

**WELD COUNTY  
CODE ORDINANCE 2024-09**

**IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 21 AREAS AND ACTIVITIES OF STATE INTEREST, OF THE WELD COUNTY CODE**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, STATE OF COLORADO:**

**WHEREAS**, the Board of County Commissioners of the County of Weld, State of 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, on December 28, 2000, adopted Weld County Code Ordinance 2000-1, enacting a comprehensive Code for the County of Weld, including the codification of all previously adopted ordinances of a general and permanent nature enacted on or before said date of adoption, and

**WHEREAS**, the Weld County Code is in need of revision and clarification with regard to procedures, terms, and requirements therein.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of the County of Weld, State of Colorado, that Chapter 21 Areas and Activities of State Interest of the Weld County Code be, and hereby is, repealed and re-enacted, with amendments, to read as follows.

**CHAPTER 21  
AREAS AND ACTIVITIES OF STATE INTEREST**

**ARTICLE V - Guidelines and Regulations for Oil and Gas Exploration and Production in the Unincorporated Area of Weld County (Designated as Mineral Resource Area of State Interest)**

**Division 1 - General and Introductory Provisions**

**Amend Sec. 21-5-20. Definitions.**

In addition to the terms defined in Section 21-1-90 of this Code, the following terms specific to the designation of site selection and construction of Oil and Gas Locations and Oil and Gas Facilities shall be construed to have the meanings set forth as follows:

*Add Ag-Rural Planning Area:* means the unincorporated area of Weld County as described in Section 21-5-210 of this Article V.

*Add Appellant:* means the Applicant, or any Person or property owner within the 1041 WOGLA Zone.

*Applicant*: means the person or entity who applies for a 1041 WOGLA Permit. The Applicant may be referred to herein as the "1041 WOGLA Permittee" or "Operator".

*Application*: means the 1041 WOGLA Permit application filed by the Applicant pursuant to Section 21-5-320 of this Code and may also be referred to herein as the "1041 WOGLA Permit Application" or "Case".

*Authority Having Jurisdiction ("AHJ")*: means any other entity which may have jurisdiction over a certain area or may own or operate certain features affected by the Application. Certain examples may include the State of Colorado, municipalities, metro districts, or ditch companies.

*Best Management Practices ("BMPs")*: means practices that are designed to prevent or reduce impacts caused by Oil and Gas Operations to air, water, soil, or biological resources, and to Minimize Adverse Impacts to public health, safety and welfare, including the environment and Wildlife Resources.

*Building Unit ("BU")*: means a Residential Building Unit, as defined in this Article V, and any building that is used for business or commercial purposes that is normally occupied during working hours.

Delete COGCC.

*Completion*: means operations conducted on a Well(s), subsequent to drilling, that are necessary to prepare or re-stimulate the Well(s) for production. Completion operations include, but are not limited to, fracture preparation, Hydraulic Fracturing, drill-out and Flowback. May also be referred to herein as "Completing".

*Comprehensive Development Plan ("CDP")*: means a plan covering future Oil and Gas Operations in a defined geographic area within a geologic basin.

Add *ECMC*: means the Energy and Carbon Management Commission.

*Enhanced Recovery*: means a technique of recovering additional oil and gas from a mineralized zone by injecting fluids or gases in an effort to force more of the hydrocarbons to a Well.

*High Occupancy Building Unit ("HOB")*: means any Nursing Facility as defined in Section 25.5-4-103(14), C.R.S., Hospital, Life Care Institutions as defined in Section 12-13-101, C.R.S., or Correctional Facility as defined in Section 17-1-102(1.7), C.R.S., provided the facility or institution regularly serves fifty (50) or more persons.

*High Priority Habitat ("HPH")*: means the high priority wildlife habitat areas in Weld County identified in the 1200 series Rules of the ECMC. When considering HPH, OGED will utilize the most current, ECMC approved maps provided by CPW at the time of Application submittal.

Add *Impacted Area for an OGSEF*: means that area within the approved OGSEF where solar arrays are located, including any necessary electrical and/or transmission equipment.

Delete LACT (*Lease Automated Custody Transfer*).

Add *Lease Automated Custody Transfer ("LACT")*: means the transfer of produced crude oil or condensate, after processing or treating in the producing operations, from storage vessels or automated transfer facilities to Pipelines or any other form of transportation.

Add *Near-Urban Planning Area*: means the unincorporated area of Weld County as described in Section 21-5-210 of this Article V.

*Oil and Gas Facility*: means equipment or improvements used or installed for the benefit of any Well for the purpose of exploration, production, withdrawal, treatment, processing, Enhanced Recovery, storage, or disposal; excluding Pipeline - Petroleum Products, as defined in Article VI of this Chapter 21, and all other Pipelines and Flowlines used or installed at the Oil and Gas Facility. Examples of equipment or improvements may include, but are not limited to, tanks, separators, combustion devices, LACT units, and telecommunication antenna towers as defined in Section 23-1-90, which are used solely for site security and monitoring purposes of the Oil and Gas Facility. Oil and Gas Facility may also be referred to herein in certain circumstances synonymously as "Facility".

*Oil and Gas Location*: means a definable area where an Operator has disturbed or intends to disturb the land surface to locate a Well and/or an Oil and Gas Facility. This definition is not inclusive of access points or access roads. Oil and Gas Location may also be referred to herein in certain circumstances synonymously as "Disturbance Area" or "Location."

*Oil and Gas Operations*: means exploration for and production of oil and gas, including, but not limited to, conducting seismic operations and the drilling of test bores; siting, drilling, Completing, deepening, recompleting, reworking, injection of fluids for Enhanced Recovery, or abandoning a Well; operations related to any Well, including installing Flowlines; the generating, transporting, storing, treating, or disposing of E&P Waste; and any constructing, site preparing, or Reclamation activities associated with such operations.

*Oil and Gas Solar Energy Facility ("OGSEF")*: means a facility whose primary purpose is to supply electricity to the Oil and Gas Location and consists of one or more solar arrays and other accessory structures and equipment. The OGSEF shall be no more than ten (10) acres in size, and shall be contiguous to, as well as considered part of, the Oil and Gas Location. Submittal requirements and procedures for approval and operation of OGSEF's are contained in Division 5 of this Article.

Add *Planning Areas*: means both the Ag-Rural and Near-Urban Planning Areas.

*Plugging and Abandonment ("P&A")*: means the cementing of a Well, the removal of its associated Production Facilities, the abandonment of its Flowline(s), and the Remediation and Reclamation of the wellsite.

*Production Facility*: means equipment or improvements used or installed at an Oil and Gas Location for any storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, and other equipment directly associated with a Well.

*Public Water System*: means those systems shown and/or listed in Appendix VI of the ECMC Rules. These systems provide to the public water for human consumption through pipes or other constructed conveyances, if such systems have at least fifteen (15) service connections or regularly serve an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such definition includes:

Remainder of definition for *Public Water System* – No change.

*Residential Building Unit ("RBU")*: means a building or structure designed for use as a place of residency by a person, a family, or families. The term includes manufactured, mobile, and modular homes, except to the extent that any such manufactured, mobile, or modular home is intended for Temporary occupancy, or for business purposes.

*Sundry Process*: means the process used by the Operator to request approval of proposed amendments on any Oil and Gas Location or Facility located in the Weld Mineral Resource (Oil and Gas) Area. It may also be referred to herein as "1041 WOGLA Sundry Process", "Sundry" or "Amendment".

*Well*: means an Oil Well or Gas Well, a hole drilled for the purpose of producing oil or gas; a Well into which fluids or gasses are injected for purposes of disposal or Enhanced Recovery; a Stratigraphic Well; a Gas Storage Well; or a Well used for the purpose of monitoring or observing a reservoir.

*Well Site*: means the areas that are directly disturbed during the drilling and subsequent operation of, or affected by, Oil and Gas Facilities or Production Facilities directly associated with any Well.

All other words used herein shall be given their usual customary and accepted meaning, and all words of a technical nature, or peculiar to the oil and gas industry, shall be given that meaning which is generally accepted in said oil and gas industry.

#### **Amend Sec. 21-5-30. Applicability and general rules.**

- A. A Weld Oil and Gas Location Assessment pursuant to this Chapter ("1041 WOGLA") requires additional consideration to ensure Well Sites, Oil and Gas Facilities, and Oil and Gas Location are developed in a manner that complies with various Development Standards set forth in Division 4 of this Article V and provides compatibility with Uses located within two thousand (2,000) feet of the Oil and Gas Location (including School Facilities and Child Care Centers within two thousand (2,000) feet of the Oil and Gas Location). The 1041 WOGLA Permit is designed to protect and promote the health, safety, and welfare of Weld County's citizens, environment, and wildlife.
- B. A 1041 WOGLA Permit is required after August 5, 2019, for the construction of a Well Site, an Oil and Gas Facility, and/or an Oil and Gas Location in all zone districts. Existing approved and constructed WOGLA's as of August 5, 2019, are not required to obtain a new 1041 WOGLA Permit and are not subject to the Development Standards as set forth in Division 4 of this Article V, unless major changes are made to the Location pursuant to Section 21-5-360.B.

C. No Well Site, Oil and Gas Facility, and/or Oil and Gas Location shall be constructed in any zone district until a 1041 WOGLA Permit has been granted by a 1041 WOGLA Hearing Officer pursuant to the procedures set forth in Section 21-5-340 of this Article V or following appeal to the Board of County Commissioners pursuant to Section 21-5-340.E of this Code. This applies to:

1. thru 3. - No change.

D. No 1041 WOGLA Permit shall be required for:

1. An Oil and Gas Location or Facility for which an application has been submitted to the ECMC on or before February 1, 2017, as long as the work being performed was included within the original ECMC permit.

a. For any Location that is expanded or modified beyond what was originally permitted through the ECMC, Operators shall submit a Sundry to OGED for determination if a 1041 WOGLA Permit is required. See Section 21-5-360.

2. thru 5. – No change.

However, other permits or agreements may need to be obtained for the activities listed above, including those permits or agreements listed in Section 21-5-320.D., as well as any applicable State or Federal permits.

E. Changes of use, changes of equipment, or any other changes or modifications to an Oil and Gas Location or Oil and Gas Facility located within the Weld Mineral Resources (Oil and Gas) Area shall submit documentation via the Sundry Process as outlined in Section 21-5-360.

Remainder of Section – No change.

**Amend Sec. 21-5-40. Relationship of 1041 WOGLA Regulations to other county, state, and federal requirements affecting oil and gas exploration and production.**

A. thru B.7. – No change.

Because these 1041 WOGLA Regulations are written pursuant to the authorities granted to Weld County in the AASIA and specifically the express authorities set forth in Sections 24-65.1-202 and 24-65.1-402, C.R.S., to adopt guidelines and regulations governing oil and gas exploration and production in Weld County, to the extent these 1041 WOGLA Regulations are inconsistent with the regulations of the ECMC regarding any of the areas and topics regarding oil and gas exploration and production in Weld County listed above, these 1041 WOGLA Regulations control.

C. Pursuant to Section 34-60-131, C.R.S., it is the intent of the Board of County Commissioners to regulate oil and gas exploration and production in Weld County cooperatively with the ECMC, deferring regulation of the areas and topics regarding oil

and gas exploration and production not addressed in these 1041 WOGLA Regulations to the ECMC.

**Amend Sec. 21-5-50. Operator Registration.**

Prior to construction or operation of facilities related to upstream Oil and Gas Operations, an Operator shall submit an Operator Registration Form provided by the OGED Director. Operator Registration Forms shall be updated and submitted to the OGED Director annually, within the month of January. Within sixty (60) days of any ownership changes due to sales, mergers, or acquisitions, a new Operator Registration Form shall be submitted to the OGED Director.

**Division 2 – Designation of Area of State Interest**

**Amend Sec. 21-5-210. Boundaries of area covered by designation; division of the Weld Mineral Resource (Oil and Gas) Area into two Planning Areas.**

The entire unincorporated area of Weld County has been designated as a mineral resource (oil and gas) area and the exploration and production of oil and gas within the area shall be subject to this designation and these 1041 WOGLA Regulations. The Weld County Mineral Resource (Oil and Gas) Area is divided into the two (2) Planning Areas. \*\*\*\*\*The regulations set forth in this Article V may be dependent upon the Planning Area in which the Oil and Gas Location is situated.

- A. Ag-Rural Planning Area – any unincorporated area within Weld County which is not in the Near-Urban Planning Area.
- B. Near-Urban Planning Area – any unincorporated area within Weld County, which has one or more of the following characteristics:
  - 1. Is located within one (1) mile of a municipality's annexed boundary.
  - 2. Is located within an area served by a public water system or water district.

**Division 3 – 1041 WOGLA Permit Program for Oil and Gas Exploration and Production in the Weld Mineral Resource (Oil and Gas) Area**

**Amend Sec. 21-5-300. Prohibition on exploration or production of oil and gas within the Weld Mineral Resource (Oil and Gas) Area without 1041 WOGLA Permit.**

- A. No Well Site, Oil and Gas Facility, and/or Oil and Gas Location shall be constructed within the Weld Mineral Resource (Oil and Gas) Area without first obtaining a 1041 WOGLA Permit pursuant to these 1041 WOGLA Regulations.

Remainder of Section – No change.

**Amend Sec. 21-5-310. Procedural requirements.**

The Application, notice, and conduct of 1041 WOGLA Permit hearings, appeal of Hearing Officer decisions and issuance and content of 1041 WOGLA Permits within the Weld Mineral Resource (Oil and Gas) Area shall comply with the provisions set forth in this Article V.

**Delete Sec. 21-5-312. Comprehensive Development Plans (CDPs).**

**Amend Sec. 21-5-315. Pre-application meeting and 1041 WOGLA notice.**

A. Pre-application meeting. Prior to delivery of the 1041 WOGLA notice, the Applicant shall request a pre-application meeting with the OGED Director. This meeting may be conducted through a face-to-face meeting, a virtual meeting, electronic mail exchange, or conference call, as determined by the OGED Director. The purpose of the pre-application meeting is to give the Applicant an opportunity to demonstrate, through written and graphic information, how the Oil and Gas Location complies with the standards set forth in this Article V, while protecting the health, safety, and welfare of Weld County's citizens, environment, and wildlife. One of the primary reasons for the pre-application meeting is to discuss comprehensive planning and pros and cons of alternative sites. The following shall be submitted to the OGED Director as part of the request for a pre-application meeting:

1. and 2. – No change.

3. Proposed Haul Route map. The purpose of the haul route map is to identify the Applicant's desired route to and from the preferred Oil and Gas Location. The map shall identify the proposed haul route, from the preferred Oil and Gas Location to the nearest County designated arterial roadway or state or federal designated highway, and indicate the desired new or existing access point. Additionally, the map shall indicate the traffic distribution percentage when traffic reaches the arterial roadway or highway.

