

RESOLUTION NO. 2013- 54
BOARD OF COUNTY COMMISSIONERS
OF RIO BLANCO COUNTY,
COLORADO

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF RIO
BLANCO COUNTY, COLORADO, AMENDING THE TEXT OF THE RIO BLANCO COUNTY LAND
USE RESOLUTION, ARTICLE X, STANDARDS, BY ADDING SECTION 411, CONCERNING THE
PERMITTING OF PIPELINES**

WHEREAS, the Board of County Commissioners (BOCC) of Rio Blanco County, Colorado recognizes the need to provide reasonable management and oversight of the exploration and production of oil and natural gas resources within Rio Blanco County; and

WHEREAS, the permitting by Rio Blanco County of the exploration and production of oil and natural gas resources is intended so that no operational conflict exists with State or Federal statutes and regulations; and

WHEREAS, the Rio Blanco County Planning Commission conducted hearings on this Amendment of the Land Use Resolution on October 10, 2013 and October 24, 2013, upon notice duly given; and

WHEREAS, the Planning Commission voted 6 for, 0 against to recommend to the BOCC approval of the amendment of Article X with the creation of Section 411 concerning Special Use / Building Permits for Pipelines as set forth in the attached Exhibit A as an Amendment to the Rio Blanco County Land Use Resolution; and

WHEREAS, prior to consideration of the adoption of this Resolution, the BOCC has received and reviewed the proposed amendment being considered; and

WHEREAS, the BOCC has reviewed the proposed amendment to the Rio Blanco County Land Use Resolution, the Rio Blanco County Master Plan, materials submitted by members of the public at the various hearings, and has reviewed the Planning Commission recommendations, and conducted its own public hearing on the submittal on November 12, 2013 upon notice duly given; and

WHEREAS, the BOCC closed the hearing and the record is deemed complete; and

WHEREAS, the BOCC on the basis of evidence produced at the aforementioned hearing has made the following findings:

1. The Board of County Commissioners is authorized by the provisions of C.R.S. 29-20-104, 30-28-101 et. seq., and 30-28-204, and by the provisions of Sections 3 and 135 of the Rio Blanco County Land Use Resolution to adopt amendments to the Land Use Resolution whenever the public necessity, health, safety, general welfare, and/or good zoning practices justify such action;
2. The public hearing before the Board of County Commissioner was extensive and complete, that all pertinent facts, matters, and issues were submitted and all interested parties were heard at the hearing;
3. The proposed Amendment is in the best interests of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Rio Blanco County.

THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Rio Blanco County, Colorado, as follows:

Section 1. The Rio Blanco County Land Use Resolution shall be and is hereby amended by the addition of Section 411 to Article X concerning Special Use / Building Permits for Pipelines as set forth in the attached Exhibit A. Said exhibit is incorporated herein by this reference.

Section 2. Nothing in this Resolution shall be construed to affect rights acquired or liability incurred, or and cause or causes of action acquired or existing, under any Rio Blanco County Codes as they existed prior to the adoption of this Resolution; nor shall any legal right or remedy of any character be lost, impaired, or affected by this Resolution.

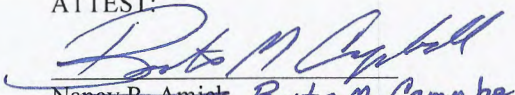
Section 3. This Resolution and the rules, regulation, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect thirty days from and after the date of publication of this Resolution.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Resolution and/or the attached Exhibit A is, for any reason, held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. Rio Blanco County declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion herein, despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions would be declared invalid or unconstitutional.

DULY MOVED, SECONDED, AND PASSED ON A VOTE OF 3 FOR AND 0 AGAINST,
THIS 18th DAY OF NOVEMBER, 2013.

