

FINDINGS AND PERMIT
High Impact Permit No. 699
and Special Use Permit

Kinder Morgan CO2 Company, Applicant - Agent, Chris Lopez
On property owned by Brad & Pamela White, located at 24115 Road 8, Pleasant View, CO;
In Sec.10, T.38N, R.19W., N.M.P.M.

Parcel Identification Number: 5345-154-00-019; Well Known as CB-4

For the purpose of the construction of a well pad, drilling of one CO2 well, production activities and the construction and installation of CO2 tie-in pipelines

Date: March 26, 2018

The Montezuma County Land Use Code, Under Resolution Number 3-2015 provides for High Impact Permit Regulations whose general purpose is to facilitate the identification, designation and regulation of High Impact Development projects in the unincorporated areas of Montezuma County. This process will ensure compatibility of commercial and industrial uses with surrounding land uses. The specific purposes of these regulations are:

- A. To protect and strengthen the established industries of agriculture, commerce, industry, tourism, recreation, and to protect property values.
- B. To protect and strengthen the economic viability of the private and governmental sectors of the County;
- C. To regulate development that would otherwise cause excessive noise, water or air pollution;
- D. To ensure, to the maximum extent practicable, that growth will pay for itself, and that the present residents do not have to subsidize new growth and development;
- E. To ensure that High Impact Development projects are sited, constructed, developed and operated in a manner that is consistent with the land use policies and regulations of Montezuma County.
- F. To protect the rural character and visual and aesthetic resources of the County and to protect the health, safety, and welfare of the people of the County and the State of Colorado.

These competing purposes and needs must be reconciled by the judicious application of the Montezuma County Land Use Code which is based on the Montezuma County Comprehensive Land Use Plan, formulated by a citizen working group which spent some 18 months formulating a plan to address the appropriate balance between the protection of private property rights, private property values, and the cost effective provision of public services and facilities. The Comprehensive Plan and the Land Use Code that resulted were developed in the spirit of people working together to resolve land use issues, rather than taking hard line positions. It is this framework that must guide County land use decisions.

The Montezuma County Board of Commissioners must render its decision pursuant to Section 2202.8 of said Land Use Code which provides in part as follows:

"B". The proposed use shall not generate any significant adverse impacts on other property in the area and is consistent with this Code", and
"D". If the applicant fails to meet these decision criteria, the permit shall either be approved with conditions, insuring compliance with the decision criteria, or it shall be denied."

Findings and Permit

Agencies Notified: Montezuma County Planning notified all agencies on February 1, 2017. Applicant has submitted proof of Certified Mailing to all adjacent property owners.

Ownership: Proof of ownership and Statement of Taxes have been provided by the Applicant and are in file.

Zoning and Land Use: Zoning in the immediate area consists of AR35+ and A80+. Uses in the area are a generally large scale agricultural /residential. The proposed use is consistent with uses in the area and is interim in nature.

Proposed Development Information: The property consists of 163.3 acres, more or less. The proposed well pad would consist of 6.72 acers, more or less, during construction; once construction is complete the well pad would be reduced to 1 acre, more or less. The remaining acreage would continue to be used for agricultural purposes by the property owner. Once the well is expired, the site would be reclaimed and returned to its original

Access: Kinder Morgan has submitted an Access Permit with the County Road Department for an access off of the south side of Road 10. This permit is in process. The County GIS Department has been assigned an address to the proposed well of 24115 Road 8, Pleasant View.

Utility Information: Proof of service from Empire Electric is in file; alternate electric service will be provided by a generator.

Septic Information: Portable chemical toilets will be contracted by a third party and provided for the temporary construction of the well.

Rural Water: Water will be provided for the employees by 5 gallon electric water coolers which are serviced through a private contractor. Water for the construction of the proposed well will be through DWDC shares held by third party contractors / water haulers.

Irrigation Water: Water for the construction of the proposed well will be through DWDC shares held by third party contractors / water haulers. Proof of availability is in file.

Floodplain Information: The property is not located within an area designated as a floodplain.

Fire Mitigation: Applicant has requested a waiver for the Fire Mitigation Plan. Directional photos are in file. The Planning Dept. has forwarded the review onto Firewise for comments/recommendations. Master Wildfire Mitigation Plan is in file.

Weed Control Plan: Weed control mitigation is contracted annually for all Kinder Morgan Wells. Weed Control Plan is in file.

Geologic Investigation: In file.

Soil Report: In file.

FINDINGS AND PERMIT

Agency Responses:

None.

BOARD MEETING DATES

Planning Commission Review of the High Impact Permit and Special Use Permit Applications on March 8, 2018:

Motion by Commissioner Boyd to recommend the Board of County Commissioners’ approve the proposed High Impact and Special Use Permit Applications submitted by Kinder Morgan CO2 Company, Agent Chris Lopez, for the purpose of the construction and operation of a CO2 Well (known as CB-4) on property owned by Brad & Pamela White, located at 24115 Road 8, Pleasant View, CO.

Motion was seconded by Commissioner Belt.

Chair Clayton	Comm. Belt	Comm. Rosso	Comm. Pope	Comm. Boyd	Alternate Pierce
Aye	Aye	Absent	Absent	Aye	Aye

Motion carried and the vote was 4-0.

Board of County Commissioners Public Hearing held on March 26, 2017:

The Board of County Commissioners, having considered all the evidence submitted by the Applicant hereby approves **High Impact Permit No. 699 and Special Use Permit** for the purpose of the construction and operation of one CO2 well, known as CB-4, and the construction and installation of CO2 tie-in pipelines pursuant to the information submitted within the High Impact Permit Application, plans, recorded oral comment made by Applicant(s) during the Public Hearing before the Board of County Commissioners, and any additional information submitted by the Applicant(s) during said hearing, becoming a part of the conditions of the High Impact Permit issued and contingent upon the following:

1. All local, state and federal permits are obtained; and
2. Original Surface Use Agreement is in place.

Some of the facts supporting these findings are set forth within this permit, and additional facts are set forth in the Planning Department's Application file.

Montezuma County Board of County Commissioners:

James R. Lambert
James R. Lambert
Keenan G. Ertel
Keenan G. Ertel

Larry Don Suckla
Larry Don Suckla

Kim Percell
Clerk
March 26, 2018
Date

[Seal]