4. – No change.

Upon submittal of the request, the OGED Director shall be responsible for scheduling the pre-application meeting. This meeting shall take place within fourteen (14) days of the submitted request. If the Applicant is unable to meet within the stated timeframe, they may request (in writing) a date which is more than fourteen (14) days from the date of their submittal. The OGED Director will work with the Applicant to accommodate their requested date. Attendees of the pre-application meeting will be the Applicant and the OGED Director. Invitations to participate in the pre-application meeting will also be sent to the ECOM Director, CPW, CDPHE, and any other entity as determined by the OGED Director. The requirement of the pre-application meeting may be waived at the discretion of the OGED Director.

Following the pre-application meeting, the Applicant shall send 1041 WOGLA notice to all required notice parties listed in Section 21-5-317. The notice shall encompass any agreed upon changes resulting from the pre-application meeting.

**Add Sec. 21-5-317. 1041 WOGLA notice.**

- A. 1041 WOGLA notice. Within six (6) months of the pre-application meeting the 1041 WOGLA notice shall be delivered by the Applicant to the following parties:
1. and 2. – No change.
  3. Property owner(s) whose property boundaries are within two thousand (2,000) feet or less of the Oil and Gas Location (as determined by the Weld County Assessor's records at the time of notice);
  4. The ECOM Director;
  5. thru 7. – No change.
- B. Delivery of the 1041 WOGLA notice shall occur not more than six (6) months, nor less than thirty (30) days, prior to submitting a 1041 WOGLA Permit application. The thirty (30) day period may be waived, at the discretion of the OGED Director. The 1041 WOGLA notice shall include the following information:
1. The parcel number and legal description of the Oil and Gas Location.
  2. A general description of the proposed Oil and Gas Facility, including the number of proposed Wells.
  3. Total disturbed acreage of the Oil and Gas Location.
  4. The anticipated date operations will commence (calendar quarter and year).
  5. A statement that the notice recipient may request a meeting to discuss the proposed Oil and Gas Location with the Operator or the County.
    - a. Both Operator and assigned OGED Regulatory Analyst's contact information shall be provided.
  6. A statement that the Applicant will consider reasonable mitigation measures proposed by the notice recipient to Minimize Adverse Impacts of the proposed Oil and Gas Location.
  7. The following shall be attached to the notice:
    - a. Notification Zone drawing. The purpose of the notification zone drawing is to identify any required notice parties. This shall be a scaled drawing with scaled aerial imagery of the Oil and Gas Location to include the 1041 WOGLA Zone, all property lines and parcel numbers, as well as the name and address of the owner(s) of any parcel(s) located within two thousand (2,000) feet of the Oil and Gas Location, as determined by the Weld County Assessor's records.



- b. Haul Route map. The purpose of the haul route map is to identify the Applicant's desired route to and from the preferred Oil and Gas Location. The map shall identify the proposed haul route, from the preferred Oil and Gas Location to the nearest County designated arterial roadway or state or federal designated highway, and indicate the desired new or existing access point. Additionally, the map shall indicate the traffic distribution percentage when traffic reaches the arterial roadway or highway.

Upon receipt of the 1041 WOGLA notice by the OGED Director, he or she may request additional parties to be noticed. If requested by the OGED Director, the Applicant shall provide proof of notice delivered. All required notice parties may waive receipt of such notice(s) via Surface Use Agreement (SUA) or other agreement with the Operator or by written request to the OGED Director.

#### **Amend Sec. 21-5-320. Application requirements for 1041 WOGLA Permit.**

A 1041 WOGLA Permit application shall be submitted to the OGED Director for processing and determination of whether the application is complete and in compliance with the requirements of this Section. The following shall be submitted as a part of the application:

- A. Weld County Oil and Gas Location Assessment Application. A 1041 WOGLA Permit application shall be submitted electronically to the OGED Director.

1. thru 3. – No change.

4. Authorization. Where an Applicant is not the Surface Owner of the parcel(s) on which the Oil and Gas Location is sited, an authorization form executed by the Surface Owner(s) must be provided. If a copy of the SUA is provided with the application, then the SUA's grant of access to the site fulfills the requirement of providing an authorization form.

5. Required Information. The Applicant shall provide site-specific Best Management Practices (BMPs) illustrating how the health, safety, and welfare of Weld County's citizens, environment, and wildlife will be protected. With the consent of the Surface Owner(s), BMPs may include mitigation measures relevant to the SUA or other agreement.

- a. – No change.

- b. A thorough explanation of the Site Analysis the Applicant has performed for the Oil and Gas Location, as supported by the DA drawing described in Section 21-5-320.B.2. Each alternative site shall include a short narrative of its pros and cons. The Site Analysis, beginning with the pre-application meeting, must describe how the Applicant's proposed location is superior to other alternatives considered by the Applicant in terms of protecting Weld County's residents, resources and infrastructure. Although it is not incumbent upon an Applicant to describe a certain number of alternatives that were considered against the Applicant's chosen site, it is generally

expected that the Applicant will provide siting analysis explanations for the Locations that were discussed during the pre-application meeting. The Site Analysis shall include alternatives if the Applicant's chosen site has the following cultural items within two thousand (2,000) feet of the Applicant's chosen site as measured from the Disturbance Area to the cultural item: Building Units, High Occupancy Building Units, hospitals, Schools, churches, Sensitive Areas, High Priority Habitats, local government boundaries, and water resources including lakes, ponds, rivers, and ditches.

c. and d. – No change.

e. A traffic narrative for the Oil and Gas Location addressing operations for construction, drilling, and completions, shall include the following information:

- 1) The number of roundtrips/day (Roundtrip = 1 trip in and 1 trip out) expected for each vehicle type (size and weight).
- 2) – No change.
- 3) The travel distribution along the routes (e.g. 50% of traffic will come from the north, 20% from the south, 30% from the east, etc.), including vehicle type (size and weight).
- 4) The time of day when the highest traffic volumes are expected, based on the vehicle type.

B. Attachments. The following shall be attached to the application:

1. *Haul Route Map.* The purpose of the haul route map is to identify the Applicant's desired route to and from the preferred Oil and Gas Location. The map shall identify the proposed haul route, from the preferred Oil and Gas Location to the nearest County designated arterial roadway or state or federal designated highway, and indicate the desired new or existing access point. Additionally, the map shall indicate the traffic distribution percentage when traffic reaches the arterial roadway or highway.
2. *Development Area drawing.* The purpose of the Development Area (DA) drawing is to illustrate the surroundings to assist in comprehensive planning and in the discussion of Oil and Gas Location siting. The drawing shall identify the DA for which the Wells on the Oil and Gas Location are intended to produce, and the preferred and alternative sites the Applicant has considered, or that were discussed during the pre-application meeting. In the case of an Oil and Gas Location with no Wells, the Well(s) producing to that Oil and Gas Location shall be identified.
3. thru 5. – No change.

Delete 6.

6. *Waste management plan.* A waste management plan shall be provided that describes the methods for storing, transporting and disposing of wastes. The plan must include a statement that waste materials will be handled in compliance with and should cite appropriate local, state and federal regulatory requirements. The plan should further provide that wastes stored onsite will be stored in compatible containers that are regularly inspected to ensure they are in good condition and free of excessive wear, structural issues or other defects that may impact their effectiveness. Reports and information regarding the integrity and effectiveness of compatible containers will be made available for review upon request. At a minimum, the waste management plan must address the following waste streams: drilling fluids, drill cuttings, Hydraulic Fracturing Fluid, Flowback and Produced Water, oil stained soils, tank bottoms, general trash, hazardous materials, and other non-hazardous solid wastes.
  7. *Lighting plan.* A plan detailing lighting to be utilized during the Construction Phase, and if applicable, the Production Phase shall be attached, as specified in Section 21-5-402.
- C. *Additional Attachments.* The following items may be required as attachments to the Application, if applicable:
1. and 2. – No change.
  3. *Noise mitigation plan.* A noise mitigation plan that describes how the Operator will comply with the maximum permissible noise levels specified in Section 21-5-416, Table 416 A.1. may be required. The plan shall include site-specific design for mitigation measures including the appropriate BMPs, engineering practices, and available technology the Operator will utilize to achieve compliance. The plan will provide an estimated duration of each stage of operations, including drilling, Completion, Flowback, production, and an estimate of the noise levels of each stage of operations. Lastly, the plan will reference any topographical and/or geographical features which may impact noise propagation from the proposed Oil and Gas Location.
  4. *Dust Mitigation plan.* Operators shall submit a Dust Mitigation Plan if there are receptors (BUs, RBUs, HOBUs, DOAAs, Schools, School Facilities or Child Care Centers) within the 1041 WOGLA Zone, or if the Location is within HPH. If no receptors are located within the 1041 WOGLA Zone, the Operator will still be responsible for controlling dust on private access roads and on Location, especially on high wind days. See Section 21-5-406.
  5. *Odor Mitigation plan.* Operators shall submit an Odor Mitigation Plan, when required, as an attachment to the 1041 WOGLA Application. Within the plan, Operators will detail how they will utilize all practicable BMPs and other methodologies to reduce odor, including, but not limited to, utilization of odor reducing or suppressive additives, utilizing different types of drilling mud,

describing processes and equipment used to reduce odors for each odor source or on-site activity, and a list of all other odor reducing BMPs that may apply to the Location. Additionally, the Odor Mitigation Plan should identify all potential sources of odors that are associated with each phase of Oil and Gas Operations, including, but not limited to, drilling fluids and cuttings, flowback and produced fluids, and E&P Waste. The OGED Director may require an Operator to further evaluate its operation and impose additional odor mitigation measures in the event of a public complaint, or other odor observation.

An Odor Mitigation Plan is required if there are receptors (BUs, RBUs, HOBUs, DOAAs, Schools, School Facilities or Child Care Centers) within the 1041 WOGLA Zone, or if the Location is within HPH.

6. Oil and Gas Solar Energy Facility (OGSEF) plan. See Division 5 of Chapter 21, Article V of this Code.
7. A Visual Mitigation Plan. See Section 21-5-404.
8. Wildlife Mitigation Plan. If the Location or its access is partially or fully within HPH, the Applicant will submit a copy of their Wildlife Mitigation Plan, pursuant to Section 21-5-456.

D. *Additional Weld County issued permits and agreements.* The following permits and agreements may be required either for the issuance of a 1041 WOGLA Permit, or after approval of a 1041 WOGLA Permit:

1. – No change.
2. An Access Permit is required for a 1041 WOGLA Permit. The Applicant shall complete an Access Permit application provided by the Weld County Department of Public Works pursuant to the requirements of Chapter 8, Article XIV of this Code. If the access point is under the jurisdiction of the Colorado Department of Transportation or a Local Government other than Weld County, proof of access by such AHJ is required.
3. If county-maintained roads are utilized to access the Oil and Gas Location, a maintenance or improvements agreement as outlined below may be required for a 1041 WOGLA Permit. Following the submittal of a 1041 WOGLA Application, county staff will evaluate Application materials and determine the proper type of agreement required based on the specific haul route, safety requirements and plans of operation. The agreement shall be prepared by county staff and sent to the Applicant for execution prior to the 1041 WOGLA Hearing.

In accordance with Chapter 8, Article II of the Weld County Code, Agreement options for 1041 WOGLA Applications are as follows:

- a. *Road Maintenance Agreement (RMA) or Comprehensive Road Maintenance Agreement*: May be required for a 1041 WOGLA Permit that will have long-term trucking operations from the site.
- b. *Road Maintenance During Construction (RMCA)*: May be required for a 1041 WOGLA Permit that will significantly reduce or eliminate truck traffic from the site based on installed and utilized pipelines, except for minimal routine maintenance needs. Pre and post construction inspections are required for these agreements.
- c. *Offsite Improvements Agreement (OFFSIA)*: May be required for a 1041 WOGLA Permit when safety concerns exist along the haul route that would necessitate improvements prior to the Construction Phase. Also, includes Road Maintenance requirements.

A Cash in Lieu (CIL) one-time payment may be considered as an alternative to the RMA or RMCA. See Chapter 5, Appendix 5-D of the Weld County Code for payment information regarding CIL options for 1041 WOGLA Applications. The approval of a CIL payment does not relieve the Operator of dust control obligations for the haul route, or repair work for damage to County roads which is directly attributed to activities on the Oil and Gas Location.

4. A Drainage Report is required for a 1041 WOGLA Permit. At the time of application submittal, at minimum, a preliminary drainage report shall be provided for review by Weld County pursuant to the requirements of Chapter 8 Article XI, and Section 21-5-446 of this Code. Prior to applying for a Grading Permit, a final drainage report stamped and signed by a Professional Engineer registered in the State of Colorado is required.
5. If the Oil and Gas Location is located within a Special Flood Hazard Area identified by maps officially adopted by Weld County, a Flood Hazard Development Permit (FHDP) is required for a 1041 WOGLA Permit. The FHDP is issued by the Weld County Department of Planning Services pursuant to Chapter 23, Article XI of this Code. If required, a FHDP must be obtained prior to construction.
6. A Grading Permit is required prior to construction of any Oil and Gas Location greater than one (1) acre. This permit is issued by the Weld County Department of Public Works pursuant to the requirements of Chapter 8, Article XII of this Code.
7. If applicable, Building Permit(s) issued by the Weld County Department of Planning Services, shall be obtained prior to construction, pursuant to Chapter 23 and Chapter 29 of this Code.
8. If applicable, Right-of-Way (ROW) Permit(s), issued by the Weld County Department of Public Works, pursuant to Article XIII of Chapter 8 of this Code, are required for any work occurring within County ROW. No work within County ROW shall occur without such ROW Permits being issued. ROW Permits may be issued after 1041 WOGLA Permit approval.

9. If applicable, a Special Transport permit shall be obtained. No vehicles associated with the 1041 WOGLA Permit may exceed legal per axle weight limits and/or legal size limits as set forth in Article XV of Chapter 8 of this Code, unless Special Transport permits have been applied for and granted by the Weld County Department of Public Works. Special Transport permits may be issued after 1041 WOGLA Permit approval.

Remainder of Section – No change.