BOARD OF COUNTY COMMISSIONERS OF
RIO BLANCO COUNTY, COLORADO

ATTEST:


Nancy R. Amick *Boots M. Campbell*
Deputy Clerk to the Board




Shawn J. Bolton, Chairman


Jon D. Hill, Commissioner

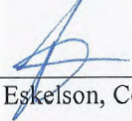

Jeffrey D. Eskelson, Commissioner

Exhibit A

text to be added to Article X, Standards, of the Rio Blanco County Land Use Resolution

Section 411 Pipeline Special Use/Building Permit (SU/BP)

411.1 General

- A. All off pad pipelines, except any portion of off pad pipelines permitted under a Well Pad SU/BP, require a Pipeline SU/BP.
- B. Determination of the required review process for Pipeline SU/BP applications is based on the following criteria:
 1. Pipelines of up to 2000 feet connecting wells to collection system(s) may be included in the Well Pad SU/BP if permitted at the same time as the well pad.
 2. Pipelines 12" or less in diameter and no longer than 5 miles in length shall be reviewed administratively by assigned staff. The assigned staff shall provide a written notice of decision that informs the applicant of the approval, conditions of approval or basis for denial in writing within seven (7) calendar days of the date of decision. Notice of the assigned staff's decision shall also be provided to the Planning Commission (PC) and the Board of County Commissioners (BOCC).
 3. Pipelines 13" to 20" in diameter and/or more than 5 miles and less than 10 miles in length require review by the Planning Commission as a referral and action by the BOCC at a public hearing, after proper notice. The BOCC shall approve, approve with conditions, or deny the application based upon compliance with applicable standards.
 4. Pipelines greater than 20" in diameter and/or greater than 10 miles in length require public hearings after proper notice before the PC and the BOCC. The PC shall provide a recommendation of approval, approval with conditions, or denial of the application to the BOCC. The BOCC shall approve, approve with conditions, or deny the application based upon compliance with applicable standards.
- C. The design, construction, cover, and reclamation of all pipelines for oil and gas operations are subject to the requirements of the COGCC. Evidence of compliance with COGCC requirements must be provided to the County by the applicant as part of the County Pipeline SU/BP application process for any oil and gas facility proposing to include pipelines.
- D. A map showing the as-built location of any approved pipeline or gathering system must be provided to the County Building Division of the Community Development Department and recorded in the records of the County Clerk and Recorder. Locations must be accurate to within 10 feet. The location of any pipelines which are proposed for abandonment must also be recorded in the records of the County Clerk and Recorder upon completion of abandonment.
- E. Special Use/Building Permits issued pursuant to this Section 411 are valid from start of construction to abandonment and final reclamation, if required.
- F. Special Use/Building Permits pursuant to this Section 411 are issued by the Planning Department and the Building Department.

- G. All applicable taxes and fees must be paid before a Special Use/Building Permit can be issued. Use Tax must be accounted and paid as required by the Use Tax resolution.
- H. All structures, regardless of size, which by standard practice are part of a pipeline covered by a Special Use/Building Permit, do not require separate Building Permits. Applicants may be required to submit inspection reports.
- I. If required by the State, all buildings must have a Colorado Division of Housing Certificate Sticker.
- J. All buildings permitted with the Special Use/Building permit must comply with all RBC floodplain, planning, and zoning requirements, including setbacks.

411.2 Application Process

- A. A complete application for a Special Use/ Building Permit as required herein, must be filed with the Rio Blanco Planning and Development Department no later than thirty days prior to the date of estimated commencement of construction of the pipeline or access road.
- B. Application forms are provided by the Rio Blanco County Planning Department.
- C. An application for a Special Use/Building Permit will not be considered complete until the applicant provides the information and documentation required in the application form.

411.3 Miscellaneous Provisions

- A. By acceptance of a Special Use/Building Permit, the Applicant grants permission to Rio Blanco County, its agents and employees, the right to inspect a site without notice, during regular business hours and in compliance with safety procedures, to assess compliance with the Permit and to collect any water, air, or soil samples.
- B. Bear-proof refuse containers must be provided at all locations for all trash.
- C. The Terms and Conditions of a Special Use/ Building Permit may contain additional provisions needed to ensure the health, safety and welfare of the citizens of Rio Blanco County.

411.4 Revocation and Penalties

Failure to comply with the requirements or conditions of approval of a Special Use/Building Permit may be grounds for revocation pursuant to the Rio Blanco County Land Use Resolution or imposition of Penalties and Remedies pursuant to the Rio Blanco County Land Use Resolution.