-of-way or easement shall acquire an approved Right-of-Way Use Permit prior to commencement.
12. The property owner shall comply with all requirements provided in the executed Improvements Agreement.
13. The Improvements Agreement for this site shall be reviewed on an annual basis, including possible updates.
14. The historical flow patterns and runoff amounts on the site will be maintained.
15. Weld County is not responsible for the maintenance of onsite drainage related features.

16. All liquid and solid wastes (as defined in the Solid Wastes Disposal Sites and Facilities Act, C.R.S. §30-20-100.5) shall be stored and removed for final disposal in a manner that protects against surface and groundwater contamination.
17. No permanent disposal of wastes shall be permitted at this site. This is not meant to include those wastes specifically excluded from the definition of a solid waste in the Solid Wastes Disposal Sites and Facilities Act, C.R.S. §30-20-100.5
18. The facility shall comply with the Colorado Oil and Gas Conservation Commission (COGCC) regulations pertaining to Centralized E&P Waste Management Facilities. Only E&P wastes, generated by the operator, are allowed to be recycled at the facility. Any changes shall be submitted to, and reviewed by, the Weld County Department of Public Health and Environment to ensure compliance with the USR Permit.
19. Waste materials shall be handled, stored, and disposed of in a manner that controls fugitive dust, blowing debris, and other potential nuisance conditions. The facility shall operate in accordance with Chapter 14, Article I of the Weld County Code.
20. Fugitive dust should attempt to be confined on the property. Uses on the property should comply with the Colorado Air Quality Commission's air quality regulations.
21. The applicant shall submit an Air Pollution Emission Notice (A.P.E.N.) and Emissions Permit Application and obtain a permit from the Air Pollution Control Division of the Colorado Department of Public Health and Environment, as applicable.
22. Adequate drinking, handwashing and toilet facilities shall be provided for employees and patrons of the facility, at all times. As employees or contractors are on site for less than two (2) consecutive hours a day portable toilets and bottled water are acceptable. Records of maintenance and proper disposal for portable toilets shall be retained on a quarterly basis and available for review by the Weld County Department of Public Health and Environment. Portable toilets shall be serviced by a cleaner licensed in Weld County and shall contain hand sanitizers. All portable toilets shall be screened.
23. Any septic system located on the property must comply with all provisions of the Weld County Code, pertaining to On-site Wastewater Treatment Systems. A permanent, adequate water supply shall be provided for drinking and sanitary purposes.
24. All potentially hazardous chemicals on-site must be handled in a safe manner in accordance with product labeling. All chemicals must be stored secure, on an impervious surface, and in accordance with manufacturer's recommendations.
25. Secondary containment shall be constructed around tanks to provide containment for the largest single tank and sufficient freeboard to contain precipitation. Secondary containment shall be sufficiently impervious to contain any spilled or released material. Secondary containment devices shall be inspected at regular intervals and maintained in good condition. All secondary containment will comply with the Colorado Oil and Gas Conservation (COGCC) Commission Rules and/or the provisions of the State Underground and Above Ground Storage Tank Regulations.

26. As applicable, a Spill Prevention, Control and Countermeasure Plan, prepared in accordance with the applicable provisions of 40 CFR, Part 112, shall be available.
27. The facility shall be constructed and operated to ensure that contamination of soil and groundwater does not occur.
28. Any contaminated soils on the facility shall be removed, treated or disposed of in accordance with all applicable rules and regulations. All spills will be reported to local, state and federal agencies in accordance with all state and federal regulations.
29. The facility shall comply with the operator's Standard Operating Procedures for truck unloading and spill containment during unloading/loading. A liner shall be placed under connection points to minimize leaks and releases.
30. The facility shall adhere to the maximum permissible noise levels allowed in the Commercial Zone as delineated in C.R.S. §25-12-103
31. The applicant shall obtain a Colorado Discharge Permit System, or CDPS permit, from the Colorado Department of Public Health and Environment (CDPHE), Water Quality Control Division, as applicable.
32. The facility shall notify the County of any revocation and/or suspension of any State-issued permit.
33. The applicant shall notify the County upon receipt of any compliance advisory or other notice of non-compliance of a State-issued permit, and of the outcome or disposition of any such compliance advisory or other notice of non-compliance.
34. The operation shall comply with all applicable rules and regulations of state and federal agencies and the Weld County Code.
35. Building permits may be required, per Section 29-3-10 of the Weld County Code. Currently, the following have been adopted by Weld County: 2012 International Codes, 2006 International Energy Code, and 2017 National Electrical Code. A Building Permit Application must be completed and two (2) complete sets of engineered plans bearing the wet stamp of a Colorado registered architect or engineer must be submitted for review. A Geotechnical Engineering Report performed by a Colorado registered engineer shall be required or an Open Hole Inspection.
36. Necessary personnel from the Weld County Departments of Planning Services, Public Works, and Public Health and Environment shall be granted access onto the property at any reasonable time in order to ensure the activities carried out on the property comply with the Conditions of Approval and Development Standards stated herein and all applicable Weld County regulations.
37. The Use by Special Review area shall be limited to the plans shown hereon and governed by the foregoing standards and all applicable Weld County regulations. Substantial changes from the plans or Development Standards, as shown or stated, shall require the approval of an amendment of the Permit by the Weld County Board of County

Commissioners before such changes from the plans or Development Standards are permitted. Any other changes shall be filed in the office of the Department of Planning Services.

38. The property owner or operator shall be responsible for complying with all of the foregoing Development Standards. Noncompliance with any of the foregoing Development Standards may be reason for revocation of the Permit by the Board of County Commissioners.
39. RIGHT TO EXTRACT MINERAL RESOURCES STATEMENT: Weld County has some of the most abundant mineral resources, including, but not limited to, sand and gravel, oil, natural gas, and coal. Under title 34 of the Colorado Revised Statutes, minerals are vital resources because (a) the state's commercial mineral deposits are essential to the state's economy; (b) the populous counties of the state face a critical shortage of such deposits; and (c) such deposits should be extracted according to a rational plan, calculated to avoid waste of such deposits and cause the least practicable disruption of the ecology and quality of life of the citizens of the populous counties of the state. Mineral resource locations are widespread throughout the County and person moving into these areas must recognize the various impacts associated with this development. Often times, mineral resource sites are fixed to their geographical and geophysical locations. Moreover, these resources are protected property rights and mineral owners should be afforded the opportunity to extract the mineral resource.
40. The Weld County Right to Farm Statement, as it appears in Section 22-2-20.J.2 of the Weld County Code, shall be placed on the map and recognized at all times.

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