**Amend Sec. 21-5-325. Comprehensive Development Plans (CDPs).**

- A. Operators are encouraged to initiate and enter into Comprehensive Development Plan ("CDP") where feasible and with the agreement of Surface Owner(s). CDPs will identify foreseeable oil and gas activities in a defined geographic area, facilitate discussions about potential cumulative impacts, and identify mitigation measures to Minimize Adverse Impacts to public health, safety, welfare, and environment, including Wildlife Resources. The plan shall (a) identify natural features of the geographic area, including vegetation, Wildlife Resources, and other attributes of the physical environment; (b) describe the Operator's future Oil and Gas Operations in the area; (c) identify potential impacts from such operations; (d) develop agreed-upon measures to avoid, minimize, and mitigate the identified potential impacts; (e) include other relevant information. A Comprehensive Development Plan must be approved by the 1041 Hearing Officer and shall be valid for a period of up to ten (10) years, as recommended by the OGED Director and approved by the Hearing Officer, unless extended by the 1041 WOGLA Hearing Officer.
- B. CDPs shall begin with a Pre-application meeting as described in Section 21-5-315. A single pre-application meeting shall be held to discuss the CDP area in its entirety. The Development Area drawing shall encompass the entirety of the CDP boundary and show each of the individual Oil and Gas Locations proposed. The proposed Haul Route map shall indicate the preferred route to each Location, along with the proposed access point to each Location.
- C. 1041 WOGLA Notice shall be sent to all parties as described in Section 21-5-317, inclusive of those property owners located within two thousand (2,000) feet of each individual Location within the CDP boundaries. Each property owner shall be provided the specific Notification Zone drawing relevant to their property, as well as an additional map showing the boundaries of the entire CDP with all individual Oil and Gas Locations identified.
- D. In order to be considered a CDP and request an extended term, there shall be a minimum of three (3) individual Oil and Gas Locations. The Development Areas shall be contiguous.
- E. While many of the aspects of the CDP will be consistent and uniform throughout, CDPs will always be conditioned for the submittal of a Site-Specific 1041 WOGLA Application. These Site-Specific Applications shall be submitted closer to the time of construction (no less than sixty (60) days prior to notice of construction), and may be administratively approved, as long as no major changes are proposed to a Location – see Section 21-5-360.

- F. CDP's will be considered "evergreen" in nature, meaning Operators must adhere to all current and future Code requirements and Development Standards.
- G. Upon approval, the individual Site-Specific 1041 WOGLA Application shall follow the remaining term of the original CDP.
- H. Upon approval, the Locations specified within the CDP shall have received initial siting approval, and shall not require a new 1041 WOGLA hearing, unless major changes are proposed – see Section 24-5-360.
- I. Process Milestones for CDPs.

The following steps are anticipated for CDP Applications and are for general guidance only.

- 1. Pre-application – CDPs will follow the pre-application process outlined in Section 21-5-315. However, the Development Area drawing shall encompass all lands which are planned to be developed within the proposed CDP. In addition, the drawing will show the preferred sites for all Locations within the CDP.
  - 2. 1041 WOGLA Notice – the Applicant shall send 1041 WOGLA notice as outlined in Section 21-5-317.
  - 3. 1041 WOGLA Application submittal.
  - 4. The Applicant shall hold a community meeting prior to the 1041 WOGLA Hearing. The community meeting shall be held in-person, at a location and time to allow the greatest possible community involvement for those within or around the CDP area. A virtual community meeting may be held in addition to the in-person meeting, to reach additional community members who may not be able to attend in-person.
  - 5. CDPs shall follow the hearing process as outlined in Section 21-5-340.
  - 6. CDP final order shall be recorded and legally noticed as outlined in Section 21-5-345.
- J. CDP Application requirements.
- 1. The items contained within Section 21-5-320.A., with the exception of Section 21-5-320.A.5.c. and e.
  - 2. Haul Route map, inclusive of all proposed Locations within the CDP.
  - 3. Development Area drawing, showing both the extents of the CDP, as well as the individual DAs within the CDP.
  - 4. Comprehensive RMA, or other agreement as detailed in Section 21-5-320.D.3.

5. EAP utilizing the template from OEM.
  6. Minimum preliminary drainage requirements for CDP: Provide a brief memorandum that describes the proposed drainage concept for the typical Location and how stormwater quantity and quality will be managed, a statement acknowledging the requirements in Chapter 8 Article XI of this Code, and identify any nearby irrigation ditches or bodies of water downstream of any Locations and acknowledge that stormwater release into any irrigation ditch requires written permission from all ditch owners.
- K. Site-Specific Application requirements for Locations within an approved CDP.
1. Subsequent to CDP approval, Site Specific 1041 WOGLA Applications shall be submitted by the Applicant for each Location within the CDP, and shall include, but not be limited to, the following information:
    - a. The items contained within Section 21-5-320.
  2. The Applicant is required to send 1041 WOGLA notice no less than sixty (60) days, and no more than six (6) months, per Section 21-5-317.

**Amend Sec. 21-5-330. OGED review of 1041 WOGLA Permit application.**

The OGED Director shall review the 1041 WOGLA Permit Application to determine if it is complete. Such review shall occur within ten (10) business days of the filing of the Application. Any Application deemed incomplete by the OGED shall be re-submitted within ninety (90) days for completeness determination. Any Application remaining incomplete beyond ninety (90) days will be automatically withdrawn. Upon completeness determination, the OGED Director shall:

- A. and B. – No change.
- C. Refer the Application to the following agencies for review and comment. The agencies named shall respond within twenty-eight (28) days from the mailing of the application by the County. The failure of any agency to respond within twenty-eight (28) days shall be deemed to be a favorable response to OGED. The referral shall state that the OGED Director will conduct a formal consultation with the referral agency during the twenty-eight (28) day referral period if requested by the referral agency. Reviews and comments solicited by the County are intended to provide the County with information about the proposed Oil and Gas Location. The reviews and comments submitted by a referral agency are recommendations to the 1041 WOGLA Hearing Officer:
1. thru 4. – No change.
  - Add 5. The Weld County Office of Emergency Management.
  6. The CPW.
  7. The ECMC.



7. thru 11. – No change. Renumber as 8. thru 12.

D. and E. – No change.

Delete last paragraph of Section.

**Amend Sec. 21-5-340. 1041 WOGLA Hearing.**

A. *1041 WOGLA Hearing Participation.* The Applicant and any person or entity who has been granted intervention by the Hearing Officer shall have the right to participate formally in the 1041 WOGLA hearing. The process for seeking intervention is as follows:

1. Application for Intervention must be received by the Hearing Officer twenty (20) days prior to the 1041 WOGLA hearing. Application for Intervention must be on the form provided on the OGED website. Persons who have standing to participate are limited to those who have received notice of the 1041 WOGLA hearing by First-Class Mail or who have demonstrated they would be directly, adversely and significantly affected or aggrieved by the granting of the 1041 WOGLA Permit. Application for Intervention must include the following:

a. The docket number and date of the 1041 WOGLA hearing;

b. thru f. – No change.

2. – No change.

3. Any written comment provided by a person who is not granted intervention, or by any other member of the public, will be included in the 1041 WOGLA hearing record, to be considered by the Hearing Officer as evidence and given such weight as the Hearing Officer believes is appropriate.

B. *Conduct of 1041 WOGLA hearing.*

1. 1041 WOGLA hearings shall be recorded, and a list of attendees shall be kept.

2. thru 4. – No change.

C. *Decision of the 1041 WOGLA Hearing Officer.* Upon the conclusion of the 1041 WOGLA hearing, the Hearing Officer shall:

1. Grant approval of the 1041 WOGLA Permit if he or she determines that sufficient evidence exists in the record that the standards set forth in Division 4 of this Article V will be met and that the proper Site Analysis has been performed by the Applicant.

2. – No change.

3. Deny the 1041 WOGLA Permit if he or she determines that insufficient evidence exists in the record or that a proper Site Analysis has not been performed by the Applicant. If a 1041 WOGLA Permit is denied, the Applicant may apply for a 1041 WOGLA Permit on the same parcel only if substantial changes have been made to the Application from the original submittal.

4. and 5. – No change.

D. – No change.

E. *Right to appeal.* The Appellant must file a written notice with the OGED Director within ten (10) days of receiving the Hearing Officer's final order. The notice of appeal must specifically state what part of the decision the Appellant believes the Hearing Officer either misinterpreted the facts presented in the Application and/or in the 1041 WOGLA Hearing, or misapplied the regulations set forth in Article V. The notice shall not exceed five (5) pages in length. The OGED Director may submit a memorandum brief but must do so within ten (10) working days of receiving the notice of appeal. Any such memorandum brief shall not exceed five (5) pages in length.

F. *Review of appeal and decision.* The OGED Director shall transmit the Hearing Officer's order, the notice of appeal and any memorandum brief to the Board of County Commissioners for review within twenty-one (21) days of receiving the notice of appeal. The Board of County Commissioners may affirm the Hearing Officer's order, modify it in whole or in part, or remand the matter to the Hearing Officer for further fact-finding. A modification may only be made if, based upon the Hearing Officer's findings of fact, the order clearly shows the Hearing Officer either misinterpreted the facts presented in the Application and/or in the 1041 WOGLA Hearing, or misapplied the regulations set forth in Article V. The Board of County Commissioners may review the entire 1041 WOGLA Hearing record upon a majority vote of the Board of County Commissioners. The Board of County Commissioners shall transmit a written decision on the appeal to the OGED Director within ten (10) working days after receiving the notice of appeal and other documents allowed herein. The OGED Director shall thereafter communicate the decision to the Applicant, the Appellant, and the Hearing Officer within five (5) working days of receiving the Commissioners' decision.

**Amend Sec. 21-5-345. Recording of the 1041 WOGLA Permit, and Vested Property Rights.**

Following the 1041 WOGLA Hearing, if the Hearing Officer grants approval for the 1041 WOGLA Permit, the following shall occur:

A. The Hearing Officer shall prepare the draft final order. Once written, he or she will provide the draft final order to the Applicant and to the Regulatory Analyst assigned to the Case, for their review. Said review shall be for a period of not more than three (3) business days and is intended to allow for evaluation of the details and COAs to be included on the final order, prior its recording. The Applicant shall not be allowed to change or redline the draft final order but may request the Hearing Officer's consideration of including or modifying certain details based upon the testimony provided at the 1041 WOGLA hearing. If no

comments are received within three (3) business days, the Hearing Officer shall provide the final order to OGED for recording.

- B. The OGED Director shall record the final order with the Weld County Clerk and Recorder.
- C. After the final order is recorded with the Weld County Clerk and Recorder, the OGED Director shall forward a copy of the recorded document to the ECMC.
- D. Pursuant to Section 24-68-101(1)(a), C.R.S., with the intent to ensure reasonable certainty, stability, and fairness in the Land Use planning process and in order to stimulate economic growth, secure the reasonable investment-backed expectations of landowners, and foster cooperation between the public and private sectors in the area of Land Use planning, the Board of County Commissioners declares and orders that an approved 1041 WOGLA Permit is an approved site specific development plan as that term is defined in Section 23-1-90 of this Code and in Section 24-68-102(4)(a), C.R.S.
  - 1. Therefore, an approved 1041 WOGLA Permit is a vested property right, as defined in Section 23-1-90, upon the completion of the notification requirements set forth in Section 23-8-70 of this Code.
  - 2. Once noticed pursuant to the requirements of Section 23-8-70, the approved 1041 WOGLA Permit confers upon the Operator the right to undertake and complete the exploration and production of oil and gas in Weld County under the terms and conditions set forth therein, pursuant to Section 24-68-103(1), C.R.S.

Delete last paragraph of Section labeled C.

**Delete Sec. 21-5-350. Compliance with 1041 WOGLA Permit conditions of approval and Development Standards.**

**Amend Sec. 21-5-350. Required notification.**

- A. *Notifications to the OGED Director:* The following notifications sent to the OGED shall certify certain conditions of approval or Development Standards, which were specified as part of the approved 1041 WOGLA Permit, have been completed. The notification shall list the COA(s) or Development Standard(s) completed, along with any relevant permit number or identification number assigned.

If an Operator does not develop the Location in a single occupation, the following notifications may be required multiple times.

- 1. *Prior to construction notification.* The Operator is required to provide written notice to the OGED Director two (2) weeks prior to beginning the Construction Phase of the Oil and Gas Location. This written notice satisfies the notification requirements of the Road Maintenance Agreement and the Emergency Action Plan.
- 2. *Drilling and Completions notifications.* The Operator is required to provide notice to the OGED Director for the following:

- a. *Spud notice* - At least 48 hours prior to Spud, the Operator shall provide written notice of such activity to the OGED Director. This notification satisfies the requirements outlined in the Emergency Action Plan.
- b. *Completions notice* - At least one (1) week prior to commencement of Completions activity on an Oil and Gas Location, the Operator shall provide written notice of such activity to the OGED Director. This notification will meet the requirements outlined in the Emergency Action Plan.
3. *Turn-in-Line notification.* The Operator is required to provide written notice to the OGED Director within two (2) weeks of a Well or facility being turned to sales. This written notification satisfies the notification requirements of the Road Maintenance Agreement and the Emergency Action Plan.
4. *Interim Reclamation notice.* The Operator is required to provide written notice to the OGED Director pursuant to the requirements of Section 21-5-555.D.3., documenting the success of the interim Reclamation.
5. *Final abandonment notice.* The Operator is required to provide written notice to the OGED Director at least one (1) week prior to plugging the final Well on a Location or final decommissioning of an Oil and Gas Facility. This notice will begin the final Reclamation requirements outlined in Section 21-5-560.E.

B. – No change.

- C. *Notification to property owner(s).* At least thirty (30) days, but no more than ninety (90) days, before Oil and Gas Operations or construction commences, the Operator shall provide written notice (Notice of Operations) to all property owners within the 1041 WOGLA Zone. Property owners shall be re-noticed if: it has been more than one (1) year since the previous notice or since drilling activity last occurred, or notice was not previously required.
  1. Notice of Operations shall be delivered in writing, with receipt confirmation, to all property owners within the 1041 WOGLA Zone (as determined by Weld County Assessor's record at the time of notice).
  2. The Notice of Operations must include:
    - a. A statement informing the property owner that the Operator intends to construct an Oil and Gas Location within two thousand (2,000) feet of their property;
    - b. thru f. – No change.
  3. A property owner entitled to receive Notice of Operations may waive their right to be noticed, in writing, at any time. The Operator shall provide evidence of this waiver to OGED, if requested.

**Amend Sec. 21-5-355. Amendments, termination, or failure to commence use.**

- A. Any amendments to an Oil and Gas Location which modify or expand the Facility or Location beyond what was originally permitted by Weld County or the ECMC shall be filed with the OGED via the Sundry Process. The OGED Director will review the Sundry and determine if the request is minor or major, and if subsequent action is needed. Minor amendments may be administratively approved by the OGED Director, however, additional BMPs may be required. Major amendments may require a new 1041 WOGLA Permit Application and fee.
- B. – No change.
- C. No Sundry request is required for refracs, recompletions, routine Well Site operations, normal repairs and maintenance of an existing Oil and Gas Facility, like kind replacement of equipment, setting Temporary equipment, surface disturbance at an existing Oil and Gas Location within the original disturbed area which does not have the effect of permanently expanding the Oil and Gas Facility or Oil and Gas Location, and repairs or maintenance of an Oil and Gas Facility required by a county, state, or federal compliance order.
- D. The Construction Phase authorized by an approved 1041 WOGLA Permit shall commence within three (3) years from the date of publication announcing the approval of the 1041 WOGLA Permit, or the approval shall terminate. Requests for extension may be granted by the OGED Director, via the Sundry Process, but the 1041 WOGLA Permit shall then be subject to any new rules amended into this Article V since the approval of the original 1041 WOGLA Permit.

**Add Sec. 21-5-360. Site inspection by OGED.**

OGED or Weld County staff may inspect, at any time, the Oil and Gas Locations subject to the regulations set forth in this Article V to determine if the Oil and Gas Location is in compliance.

**Add Sec. 21-5-365. Compliance with 1041 WOGLA Permit Conditions of Approval and Development Standards.**

An Applicant for a 1041 WOGLA Permit shall comply with the Conditions of Approval (COAs) and Development Standards detailed in the 1041 WOGLA Permit and in Division 4 of this Article V. Noncompliance with the COAs and Development Standards may be reason for revocation of the 1041 WOGLA Permit by the Hearing Officer.

Enforcement actions by the OGED Director shall be according to the following procedure:

- A. *Enforcement of COAs.* The Hearing Officer shall, after hearing and upon issuing a preliminary order granting the 1041 WOGLA Permit, schedule a return date when the Operator shall present evidence to the Hearing Officer that all "Prior to Recording" COAs have been satisfied. Upon providing such evidence, the Hearing Officer shall issue a final order granting the 1041 WOGLA Permit. If no "Prior to Recording" COAs exist, the Hearing

Officer shall issue a final order granting the 1041 WOGLA Permit and no return date shall be necessary. Should at any time the Operator be found to be out of compliance with any COAs or Development Standards, the OGED Director may set a violation hearing, or a suspension or revocation hearing before the Hearing Officer pursuant to the provisions of Section 21-5-370, below.

B. *Enforcement of Development Standards.* The enforcement of the standards (referred to herein as "Development Standards") stated in the 1041 WOGLA Permit and/or in Division 4 of this Article V shall be conducted by the OGED Director in the following manner:

1. Upon receiving a complaint from any member of the public or the filing of an inspection report by an OGED inspector, alleging a violation of Development Standards stated in the 1041 WOGLA Permit and/or in Division 4 of this Article V, the OGED Director shall notify the Operator of the complaint or adverse inspection report and require Operator investigation and response within 24 hours. Within the OGED Director's required timeframe, the Operator shall correct the violation and inform the OGED Director of such correction. If the Operator is unable to achieve the required correction within the stated timeframe, the Operator shall inform the OGED Director of the circumstances and the anticipated date of correction, and the OGED Director may modify the stated timeframe.
2. If the OGED Director has probable cause to believe the violation persists, he or she shall notify the Operator, in writing, of the violation, present a demand for correction and provide a date upon which the violation must be corrected. The Operator shall correct the violation within the stated timeframe and notify the OGED Director, in writing, of such correction.
3. If the OGED Director does not receive a written response from the Operator within the stated timeframe saying the violation has been corrected, or if upon OGED inspection there is probable cause to believe the violation persists, the OGED Director shall set a violation hearing, or a suspension or revocation hearing before the Hearing Officer pursuant to the provisions of Section 21-5-370, below.

**Amend Sec. 21-5-370. Violation procedures.**

- A. If following the notice and timeframes called for in Section 21-5-365 above, the OGED Director determines that one (1) or more of the 1041 WOGLA Permit Development Standards set forth in Division 4 of this Article V or any of the Conditions of Approval have not been met, the OGED Director shall notify the Operator of the Oil and Gas Location of the failure to comply with the terms of the 1041 WOGLA Permit, the COAs, and/or the Development Standards set forth in this Article V. The notice will inform the Operator that a hearing has been scheduled before the Hearing Officer to determine if there is a violation of the 1041 WOGLA Permit. The Operator shall have the right to participate and present information at the hearing.
- B. The Hearing Officer shall hold a hearing to determine if the Operator of the Oil and Gas Location has failed to comply with the terms of the 1041 WOGLA Permit, the COAs, and/or the Development Standards set forth in this Article V. Upon such a finding, the Hearing

Officer may suspend or revoke the 1041 WOGLA Permit, and order the Operator to cease the use of the Oil and Gas Facility immediately. In lieu of suspension or revocation, the Hearing Officer may order the Operator to submit a compliance plan and set a timeframe for return to present evidence of compliance or develop an alternative course of action which may be deemed appropriate due to the specific violation(s).

1. If the Hearing Officer finds the Operator in violation of the terms of the 1041 WOGLA Permit, the COAs, and/or the Development Standards set forth in this Article V., he or she may also assess fees to the Operator, pursuant to Appendix 5-D of the Weld County Code.

C. – No change.

**Delete Sec. 21-5-380. Site inspection by OGED.**

**Amend Sec. 21-5-390. Transferability of 1041 WOGLA Permits.**

Once issued, 1041 WOGLA Permits, along with any ancillary Weld County issued permits or agreements, are transferable to a new Operator. The new Operator is subject to all terms and conditions of the 1041 WOGLA Permit and shall be considered the Responsible Party. Within sixty (60) days of transfer, the new Operator shall notify the OGED Director, and the Surface Owner in writing of the name, business address, and other contact information for the new Operator.

**Division 4 - Weld Mineral Resource (Oil and Gas) Area Development Standards**

The following Development Standards (referred to herein as "Development Standards") apply to all Oil and Gas Locations within the Weld Mineral Resource (Oil and Gas) Area having received approval of a 1041 WOGLA Permit (or an amendment thereto as required by Section 21-5-360).

**Amend Sec. 21-5-402. Lighting.**

As part of the Application, an Operator shall submit a lighting plan for the Construction Phase and, if applicable, the Production Phase of the Location. The lighting plan shall demonstrate compliance with the maximum permissible lighting levels, as described in this Section 21-5-402. The lighting plan shall describe mitigation measures to be used at the Location to comply with the lighting standards outlined in Section 21-5-402.E. for both Construction and Production Phases.

If requested, an exemption may be granted for the Construction Phase lighting plan, if the Location will include thirty-two (32) foot sound walls on all sides. If an exemption is granted, the Applicant shall continue to be bound to the lighting standards as outlined in Section 21-5-402.E., below. No exemption for a Production Phase lighting plan shall be granted.

Considering the Planning Area, surrounding Land Uses, the number and proximity to Building Units, DOAAs, and/or High Priority Habitats, OGED is responsible for recommending an

appropriate LZ, to be considered by the OGED Director and/or the Hearing Officer as part of the 1041 WOGLA Permit.

A. *Lighting Zones ("LZ").*

**Table 402 A.1**

Remainder of Table – No change.

Source: Illuminating Engineering Society, International Dark-Sky Association, Joint IDA-IES Model Lighting Ordinance (MLO) with User's Guide, June 15, 2011.

B. – No change.

**Table 402 B.1**

Remainder of Table – No change.

Source: Illuminating Engineering Society, International Dark-Sky Association, Joint IDA-IES Model Lighting Ordinance (MLO) with User's Guide, June 15, 2011.

The allowable base lumens for an Oil and Gas Location are calculated using the Lighting Zone as shown in Table 402 A.1, and the total hardscape. In both Planning Areas, the Construction Phase hardscape shall equal the acreage of the Oil and Gas Location, or up to twelve (12) acres, whichever is less.

Operators shall ensure that lighting at the Oil and Gas Location does not exceed the assigned allowable base lumens.

During the Construction Phase or during operations involving Pipeline or Gas Facility installation or maintenance, use of a Workover rig, or stimulation, Operators must comply with the maximum allowable lumens per SF as shown in Table 402 B.1.

C. – No change.

**Table 402 C.1**

Remainder of Table – No change.

Source: Illuminating Engineering Society, International Dark-Sky Association, Joint IDA-IES Model Lighting Ordinance (MLO) with User's Guide, June 15, 2011.

The allowable base lumens for an Oil and Gas Location are calculated using the Lighting Zone as shown in Table 402 A.1, and the total hardscape. In both Planning Areas, the Production Phase hardscape shall equal actual acres of the Oil and Gas Location after interim Reclamation.

Operators shall ensure that lighting at the Oil and Gas Location does not exceed the assigned allowable base lumens.



1. During the Production Phase, unless another LZ is allowed by the OGED Director and/or the 1041 WOGLA Hearing Officer, Oil and Gas Locations within the Ag-Rural Planning Area shall comply with the lighting standards of LZ-0 or LZ-1, depending upon the number of and proximity to Building Units, DOAAs, and/or High Priority Habitats. Unless another LZ is allowed by the OGED Director and/or the Hearing Officer, Oil and Gas Locations within the Near-Urban Planning Area shall comply with the lighting standards of LZ-0 through LZ-3, depending upon the number of and proximity to Building Units, DOAAs, and/or High Priority Habitats.
    - a. - No change.
- D. *Lighting plan requirements.* Operators shall provide a lighting plan with the Application to be considered by the OGED Director and the Hearing Officer.
1. The lighting plan will demonstrate compliance with the Construction Phase lighting levels outlined in Table 405 B.1., and the Production Phase lighting levels outlined in Table 405 C.1., if applicable. The plan will demonstrate how the Applicant will utilize BMPs and lighting technology to limit the amount of light leaving the Location. The plan will include the following information, along with any other information OGED may request:
    - a. thru c. – No change.Delete d.  
OGED may consider substantially equivalent information in lieu of the above requirements.
  2. If a Location, during the Production Phase, utilizes indicator beacons, heat trace, or similar lighting that is designed to alert personnel to emergencies or abnormal operating conditions occurring on the Oil and Gas Location, and if said lighting is the only lighting on Location and is red or amber in color, the Applicant will not be required to submit a Production Phase lighting plan.
- E. *Lighting standards.* Operators shall adhere to the following lighting standards at all Oil and Gas Locations during all phases of Oil and Gas Operations. Nothing in this section shall prohibit the use of indicator beacons, heat trace, or similar lighting that is designed to alert personnel to emergencies or abnormal operating conditions occurring on the Oil and Gas Location.
1. – No change.
  2. Operators will place bulbs within fixtures that obscure, block, or diffuse the light to reduce light trespass outside the boundaries of the Oil and Gas Location.
  3. Offsite impacts from lighting shall be reduced or mitigated to the greatest extent practicable using BMPs including, but not limited to:

- a. Minimizing lighting when not needed using timers, switches, or motion sensors ("use only the lights you need"). "Dusk til dawn" lighting is not allowed;
- b. – No change.
- c. Using lighting colors and/or temperatures that reduce light intensity; and

Remainder of Section – No change.

**Amend Sec. 21-5-404. Visual impact mitigation.**

Production Facilities, regardless of construction date, observable from any public roadway shall be painted with uniform, non-contrasting, non-reflective color tones (similar to the Munsell Soil Color Coding System), and with colors matched to, but slightly darker than, the surrounding landscape.

Weld County staff may request the Applicant to provide a visual mitigation plan as part of the 1041 WOGLA Application or Sundry. The intent of the plan is to describe and graphically represent the enhanced mitigation efforts the Applicant will employ to visually screen the Location from the general public.

Portable toilets for use on the Oil and Gas Location shall not be visible from adjacent properties or public roadways. Sound walls or fencing may be used as screening.

**Amend Sec. 21-5-406. Fugitive dust.**

- A. Operators shall employ practices for control of fugitive dust caused by their operations on the Oil and Gas Location and private access roads. Such practices shall include, but are not limited to, the use of speed restrictions; regular road maintenance; restriction of construction activity during high-wind days; silica dust controls when handling sand used in Hydraulic Fracturing operations; and the application of dust suppression controls limited to magnesium chloride and Fresh Water.
  - 1. The submittal of and compliance with a dust mitigation plan detailing additional management practices such as road surfacing, construction of wind breaks and barriers, soil stockpile stabilization or automation of Wells to reduce truck traffic may be required by the OGED Director and/or the 1041 WOGLA Hearing Officer as part of the 1041 WOGLA Permit approval to provide impact mitigation, or pursuant to a fugitive dust enforcement action against an Operator.
- B. Should the Operator choose to provide a cash in lieu payment pursuant to the provisions of Section 21-5-320.C.3. of this Code, the Operator shall continue to be responsible for mitigating fugitive dust on County roads that are part of the haul route for the Oil and Gas Location.

**Amend Sec. 21-5-408. Odor.**

Oil and Gas Operations shall comply with the AQCC Regulation No. 2 Odor Emission (5 C.C.R. 1001-4) Subsections A.I.A., and A.II—A.V, which standards may be enforced by the OGED Director following the enforcement procedures set forth in this Article V. The OGED Director and/or the 1041 WOGLA Hearing Officer may require the submittal of and compliance with an odor mitigation plan as part of the 1041 WOGLA Permit approval to provide impact mitigation, or pursuant to any enforcement action against an Operator.

**Amend Sec. 21-5-410. Site Security.**

A. The Oil and Gas Facility shall be designed and operated in a manner that is protective of public health, safety and welfare during all phases of operation by preventing public access, unauthorized vehicular traffic, and illegal dumping of wastes.

1. and 2. – No change.

Delete Remainder of Section.

**Add New Sec. 21-5-412. Site Signage.**

A. The Operator shall, concurrent with the Surface Owner notice, post a Temporary sign. The sign shall be placed at the intersection of the lease road and the public road providing access to the Oil and Gas Location but shall not be placed in the road right-of-way. Such sign, which shall be no less than four (4) square feet, and no greater than thirty-two (32) square feet, shall provide:

1. The name of the Operator.
2. The proposed Oil and Gas Location name.
3. The legal description of the proposed Location, including Section and Quarter/Quarter.
4. The assigned address.
5. The estimated date of construction commencement.

Such sign shall be maintained until the placement of the permanent signage.

B. When completion operations of a Well are concluded, or within sixty (60) days after beginning construction of an Oil and Gas Location, or when an existing sign is replaced or modified, a permanent sign shall be required. The sign shall be placed at the intersection of the lease road and the public road providing access to the Oil and Gas Location but shall not be placed in the road right-of-way. Such sign, which shall be no less than four (4) square feet, and no greater than thirty-two (32) square feet, shall provide:

1. The name of the Operator.

2. The proposed Oil and Gas Location name.
3. The legal description of the proposed Location, including Section and Quarter/Quarter.
4. The assigned address.
5. The phone number at which the Operator can be reached twenty-four (24) hours a day, seven (7) days a week.
6. A phone number for local emergency services (911 where available).

In lieu of posting a Temporary sign per Section 21-5-412.A., the permanent sign may be installed.

**C. General sign requirements:**

1. Operator will ensure signs are visible, well maintained and legible. Operator will eliminate any obstruction(s) affecting visibility as soon as possible and replace damaged or vandalized signs within thirty (30) days of discovery that the sign is damaged or no longer legible.
2. If additional signage is placed for purposes of public notification related to the Oil and Gas Location, the sign(s) shall not be placed in the road right-of way, be no less than four (4) square feet, no greater than thirty-two (32) square feet, and will not be illuminated. Said sign shall be removed upon placement of Temporary sign per Section 21-5-412.A., or permanent sign per Section 21-5-412.B.
3. Within sixty (60) days of any transfer of assets by Operators, the new Operator shall replace or update all signs to comply with Section 21-5-412.B.
4. Any sign that is replaced or updated for any reason shall comply with Section 21-5-412.B.

**Amend Sec. 21-5-414. Well completions.**

Oil and Gas Well Completions shall be conducted in compliance with the Reduced Emissions or "Green" Completion requirements of CDPHE, AQCC, Regulation 7 and US EPA, New Source Performance Standards, Subparts OOOO and OOOOa.

**Amend Sec. 21-5-416. Noise.**

As part of the application for a 1041 WOGLA Permit, an Operator shall describe noise mitigation measures that demonstrates their capability to meet the maximum permissible noise levels as described in this Section 21-5-416.A. These measures shall be included in the Operator's Noise Mitigation Plan, as described in Section 21-5-320.C.3.

- A. *Noise Level Standards.* All Oil and Gas Operations will comply with the following maximum permissible noise levels:

Table 416 A.1

Remainder of Table – No change.

1. During the Construction Phase or during operations involving Pipeline or Gas Facility installation or maintenance, use of a Workover rig, or stimulation, Operators must comply with the following noise levels:
  - a. For Oil and Gas Locations within the Ag-Rural Planning Area, Operators shall comply with the maximum permissible noise level for the NL-4 standard.
  - b. For Oil and Gas Locations within the Near-Urban Planning Area, Operators shall comply with the maximum permissible noise level for the NL-3 standard.
  - c. The OGED Director may require Operators to comply with a lower maximum permissible noise level in consultation with the Colorado Department of Public Health and Environment, Colorado Parks and Wildlife, or due to input from surrounding Building Units within the 1041 WOGLA Zone.
  - d. Compliance points shall be determined as follows:
    - 1) Five hundred (500) feet from the Oil and Gas Location, or
    - 2) Twenty-five (25) feet from the exterior wall of a Building Unit, or
    - 3) The boundary of the 1041 WOGLA Zone.

If access to a property is not attainable, a noise measurement will be taken at a point that is equally representative of the assumed impacts, as identified by the OGED Director.
2. – No change.
3. Periodic, impulsive or shrill noises will be allowed an additional five (5) db(A) from the levels shown in Table 416 A.1. for a period not to exceed 15 minutes in any 1-hour period. Operators shall use BMPs and equipment maintenance or modifications to limit these types of noises to the fullest extent possible.
4. – No change.
5. As part of the 1041 WOGLA Application, a noise mitigation plan as outlined in Section 21-5-320.C.3., shall be required for all Oil and Gas Locations within the Near-Urban Planning Area. For Oil and Gas Locations within the Ag-Rural

Planning Area, a noise mitigation plan shall be required only if there are Building Units, DOAAs, and/or High Priority Habitats within the 1041 WOGLA Zone.

- a. If a Building Unit, High Priority Habitat, or DOAA is built or designated after an Oil and Gas Location is permitted, the Operator shall continue to comply with the standards of Section 21-5-416.A, as allowed within the approved 1041 WOGLA Permit.
6. A noise impact study by a qualified sound expert may be required for Oil and Gas Locations within either the Near-Urban or Ag-Rural Planning Area, depending upon the number of and proximity to Building Units, DOAAs, and/or High Priority Habitats.
- a. When required by the OGED Director, the Operator will prepare a noise impact study which will provide sound projection modeling including db(A) and db(C) measurements at the points of compliance per Section 21-5-416.A.1.d., out to two thousand (2,000) feet, for both drilling and completions phases. The study will include graphic representation of buffers from the Oil and Gas Location every five hundred (500) feet, out to two thousand (2,000) feet. The study shall also indicate all sensitive receptors and any significant geographic or topographic features that may impact noise propagation from the Oil and Gas Location.
  - b. – No change.
7. A baseline ambient noise survey by a qualified sound expert may be required when there are existing industrial or commercial types of activity within the 1041 WOGLA Zone. Examples of industrial or commercial types of activity may include, but are not limited to, businesses, roadways, railroads, and airports.
- a. – No change.
  - b. When required, the 1041 WOGLA Permit will include a condition of approval requiring the Operator to conduct a background ambient noise survey. The survey shall be conducted no more than one (1) year, nor less than thirty (30) days prior to the Construction Phase. Survey results shall be submitted to the OGED Director for review and possible action. If necessary, the noise mitigation plan shall be updated accordingly based on the survey results and submitted to the OGED Director for approval.
  - c. When an Operator conducts a background ambient survey the Operator will follow the same approach as outlined in Section 21-5-416.B and over a 72-hour period, including at least 24 hours between 10:00 p.m. on a Friday and 4:00 a.m. on a Monday. A single cumulative daytime ambient noise level and a single cumulative nighttime ambient noise level will be established by taking the logarithmic average of all daytime or nighttime one (1)-hour Leq values measured and in accordance with the sound level

data collection requirements pursuant to the maximum permissible noise levels found in Table 416 A.1.

- d. Sound levels shall be measured at a distance of five hundred (500) feet from the Oil and Gas Location, at minimum in four (4) directions. If property access is not granted, or if certain situations exist that prohibit measuring sound levels in one or more directions, the OGED Director may grant an exception to measure less than four (4) directions.
  - e. Operators may exceed the noise levels in Table 416 A.1 as measured at the nearest noise point of compliance if all reasonably affected Surface Owners and tenants within the 1041 WOGLA Zone provide a written waiver to the higher noise limit requested by the Operator.
- B. To demonstrate compliance with the standards set forth in Section 21-5-416.A, sound levels shall be measured according to the following standards:

1. Pursuant to an A-scale complaint:

- a. Sound levels shall be measured at the point (2) of compliance per Section 21-5-416.A.1.d., in the direction of the complainant.
- b. At the request of the complainant or OGED Director, sound levels may be measured at a point beyond the point of compliance, that the complainant or OGED Director believes is more representative of the noise impact.

Delete c. and d., and reletter subsequent sections.

- c. In situations where measurement of noise levels at the point(s) of compliance per Section 21-5-416.A.1.d. is unrepresentative or non-attainable due to topography, measurements may be taken at a more attainable/accessible distance and be extrapolated to the point of compliance using the following formula:

$$\text{Unknown db(A)} = \text{Known db(A)} - (20 \times \log_{10}(d2/d1))$$

This same formula should also be used when calculating db(C).

(d2 = point of compliance & d1 = measured distance)

- d. – No change.

2. Pursuant to a C-scale complaint:

- a. In situations where the complaint or on-site inspection indicates that low frequency noise is a component of the problem, sound level measurements shall be taken twenty-five (25) feet from the exterior wall of the complainant's residence or occupied structure in the direction of the Oil and

Gas Location, using a noise meter calibrated to the db(C) scale. In the event property access is not granted, measurements will be taken at a point that is an equally representative location as identified by the OGED Director.

b. – No change.

c. If the sound levels exceed the maximum permissible noise levels as defined in Table 416 A.1, the OGED Director shall require the Operator to obtain a low frequency noise impact analysis by a qualified sound expert, including identification of any reasonable control measures available to mitigate such low frequency noise impact. Such study shall be provided to the OGED Director for review and possible action.

d. – No change.

3. thru 6. – No change.

**C. Cumulative Noise.**

1. – No change.

2. During drilling or Completion operations, including Flowback or operations involving Pipeline or Gas Facility installation or maintenance, use of a Workover rig, or stimulation, Operators will be considered in compliance, unless at any time their individual noise contribution, measured pursuant to Section 21-5-416.B, increases noise above ambient levels by greater than five (5) db(C) and five (5) db(A).

3. If ambient noise levels already exceed the maximum permissible noise thresholds identified in Table 416 A.1, under no circumstances shall the Production Phase exceed the ambient noise levels shown on the baseline noise survey.

**Amend Sec. 21-5-418. Pollution.**

Operators shall take precautions to minimize adverse environmental impacts to air, water, soil, or biological resources to the extent necessary to protect public health, safety, and welfare, including the environment and Wildlife Resources.

**Amend Sec. 21-5-420. Leak detection and repair (LDAR).**

Leak Detection and Repair (LDAR) shall be conducted in compliance with all state and federal regulations.

**Amend Sec. 21-5-422. Management of waste.**

A. and B. – No change.



**Amend Sec. 21-5-424. Storage tank control requirements.**

Crude oil, condensate and Produced Water storage Tanks shall be installed and operated in compliance with all state and federal regulations.

**Amend Sec. 21-5-426. Pits—General and special rules.**

A. thru D. – No change.

**Amend Sec. 21-5-428. Spills and releases.**

Operators shall maintain a Spill prevention plan for each Oil and Gas Location with BMPs to adequately protect any and all critical receptors. The OGED Director and/or 1041 WOGLA Hearing Officer may require the submittal of and compliance with a Spill prevention plan as part of the 1041 WOGLA Permit approval to provide impact mitigation, or pursuant to any enforcement action against an Operator.

Operators shall notify the Weld County Office of Emergency Management of the occurrence of Spills and Releases, as required by the terms of the approved Weld County Emergency Action Plan.

**Amend Sec. 21-5-430. Concentrations and sampling for soil and ground water.**

Operators shall comply with applicable state and federal rules and regulations regarding concentrations and sampling for soil and ground water, if applicable. Results of such sampling shall be made available at the request of the OGED Director and/or Weld County Department of Public Health and Environment.

**Amend Sec. 21-5-432. Venting and flaring natural gas.**

Operators shall comply with applicable state and federal rules regarding venting and flaring of natural gas. Operators shall minimize venting and flaring to the greatest extent practicable.

If infrastructure is not in place to allow natural gas takeaway, Operators may utilize alternative technologies for beneficial use. Examples of beneficial use may include, but are not limited to, crypto currency mining, or power generation for the Facility's use or to supply power to the electric utility grid. The Operator shall submit beneficial use requests to OGED via the 1041 WOGLA Application or the Sundry, for review.

**Amend Sec. 21-5-434. Air permits.**

Facilities and equipment which are sources of regulated air emissions shall be authorized in accordance with the Air Pollutant Emission Notice (APEN) and Stationary Source Permitting requirements of CDPHE, AQCC, Regulation 3.

**Amend Sec. 21-5-436. Pneumatic pumps and controllers.**

Operators are encouraged to install non-pneumatic devices or pneumatic devices that are operated using instrument air wherever feasible. Natural gas operated pneumatic devices shall be installed and operated in compliance with the requirements of CDPHE, AQCC, Regulation 7, Part D and US EPA, New Source Performance Standards, Subpart OOOO and Subpart OOOOa.

**Amend Sec. 21-5-438. Setbacks.**

A. *General Requirements.*

1. – No change.

2. The Hearing Officer may grant an exception from the surface property line setback if a waiver is obtained from the adjacent Surface Owner(s).

3. and 4. – No change.

B. *Building Unit.* Oil and Gas Location shall be located a minimum of five hundred (500) feet from Building Units. For an exception from the Building Unit setback, the Operator may submit a waiver from each Building Unit owner within five hundred (500) feet of the proposed Oil and Gas Location to be approved by the Hearing Officer. Alternatively, the Hearing Officer may approve an exception by determining that potential locations outside the 500-foot setback are technically infeasible or economically impracticable and sufficient mitigation measures including, but not limited to, BMPs shall be employed to protect public health, safety and welfare. See requirements of Section 21-5-440, below.

C. and D. – No change.

E. *School Facility and Child Care Center.* Oil and Gas Location shall be located a minimum of five hundred (500) feet from the boundary of a School Facility or Child Care Center, unless the relevant School Governing Body agrees in writing to the location of the proposed Oil and Gas Location and the 1041 WOGLA Hearing Officer determines that potential locations outside the applicable setback are technically infeasible or economically impracticable and sufficient mitigation measures are in place to protect public health, safety, and welfare. Such mitigation measures shall be a condition of approval of the 1041 WOGLA Permit. See requirements of Section 21-5-440, below.

F. and G. – No change.

H. Surface development pursuant to a SUA or Site-Specific Development Plan. A Surface Owner or Building Unit owner and mineral owner or mineral lessee may agree to locate future Building Units closer to existing or proposed Oil and Gas Locations than otherwise allowed pursuant to a valid SUA or Site-Specific Development Plan (as defined in Section 24-68-102(4)(a), C.R.S., that establishes vested property rights as defined in Section 24-68-103, C.R.S.) that expressly governs the location of Wells or Production Facilities on the surface estate. Future Building Units shall adhere to setback requirements per Section 23-4-700.

**Amend Sec. 21-5-440. Mitigation measures for setback exceptions.**

The following requirements apply to Oil and Gas Locations that have been granted an exception from the designated setback distance from a Building Unit, School Facility, or Child Care Center:

A. In addition to the mitigation measures agreed to between the Operator and the persons or entities noticed pursuant to Section 21-5-320 of this Article V, the following mitigation measures shall apply to each Oil and Gas Location that is granted a setback exception:

1. Noise. Noise levels shall comply with the NL-1 standard during all phases of operation, including but not limited to the Construction Phase and Production Phase. Short-term noise increases shall be allowable as described in Section 21-5-416 of this Article V.
2. and 3. – No change.
4. Flaring and venting. Flaring and venting of gas shall be prohibited, except during upset or emergency conditions or as allowed by the ECMC and the OGED Director.

Remainder of Section – No change.

**Amend Sec. 21-5-442. Safety requirements.**

Operators shall comply with state and federal safety rules and regulations as applicable to all Oil and Gas Operations.

Operators shall comply with the EAP and TRP issued by OEM.

**Amend Sec. 21-5-444. Floodplain and Overlay Zoning District requirements.**

An Operator shall comply with Article V and Article XI of Chapter 23 of this Code if the proposed Oil and Gas Location is located within any Overlay Zoning District or a Special Flood Hazard Area identified by maps officially adopted by the County, and as defined in Section 23-1-90.

**Amend Sec. 21-5-446. Stormwater management.**

As part of the application for a 1041 WOGLA Permit, an Operator shall provide proof of a valid stormwater discharge permit issued by CDPHE. The Operator shall submit a drainage report to comply with required Storm Drainage Criteria pursuant to Chapter 8, Article XI of this Code. Additional requirements for Municipal Separate Storm Sewer System (MS4) areas may be applicable pursuant to Chapter 8, Article IX of this Code.

Remainder of Section – No change.

**Amend Sec. 21-5-448. Storage of non-essential items.**

All Oil and Gas Locations shall be kept free of commercial products, Chemicals, materials and other supplies not necessary for use on the Oil and Gas Location, and Junk and unused Commercial Vehicles as those terms are defined in Section 23-1-90 of this Code. The burning or burial of any such material and/or items on the Oil and Gas Location is prohibited.

**Amend Sec. 21-5-450. Equipment anchoring requirements.**

All equipment at Oil and Gas Locations in geological hazard areas and Floodplains shall be anchored. Anchors must be engineered to support the equipment and to resist flotation, collapse, lateral movement, or subsidence, and must comply with all requirements of any necessary geologic hazard recommendations and/or Flood Hazard Development Permit.

**Delete Sec. 21-5-525. Protection of Wildlife Resources.**

**Amend Sec. 21-5-452. General operating requirements regarding Wildlife Resources.**

Subject to exception by the OGED Director for site specific reasons and BMPs, the operating requirements identified below shall apply in all areas.

Remainder of Section – No change.

**Add Sec. 21-5-454. Protection of Wildlife Resources.**

- A. The OGED Director, utilizing the referral from CPW, shall determine whether conditions of approval are necessary to Minimize Adverse Impacts from the proposed Oil and Gas Operations in the identified High Priority Habitat.
- B. In selecting conditions of approval the OGED Director and/or 1041 WOGLA Hearing Officer shall consider the following factors, among other considerations:
  - 1. The BMPs for the producing geologic basin in which the Oil and Gas Location is situated;
  - 2. Site-specific and species-specific factors of the proposed new Oil and Gas Location;
  - 3. Anticipated direct and indirect effects of the proposed Oil and Gas Location on Wildlife Resources;
  - 4. The extent to which conditions of approval will promote the use of existing facilities and reduction of new surface disturbance;
  - 5. The extent to which legally accessible, technologically feasible, and economically practicable alternative sites exist for the proposed new Oil and Gas Location;

6. The extent to which the proposed Oil and Gas Operations will use technology and practices which are protective of the environment and Wildlife Resources;
7. The extent to which the proposed Oil and Gas Location minimizes surface disturbance and habitat fragmentation;
8. The extent to which the proposed Oil and Gas Location is within land used for residential, industrial, commercial, agricultural, or other purposes, and the existing disturbance associated with such use.

**Amend Sec. 21-5-456. Requirements in High Priority Habitats.**

An Operator of an Oil and Gas Location within a High Priority Habitat shall follow the Operator's Wildlife Mitigation Plan, if one is required pursuant to Rule 1201 of the ECMC Rules.

**Amend Sec. 21-5-458. General operating requirements in High Priority Habitats.**

- A. Subject to exception by the OGED Director for site specific reasons and BMPs, within High Priority Habitat and Restricted Surface Occupancy Areas, Operators shall comply with the following operating requirements:

Remainder of Section – No change.

**Amend Sec. 21-5-460. Site preparation and stabilization.**

- A. *Soil removal and segregation.*

Remainder of Section – No change.

**Sec. 21-5-462. General Reclamation requirements.**

- A. – No change.

- B. *Surface Owner Reclamation release form.* The Surface Owner has the right to waive Reclamation requirements set forth in Sections 21-5-460, 21-5-464, and 21-5-466 of this Article V, unless such Reclamation is deemed necessary to protect public health, safety and welfare, environment and wildlife of Weld County, as determined by the OGED Director.

**Amend Sec. 21-5-464. Interim Reclamation.**

- A. *General.* Debris and waste materials other than de minimis amounts, including, but not limited to, concrete, sack bentonite and other drilling mud additives, sand plastic, pipe and cable, as well as equipment associated with the drilling, re-entry, or Completion operations shall be removed. All waste shall be handled according to Section 21-5-422 of this Article V. All Freshwater or Production Ponds, cellars, rat holes, and other bore holes unnecessary for further Oil and Gas Operations, will be backfilled as soon as possible after the drilling rig is released to conform with surrounding terrain. On Crop Land, if

requested by the Surface Owner, guy line anchors shall be removed as soon as reasonably possible after the Completion rig is released. When permanent guy line anchors are installed, it shall not be mandatory to remove them. When permanent guy line anchors are installed on Crop Land, care shall be taken to minimize disruption or cultivation, irrigation, or harvesting operations. If requested by the Surface Owner the anchors shall be specifically marked, in addition to the marking required below, to facilitate farming operations. All guy line anchors left buried for future use shall be identified by a marker of bright color not less than four (4) feet in height and not greater than one (1) foot east of the guy line anchor.

- B. *Interim Reclamation of areas no longer in use.* All disturbed areas affected by drilling or subsequent operations, except areas reasonably needed for production operations or for subsequent drilling operations to be commenced within twelve (12) months, shall be reclaimed as early and as nearly as practicable to their original condition or their final Land Use as designated by the Surface Owner and shall be maintained to control dust and Minimize Erosion to the extent practicable. As to Crop Lands, if subsidence occurs in such areas additional topsoil shall be added to the depression and the land shall be re-leveled as close to its original contour as practicable. Interim Reclamation shall occur no later than three (3) months on Crop Land or six (6) months on Non-Crop Land after such operations. The Operator may submit a Sundry to the OGED Director requesting an extension due to conditions outside the Operator's control. Areas reasonably needed for production operations or for subsequent drilling operations to be commenced within twelve (12) months shall be compacted, covered, paved, or otherwise stabilized and maintained in such a way as to minimize dust and erosion to the extent practicable.

C. – No change.

- D. *Restoration and revegetation.* When a Well is completed for production, all disturbed areas no longer needed will be restored and revegetated as soon as practicable.

1. and 2. – No change.

3. *Interim Reclamation.* The Operator shall notify the OGED Director pursuant to Section 21-5-355, with a description of the interim Reclamation procedures and any associated mitigation measures performed, any changes, if applicable in the landowner's designated final Land Use, and at a minimum four (4) color photographs taken during the growing season of vegetation, one (1) from each cardinal direction which document the success of the interim Reclamation and one (1) color photograph which documents the total cover of live perennial vegetation of adjacent or nearby undisturbed land or the Reference Area. Each photograph shall be identified by date taken, location name, GPS location, and direction of view.

Remainder of Section – No change.

**Sec. 21-5-466. Final Reclamation.**

- A. *Well Sites, associated Production Facilities, and access roads.* Upon the Plugging and Abandonment of all Wells on Location or final closure of associated Production Facilities, all Freshwater Pits or Production Pits, mouse and rat holes and cellars shall be backfilled. All debris, abandoned Gathering Line Risers and Flowline Risers, and surface equipment shall be removed within three (3) months of plugging the final Well on Location or final closure of associated Production Facilities. All access roads to Plugged and Abandoned Wells and associated Production Facilities shall be closed, graded, recontoured, and fully reclaimed. Culverts and any other obstructions that were part of the access road(s) shall be removed. All applicable, compaction alleviation, restoration, and revegetation of Well Sites, associated Production Facilities, and access roads shall be performed to the same standards as established for interim Reclamation under Section 21-5-464, above. All other equipment, supplies, weeds, rubbish, and other waste material shall be removed. The burning or burial of such material on the premises shall be performed in accordance with applicable local, state, or federal Solid Waste Disposal regulations. In addition, material may be burned or buried on the premises only with the prior written consent of the Surface Owner. After plugging the final Well on Location or final closure of associated Production Facilities, all such Reclamation work shall be completed within three (3) months on Crop Land and twelve (12) months on Non-Crop Land. The OGED Director may grant an extension where unforeseen circumstances are encountered, but every reasonable effort shall be made to complete Reclamation before the next local growing season. Such request shall be made in writing to the OGED Director via the Sundry Process.
- B. *Final Reclamation threshold for approval and release.* Successful Reclamation of the Well Site, associated Production Facilities, and access road means:
1. On Crop Land, Reclamation has been performed to the standards established under Section 21-5-464 and there has been no significant unrestored subsidence over two growing seasons.
  2. On Non-Crop Land, Reclamation has been performed to the standards established under Section 21-5-464 and disturbed areas have been either built on, compacted, covered, paved, or otherwise stabilized in such a way as to Minimize Erosion to the extent practicable, or a uniform vegetative cover has been established that reflects pre-disturbance or Reference Area forbs, shrubs, and grasses with total percent plant cover of at least eighty percent (80%) of pre-disturbance levels or Reference Areas, excluding noxious weeds. The Operator shall consider the total cover of live perennial vegetation of Reference Area, not including overstory or tree canopy cover, having similar soils, slope and aspect of the reclaimed area.
  3. – No change.
- C. and D. – No change.
- E. *Final Reclamation release.* The Operator shall submit a request for release to the OGED Director pursuant to Section 21-5-355, upon completion of the requirements outlined in Section 21-5-466.C. above. This request for release shall be submitted no later than two

(2) growing seasons after Reclamation work was conducted. The request for release shall include a description of the final Reclamation procedures, any associated mitigation measures performed and any changes, if applicable, in the landowner's designated final Land Use. The Operator shall attach the following:

1. – No change.

Add a. The final Reclamation revegetation threshold of eighty percent (80%) of pre-disturbance levels on Non-Crop Land may take longer than two (2) growing seasons. If this is the case, Operator or their consultant shall submit annual reports to the OGED Director detailing the revegetation efforts and success thereof. Once the eighty percent (80%) threshold is achieved, the OGED Director may consider the final Reclamation release request.

2. Where necessary, the Operator shall submit to the OGED Director a Surface Owner Reclamation release form if the Surface Owner wishes to have areas un-reclaimed or items left on location. The OGED Director shall review the request and determine if Reclamation will be necessary to protect public health, safety and welfare, environment and wildlife of Weld County pursuant to Section 21-5-460.B. Upon the OGED Director's approval, the Surface Owner Reclamation release form shall be placed of record with the Weld County Clerk and Recorder.

Remainder of Section – No change.

#### **Amend Sec. 21-5-468. Fees.**

Failure to comply with any items contained in the approved 1041 WOGLA Permit final order, the conditions of approval, or the Development Standards contained herein shall be subject to a financial fee, assessed daily from the date of notification by the OGED Director, pursuant to Appendix 5-D of the Weld County Code. The OGED Director shall also utilize Appendix 5-D when assessing fees due to enforcement actions.

#### **Amend Sec. 21-5-470. Variances.**

An Operator may seek a variance, due to a hardship, to any rule or regulation found in Chapter 21, Article V of this Code. A variance request shall be submitted in writing to the OGED Director as part of the 1041 WOGLA Permit Application. Should an Operator seek variance to an order issued by the 1041 WOGLA Hearing Officer, the Applicant shall submit their request to the OGED Director via the Sundry Process. A subsequent hearing shall be required for the Hearing Officer to consider a variance. The Operator requesting a variance must show that it has made a good faith effort to comply or is unable to comply with the specific requirements contained in these 1041 WOGLA Regulations or the 1041 WOGLA Permit from which it seeks a variance. The Operator must also demonstrate through mitigation measures that the requested variance shall Minimize Adverse Impacts to public health, safety, welfare, and environment including Wildlife Resources.



**Add New Division 5 - Oil and Gas Solar Energy Facility**

**Sec. 21-5-500. Approval of an Oil and Gas Solar Energy Facility (OGSEF).**

An OGSEF may be submitted for consideration as part of a 1041 WOGLA Application.

In addition, the OGED Director shall have the authority to approve an OGSEF without hearing, via the Sundry Process, if he or she is reasonably certain that the requirements, standards, or conditions of approval for the OGSEF have been or may be met.

**Sec. 21-5-505. Submittal requirements for Oil and Gas Solar Energy Facilities (OGSEF).**

As part of the Application or Sundry Process, the following submittals and standards are required for an OGSEF:

- A. A Project Narrative, which will include information about the Location and prior permitting activity, information about the solar array and the method of construction, acreage needed for the OGSEF, including new disturbed and interim reclamation acreage, and basic information about hours of construction, including anticipated noise and lighting impacts.
- B. A Surface Use Agreement (SUA) or other agreement between the owner of the property where the OGSEF will be located and the Applicant. In lieu of providing a copy of the SUA, the Project Narrative may include a summary of the agreement on record with the Weld County Clerk and Recorder's office, along with a valid reception number.
- C. Location Drawing. The purpose of the location drawing is to identify all visible improvements within the 1041 WOGLA Zone. It shall be a scaled drawing with scaled aerial imagery to include horizontal distances and approximate bearing from the Oil and Gas Location for all visible improvements. This drawing shall be a stamped by a licensed professional surveyor showing any survey monuments in the 1041 WOGLA Zone and the County road right-of-way extents, if applicable.
- D. Interconnection Agreement. A copy of the interconnection agreement with the electric utility, or proof the Applicant is approved to interconnect to the electric utility grid which serves the Location.
- E. Annual Production Report. A copy of the annual production report for the proposed OGSEF, including a detailed layout map.
- F. Solar Panel Schematic and Photographs. A copy of the solar panel schematics or specifications, including photographs which depict a similar installation as is proposed within the Application.
- G. Construction drawings and information. A copy of the 90% design drawings, to include:
  - 1. Title sheet
  - 2. Electric notes and symbols list

3. Electrical plan
  4. Electrical area plan
  5. Elevation details
  6. DC electric plan
  7. One-line diagram
  8. Schedules and calculations
  9. Grounding details
  10. Electrical details
  11. Labels and signage
  12. Equipment data sheets
- H. Updated Facility Layout Drawing. The purpose of the facility drawing is to identify the positioning of all equipment on the Oil and Gas Location, including the proposed OGSEF. This shall be a scaled drawing illustrating the approximate outline of the Oil and Gas Location and identifying all existing and proposed Well(s), equipment, Flowline corridors on-location, and the proposed OGSEF configuration covered by the application.
- I. Surface Drainage Analysis. At the time of OGSEF application submittal, a preliminary drainage report shall be provided for review by the Weld County Department of Public Works pursuant to the requirements of Chapter 8, Article XI of this Code. Prior to applying for a Grading Permit, a final drainage report stamped and signed by a Professional Engineer registered in the State of Colorado is required. Soils shall be planted and maintained in perennial vegetation to prevent erosion, manage runoff and build soil.
- J. Dust Mitigation Plan. The Dust Mitigation Plan shall be provided at the time of OGSEF application submittal, which includes a description of those methods by which dust emanating from the proposed OGSEF from the Impacted Area (especially during periods of construction) will be mitigated.
- K. Weed Mitigation Plan. The Weed Mitigation Plan shall be provided at the time of OGSEF application submittal, which includes a description of those methods by which the Applicant proposes to control weeds which may grow upon the Impacted Area, and how they will be mitigated.
- L. Floodplain Mapping. On the map of the base area, or another appropriate map, indicate any floodplain associated with the proposal. Documentation of the historical flooding activity should be included. Detail potential, adverse impacts related to the associated floodplain. (Note: If the OGSEF location is within a Special Flood Hazard Area identified by maps officially adopted by Weld County, a Flood Hazard Development Permit (FHDP)

is required prior to a building permit. The FHDP is issued by the Weld County Department of Planning Services pursuant to Article XI of Chapter 23 of this Code.)

- M. A Decommissioning/Reclamation Plan. A Decommissioning/Reclamation Plan shall be provided at the time of OGSEF application submittal which will be signed by the party responsible for decommissioning and the landowner (if different), addressing the following:
1. Decommissioning/reclamation shall be completed within three (3) months on cropland, and twelve (12) months on non-cropland after power production has permanently ceased. The OGED Director may grant an extension where unforeseen circumstances are encountered, but every reasonable effort shall be made to complete Reclamation before the next local growing season. Such request shall be made, in writing, to the OGED Director via the Sundry Process.
  2. All non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least three (3) feet below grade shall be removed.
  3. All fences, graveled areas and access roads shall be removed unless landowner agreement to retain is presented, in writing, in which the property owner agrees for this to remain.
  4. Property shall be restored to a condition reasonably similar to its condition prior to development of the OGSEF.
  5. The developer or owner of the OGSEF is responsible for the decommissioning.
  6. Decommissioning/reclamation cost estimates, which shall be updated every five (5) years from the establishment and submittal of the Security, shall include all costs associated with the dismantlement, recycling, and safe disposal of facility components and site reclamation activities, including the following elements:
    - a. All labor, equipment, transportation, and disposal costs associated with the removal of all facility components from the facility site;
    - b. All costs associated with full reclamation of the facility site, including removal of non-native soils, fences, and constructed access roads;
    - c. All costs associated with reclamation of any primary agricultural soils at the facility site to ensure each area of direct impact shall be materially similar to the condition it was before construction;
    - d. All decommissioning/reclamation activity management, site supervision, and site safety costs;
    - e. Any other costs, including administrative costs, associated with the decommissioning and reclamation of the facility site; and
    - f. The estimated date of submission of the Security to Weld County.

7. Prior to construction, an irrevocable standby letter of credit, bond, or alternate form of Security in an amount sufficient to fund the estimated decommissioning/reclamation costs required by this Code. The Security shall:
  - a. Name the Board of County Commissioners of Weld County as the sole beneficiary of the letter of credit;
  - b. Be issued by an A-rated financial institution based upon a rating provided by S&P, Moody's, Fitch, AM Best, or other rating agency with similar credentials;
  - c. Include an automatic extension provision or "evergreen clause"; and
  - d. Be "bankruptcy remote," meaning the Security will be unaffected by the bankruptcy of the OGSEF operator.

Weld County, in its sole discretion, may approve alternative forms of Security such as, but not limited to: bonds, letters of credit, corporate guarantees from electric utilities serving the County, or other securities, if it finds that such alternative forms will provide an assurance of the availability of financial resources for decommissioning/reclamation that equals or exceeds that provided by the form required herein.

8. Access to decommissioning/reclamation fund. Weld County shall have the right to draw upon the irrevocable standby letter of credit, or other form of financial security, to pay for decommissioning in the event that the holder has not commenced decommissioning/reclamation activities within ninety (90) days of the Board of County Commissioners' order or resolution directing decommissioning/reclamation.

**N. Statement of Transportation Construction Impacts.**

1. Describe what impacts construction of the project will have upon transportation patterns in the area intended to be served or affected by the proposal.
2. Describe the potential construction impact on roads within the County.
3. A haul route map and agreement to mitigate construction traffic impacts to the area surrounding the proposed OGSEF may be required.

**Amend Sec. 21-5-510. Development Standards for Oil and Gas Solar Energy Facilities (OGSEF).**

The following Development Standards are required for an OGSEF:

- A. Height limitation. Ground-mounted solar collectors shall not exceed twenty-five (25) feet in height, measured from the highest grade below each solar panel to the highest extent of the solar panel, or their rotation.

- B. Glare. A OGSEF shall be designed and utilize equipment which limits glare onto nearby properties or roadways at any time of the day.
- C. Setbacks. The Impacted Area for an OGSEF shall conform to the setback requirements of the underlying zone. Additionally, the improved area must be at least five hundred (500) feet from existing RBUs and residential lots of a platted subdivision or planned unit development. The RBU setback requirement may be reduced if appropriate screening through landscape or an opaque fence is installed, or upon submittal to Weld County of a waiver or informed consent signed by the RBU owner agreeing to the lesser setback. If landscaping or opaque fencing is substituted for setback, a landscaping plan or fencing plan shall first be submitted to, and approved by, OGED.
- D. Dust mitigation. The operators of the OGSEF shall continuously employ the practices for control of fugitive dust detailed in their dust mitigation plan submitted as required by Section 21-5-505.J, above.
- E. Underground cables. All electrical cables on the improved area shall be buried, except for direct current string wires that connect between solar collectors, direct current collection circuits between rows of solar arrays that are no more than four (4) feet above grade crossings, substations, switchyards, and circuit voltages greater than 34.5 kilovolts (where necessary).
- F. Fencing. The OGSEF shall be enclosed with a security fence as approved pursuant to a fencing plan submitted to OGED.
- G. Stormwater management. The Operator of the OGSEF shall submit a drainage report to comply with required Storm Drainage Criteria pursuant to Chapter 8, Article XI of this Code. Additional requirements for Municipal Separate Storm Sewer System (MS4) areas may be applicable pursuant to Chapter 8, Article IX of this Code. Ground-mounted solar collector systems shall be exempt from impervious surface calculations if the soil under the collectors is designated hydrologic A or B soil groups by the Natural Resources Conservation Service (NRCS).
- H. Access permit. The OGSEF shall utilize the same approved access point as the Oil and Gas Location.

**BE IT FURTHER ORDAINED** by the Board that the Clerk to the Board be, and hereby is, directed to arrange for Municode to supplement the Weld County Code with the amendments contained herein, to coincide with chapters, articles, divisions, sections, and subsections as they currently exist within said Code; and to resolve any inconsistencies regarding capitalization, grammar, and numbering or placement of chapters, articles, divisions, sections, and subsections in said Code.

**BE IT FURTHER ORDAINED** by the Board, if any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held or decided to be unconstitutional, such decision shall not affect the validity of the remaining portions hereof. The Board of County Commissioners hereby declares that it would have enacted this Ordinance in each and every section, subsection, paragraph, sentence, clause, and phrase thereof irrespective

of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared to be unconstitutional or invalid.

The above and foregoing Ordinance Number 2024-09 was, on motion duly made and seconded, adopted by the following vote on the 26th day of June, A.D., 2024.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

\_\_\_\_\_  
Kevin D. Ross, Chair

BY: \_\_\_\_\_  
Deputy Clerk to the Board

\_\_\_\_\_  
Perry L. Buck, Pro-Tem

\_\_\_\_\_  
Mike Freeman

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney

\_\_\_\_\_  
Scott K. James

\_\_\_\_\_  
Lori Saine

Date of signature: \_\_\_\_\_

First Reading: May 22, 2024  
Publication: May 26, 2024, in the Greeley Tribune  
  
Second Reading: June 10, 2024  
Publication: June 16, 2024, in the Greeley Tribune  
  
Final Reading: June 26, 2024  
Publication: June 30, 2024, in the Greeley Tribune  
  
Effective: July 5, 2024

**WELD COUNTY  
CODE ORDINANCE 2024-09**

*Jessal Brading  
As proposed  
6-26-24*

**IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 21  
AREAS AND ACTIVITIES OF STATE INTEREST, OF THE WELD COUNTY CODE**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF  
WELD, STATE OF COLORADO:**

**WHEREAS**, the Board of County Commissioners of the County of Weld, State of 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, on December 28, 2000, adopted Weld County Code Ordinance 2000-1, enacting a comprehensive Code for the County of Weld, including the codification of all previously adopted ordinances of a general and permanent nature enacted on or before said date of adoption, and

**WHEREAS**, the Weld County Code is in need of revision and clarification with regard to procedures, terms, and requirements therein.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of the County of Weld, State of Colorado, that Chapter 21 Areas and Activities of State Interest of the Weld County Code be, and hereby is, repealed and re-enacted, with amendments, to read as follows.

**CHAPTER 21  
AREAS AND ACTIVITIES OF STATE INTEREST**

**ARTICLE V - Guidelines and Regulations for Oil and Gas Exploration and Production in the Unincorporated Area of Weld County (Designated as Mineral Resource Area of State Interest)**

**Division 1 - General and Introductory Provisions**

**Amend Sec. 21-5-20. Definitions.**

In addition to the terms defined in Section 21-1-90 of this Code, the following terms specific to the designation of site selection and construction of Oil and Gas Locations and Oil and Gas Facilities shall be construed to have the meanings set forth as follows:

Add *Ag-Rural Planning Area*: means the unincorporated area of Weld County as described in Section 21-5-210 of this Article V.

Add *Appellant*: means the Applicant, or any Person or property owner within the 1041 WOGLA Zone.

*Applicant* means the person or entity who applies for a 1041 WOGLA Permit. The Applicant may be referred to herein as the "1041 WOGLA Permittee" or "Operator"

*Application* means the 1041 WOGLA Permit application filed by the Applicant pursuant to Section 21-5-320 of this Code and may also be referred to herein as the "1041 WOGLA Permit Application" or "Case"

*Authority Having Jurisdiction ("AHJ")* means any other entity which may have jurisdiction over a certain area or may own or operate certain features affected by the Application. Certain examples may include the State of Colorado, municipalities, metro districts, or ditch companies

*Best Management Practices ("BMPs")* means practices that are designed to prevent or reduce impacts caused by Oil and Gas Operations to air, water, soil, or biological resources, and to Minimize Adverse Impacts to public health, safety and welfare, including the environment and Wildlife Resources

*Building Unit ("BU")* means a Residential Building Unit, as defined in this Article V, and any building that is used for business or commercial purposes that is normally occupied during working hours

Delete COGCC

*Completion* means operations conducted on a Well(s), subsequent to drilling, that are necessary to prepare or re-stimulate the Well(s) for production. Completion operations include, but are not limited to, fracture preparation, Hydraulic Fracturing, drill-out and Flowback. May also be referred to herein as "Completing"

*Comprehensive Development Plan ("CDP")* means a plan covering future Oil and Gas Operations in a defined geographic area within a geologic basin

Add *ECMC* means the Energy and Carbon Management Commission

*Enhanced Recovery* means a technique of recovering additional oil and gas from a mineralized zone by injecting fluids or gases in an effort to force more of the hydrocarbons to a Well

*High Occupancy Building Unit ("HOB")* means any Nursing Facility as defined in Section 25 5-4-103(14), C R S , Hospital, Life Care Institutions as defined in Section 12-13-101, C R S , or Correctional Facility as defined in Section 17-1-102(1 7), C R S , provided the facility or institution regularly serves fifty (50) or more persons

*High Priority Habitat ("HPH")* means the high priority wildlife habitat areas in Weld County identified in the 1200 series Rules of the ECMC. When considering HPH, OGED will utilize the most current, ECMC approved maps provided by CPW at the time of Application submittal

Add *Impacted Area for an OGSEF* means that area within the approved OGSEF where solar arrays are located, including any necessary electrical and/or transmission equipment



Delete *LACT (Lease Automated Custody Transfer)*

Add *Lease Automated Custody Transfer ("LACT")* means the transfer of produced crude oil or condensate, after processing or treating in the producing operations, from storage vessels or automated transfer facilities to Pipelines or any other form of transportation

Add *Near-Urban Planning Area* means the unincorporated area of Weld County as described in Section 21-5-210 of this Article V

*Oil and Gas Facility* means equipment or improvements used or installed for the benefit of any Well for the purpose of exploration, production, withdrawal, treatment, processing, Enhanced Recovery, storage, or disposal, excluding Pipeline - Petroleum Products, as defined in Article VI of this Chapter 21, and all other Pipelines and Flowlines used or installed at the Oil and Gas Facility. Examples of equipment or improvements may include, but are not limited to, tanks, separators, combustion devices, LACT units, and telecommunication antenna towers as defined in Section 23-1-90, which are used solely for site security and monitoring purposes of the Oil and Gas Facility. Oil and Gas Facility may also be referred to herein in certain circumstances synonymously as "Facility"

*Oil and Gas Location* means a definable area where an Operator has disturbed or intends to disturb the land surface to locate a Well and/or an Oil and Gas Facility. This definition is not inclusive of access points or access roads. Oil and Gas Location may also be referred to herein in certain circumstances synonymously as "Disturbance Area" or "Location"

*Oil and Gas Operations* means exploration for and production of oil and gas, including, but not limited to, conducting seismic operations and the drilling of test bores, siting, drilling, Completing, deepening, recompleting, reworking, injection of fluids for Enhanced Recovery, or abandoning a Well, operations related to any Well, including installing Flowlines, the generating, transporting, storing, treating, or disposing of E&P Waste, and any constructing, site preparing, or Reclamation activities associated with such operations

*Oil and Gas Solar Energy Facility ("OGSEF")* means a facility whose primary purpose is to supply electricity to the Oil and Gas Location and consists of one or more solar arrays and other accessory structures and equipment. The OGSEF shall be no more than ten (10) acres in size, and shall be contiguous to, as well as considered part of, the Oil and Gas Location. Submittal requirements and procedures for approval and operation of OGSEF's are contained in Division 5 of this Article

Add *Planning Areas* means both the Ag-Rural and Near-Urban Planning Areas

*Plugging and Abandonment ("P&A")* means the cementing of a Well, the removal of its associated Production Facilities, the abandonment of its Flowline(s), and the Remediation and Reclamation of the wellsite

*Production Facility* means equipment or improvements used or installed at an Oil and Gas Location for any storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, and other equipment directly associated with a Well

*Public Water System* means those systems shown and/or listed in Appendix VI of the ECMC Rules. These systems provide to the public water for human consumption through pipes or other constructed conveyances, if such systems have at least fifteen (15) service connections or regularly serve an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such definition includes

Remainder of definition for *Public Water System* – No change

*Residential Building Unit ("RBU")* means a building or structure designed for use as a place of residency by a person, a family, or families. The term includes manufactured, mobile, and modular homes, except to the extent that any such manufactured, mobile, or modular home is intended for Temporary occupancy, or for business purposes.

*Sundry Process* means the process used by the Operator to request approval of proposed amendments on any Oil and Gas Location or Facility located in the Weld Mineral Resource (Oil and Gas) Area. It may also be referred to herein as "1041 WOGLA Sundry Process", "Sundry" or "Amendment"

*Well* means an Oil Well or Gas Well, a hole drilled for the purpose of producing oil or gas, a Well into which fluids or gasses are injected for purposes of disposal or Enhanced Recovery, a Stratigraphic Well, a Gas Storage Well, or a Well used for the purpose of monitoring or observing a reservoir.

*Well Site* means the areas that are directly disturbed during the drilling and subsequent operation of, or affected by, Oil and Gas Facilities or Production Facilities directly associated with any Well.

All other words used herein shall be given their usual customary and accepted meaning, and all words of a technical nature, or peculiar to the oil and gas industry, shall be given that meaning which is generally accepted in said oil and gas industry.

#### **Amend Sec. 21-5-30 Applicability and general rules.**

- A A Weld Oil and Gas Location Assessment pursuant to this Chapter ("1041 WOGLA") requires additional consideration to ensure Well Sites, Oil and Gas Facilities, and Oil and Gas Location are developed in a manner that complies with various Development Standards set forth in Division 4 of this Article V and provides compatibility with Uses located within two thousand (2,000) feet of the Oil and Gas Location (including School Facilities and Child Care Centers within two thousand (2,000) feet of the Oil and Gas Location). The 1041 WOGLA Permit is designed to protect and promote the health, safety, and welfare of Weld County's citizens, environment, and wildlife.
- B A 1041 WOGLA Permit is required after August 5, 2019, for the construction of a Well Site, an Oil and Gas Facility, and/or an Oil and Gas Location in all zone districts. Existing approved and constructed WOGLA's as of August 5, 2019, are not required to obtain a new 1041 WOGLA Permit and are not subject to the Development Standards as set forth in Division 4 of this Article V, unless major changes are made to the Location pursuant to Section 21-5-360 B.

C No Well Site, Oil and Gas Facility, and/or Oil and Gas Location shall be constructed in any zone district until a 1041 WOGLA Permit has been granted by a 1041 WOGLA Hearing Officer pursuant to the procedures set forth in Section 21-5-340 of this Article V or following appeal to the Board of County Commissioners pursuant to Section 21-5-340 E of this Code This applies to

1 thru 3 - No change

D No 1041 WOGLA Permit shall be required for

1 An Oil and Gas Location or Facility for which an application has been submitted to the ECMC on or before February 1, 2017, as long as the work being performed was included within the original ECMC permit

a For any Location that is expanded or modified beyond what was originally permitted through the ECMC, Operators shall submit a Sundry to OGED for determination if a 1041 WOGLA Permit is required See Section 21-5-360

2 thru 5 – No change

However, other permits or agreements may need to be obtained for the activities listed above, including those permits or agreements listed in Section 21-5-320 D , as well as any applicable State or Federal permits

E Changes of use, changes of equipment, or any other changes or modifications to an Oil and Gas Location or Oil and Gas Facility located within the Weld Mineral Resources (Oil and Gas) Area shall submit documentation via the Sundry Process as outlined in Section 21-5-360

Remainder of Section – No change

**Amend Sec 21-5-40. Relationship of 1041 WOGLA Regulations to other county, state, and federal requirements affecting oil and gas exploration and production**

A thru B 7 – No change

Because these 1041 WOGLA Regulations are written pursuant to the authorities granted to Weld County in the AASIA and specifically the express authorities set forth in Sections 24-65 1-202 and 24-65 1-402, C R S , to adopt guidelines and regulations governing oil and gas exploration and production in Weld County, to the extent these 1041 WOGLA Regulations are inconsistent with the regulations of the ECMC regarding any of the areas and topics regarding oil and gas exploration and production in Weld County listed above, these 1041 WOGLA Regulations control

C Pursuant to Section 34-60-131, C R S , it is the intent of the Board of County Commissioners to regulate oil and gas exploration and production in Weld County cooperatively with the ECMC, deferring regulation of the areas and topics regarding oil

and gas exploration and production not addressed in these 1041 WOGLA Regulations to the ECMC

#### **Amend Sec 21-5-50. Operator Registration**

Prior to construction or operation of facilities related to upstream Oil and Gas Operations, an Operator shall submit an Operator Registration Form provided by the OGED Director. Operator Registration Forms shall be updated and submitted to the OGED Director annually, within the month of January. Within sixty (60) days of any ownership changes due to sales, mergers, or acquisitions, a new Operator Registration Form shall be submitted to the OGED Director.

#### **Division 2 – Designation of Area of State Interest**

#### **Amend Sec. 21-5-210. Boundaries of area covered by designation, division of the Weld Mineral Resource (Oil and Gas) Area into two Planning Areas**

The entire unincorporated area of Weld County has been designated as a mineral resource (oil and gas) area and the exploration and production of oil and gas within the area shall be subject to this designation and these 1041 WOGLA Regulations. The Weld County Mineral Resource (Oil and Gas) Area is divided into the two (2) Planning Areas. The regulations set forth in this Article V may be dependent upon the Planning Area in which the Oil and Gas Location is situated.

- A Ag-Rural Planning Area – any unincorporated area within Weld County which is not in the Near-Urban Planning Area
- B Near-Urban Planning Area – any unincorporated area within Weld County, which has one or more of the following characteristics
  - 1 Is located within one (1) mile of a municipality's annexed boundary
  - 2 Is located within an area served by a public water system or water district

#### **Division 3 – 1041 WOGLA Permit Program for Oil and Gas Exploration and Production in the Weld Mineral Resource (Oil and Gas) Area**

#### **Amend Sec. 21-5-300 Prohibition on exploration or production of oil and gas within the Weld Mineral Resource (Oil and Gas) Area without 1041 WOGLA Permit**

- A No Well Site, Oil and Gas Facility, and/or Oil and Gas Location shall be constructed within the Weld Mineral Resource (Oil and Gas) Area without first obtaining a 1041 WOGLA Permit pursuant to these 1041 WOGLA Regulations

Remainder of Section – No change

#### **Amend Sec 21-5-310. Procedural requirements**

The Application, notice, and conduct of 1041 WOGLA Permit hearings, appeal of Hearing Officer decisions and issuance and content of 1041 WOGLA Permits within the Weld Mineral Resource (Oil and Gas) Area shall comply with the provisions set forth in this Article V

**Delete Sec 21-5-312. Comprehensive Development Plans (CDPs).**

**Amend Sec 21-5-315 Pre-application meeting and 1041 WOGLA notice**

A Pre-application meeting Prior to delivery of the 1041 WOGLA notice, the Applicant shall request a pre-application meeting with the OGED Director This meeting may be conducted through a face-to-face meeting, a virtual meeting, electronic mail exchange, or conference call, as determined by the OGED Director The purpose of the pre-application meeting is to give the Applicant an opportunity to demonstrate, through written and graphic information, how the Oil and Gas Location complies with the standards set forth in this Article V, while protecting the health, safety, and welfare of Weld County's citizens, environment, and wildlife One of the primary reasons for the pre-application meeting is to discuss comprehensive planning and pros and cons of alternative sites The following shall be submitted to the OGED Director as part of the request for a pre-application meeting

- 1 and 2 – No change

- 3 Proposed Haul Route map The purpose of the haul route map is to identify the Applicant's desired route to and from the preferred Oil and Gas Location The map shall identify the proposed haul route, from the preferred Oil and Gas Location to the nearest County designated arterial roadway or state or federal designated highway, and indicate the desired new or existing access point Additionally, the map shall indicate the traffic distribution percentage when traffic reaches the arterial roadway or highway

- 4 – No change

Upon submittal of the request, the OGED Director shall be responsible for scheduling the pre-application meeting This meeting shall take place within fourteen (14) days of the submitted request If the Applicant is unable to meet within the stated timeframe, they may request (in writing) a date which is more than fourteen (14) days from the date of their submittal The OGED Director will work with the Applicant to accommodate their requested date Attendees of the pre-application meeting will be the Applicant and the OGED Director Invitations to participate in the pre-application meeting will also be sent to the ECOM Director, CPW, CDPHE, and any other entity as determined by the OGED Director The requirement of the pre-application meeting may be waived at the discretion of the OGED Director

Following the pre-application meeting, the Applicant shall send 1041 WOGLA notice to all required notice parties listed in Section 21-5-317 The notice shall encompass any agreed upon changes resulting from the pre-application meeting

**Add Sec 21-5-317. 1041 WOGLA notice**

A 1041 WOGLA notice Within six (6) months of the pre-application meeting the 1041 WOGLA notice shall be delivered by the Applicant to the following parties

1 and 2 – No change

3 Property owner(s) whose property boundaries are within two thousand (2,000) feet or less of the Oil and Gas Location (as determined by the Weld County Assessor's records at the time of notice),

4 The ECMC Director,

5 thru 7 – No change

B Delivery of the 1041 WOGLA notice shall occur not more than six (6) months, nor less than thirty (30) days, prior to submitting a 1041 WOGLA Permit application. The thirty (30) day period may be waived, at the discretion of the OGED Director. The 1041 WOGLA notice shall include the following information:

1 The parcel number and legal description of the Oil and Gas Location

2 A general description of the proposed Oil and Gas Facility, including the number of proposed Wells

3 Total disturbed acreage of the Oil and Gas Location

4 The anticipated date operations will commence (calendar quarter and year)

5 A statement that the notice recipient may request a meeting to discuss the proposed Oil and Gas Location with the Operator or the County

a Both Operator and assigned OGED Regulatory Analyst's contact information shall be provided

6 A statement that the Applicant will consider reasonable mitigation measures proposed by the notice recipient to Minimize Adverse Impacts of the proposed Oil and Gas Location

7 The following shall be attached to the notice

a Notification Zone drawing. The purpose of the notification zone drawing is to identify any required notice parties. This shall be a scaled drawing with scaled aerial imagery of the Oil and Gas Location to include the 1041 WOGLA Zone, all property lines and parcel numbers, as well as the name and address of the owner(s) of any parcel(s) located within two thousand (2,000) feet of the Oil and Gas Location, as determined by the Weld County Assessor's records

b Haul Route map. The purpose of the haul route map is to identify the Applicant's desired route to and from the preferred Oil and Gas Location. The map shall identify the proposed haul route, from the preferred Oil and

Gas Location to the nearest County designated arterial roadway or state or federal designated highway, and indicate the desired new or existing access point. Additionally, the map shall indicate the traffic distribution percentage when traffic reaches the arterial roadway or highway.

Upon receipt of the 1041 WOGLA notice by the OGED Director, he or she may request additional parties to be noticed. If requested by the OGED Director, the Applicant shall provide proof of notice delivered. All required notice parties may waive receipt of such notice(s) via Surface Use Agreement (SUA) or other agreement with the Operator or by written request to the OGED Director.

**Amend Sec. 21-5-320 Application requirements for 1041 WOGLA Permit**

A 1041 WOGLA Permit application shall be submitted to the OGED Director for processing and determination of whether the application is complete and in compliance with the requirements of this Section. The following shall be submitted as a part of the application:

A Weld County Oil and Gas Location Assessment Application. A 1041 WOGLA Permit application shall be submitted electronically to the OGED Director.

1 thru 3 – No change

4 Authorization. Where an Applicant is not the Surface Owner of the parcel(s) on which the Oil and Gas Location is sited, an authorization form executed by the Surface Owner(s) must be provided. If a copy of the SUA is provided with the application, then the SUA's grant of access to the site fulfills the requirement of providing an authorization form.

5 Required Information. The Applicant shall provide site-specific Best Management Practices (BMPs) illustrating how the health, safety, and welfare of Weld County's citizens, environment, and wildlife will be protected. With the consent of the Surface Owner(s), BMPs may include mitigation measures relevant to the SUA or other agreement.

a – No change

b A thorough explanation of the Site Analysis the Applicant has performed for the Oil and Gas Location, as supported by the DA drawing described in Section 21-5-320 B 2. Each alternative site shall include a short narrative of its pros and cons. The Site Analysis, beginning with the pre-application meeting, must describe how the Applicant's proposed location is superior to other alternatives considered by the Applicant in terms of protecting Weld County's residents, resources and infrastructure. Although it is not incumbent upon an Applicant to describe a certain number of alternatives that were considered against the Applicant's chosen site, it is generally expected that the Applicant will provide siting analysis explanations for the Locations that were discussed during the pre-application meeting. The Site Analysis shall include alternatives if the Applicant's chosen site has the

following cultural items within two thousand (2,000) feet of the Applicant's chosen site as measured from the Disturbance Area to the cultural item: Building Units, High Occupancy Building Units, hospitals, Schools, churches, Sensitive Areas, High Priority Habitats, local government boundaries, and water resources including lakes, ponds, rivers, and ditches.

c. and d. – No change.

e. A traffic narrative for the Oil and Gas Location addressing operations for construction, drilling, and completions, shall include the following information:

1) The number of roundtrips/day (Roundtrip = 1 trip in and 1 trip out) expected for each vehicle type (size and weight).

2) – No change.

3) The travel distribution along the routes (e.g. 50% of traffic will come from the north, 20% from the south, 30% from the east, etc.), including vehicle type (size and weight).

4) The time of day when the highest traffic volumes are expected, based on the vehicle type.

B. Attachments. The following shall be attached to the application:

1. *Haul Route Map.* The purpose of the haul route map is to identify the Applicant's desired route to and from the preferred Oil and Gas Location. The map shall identify the proposed haul route, from the preferred Oil and Gas Location to the nearest County designated arterial roadway or state or federal designated highway, and indicate the desired new or existing access point. Additionally, the map shall indicate the traffic distribution percentage when traffic reaches the arterial roadway or highway.

2. *Development Area drawing.* The purpose of the Development Area (DA) drawing is to illustrate the surroundings to assist in comprehensive planning and in the discussion of Oil and Gas Location siting. The drawing shall identify the DA for which the Wells on the Oil and Gas Location are intended to produce, and the preferred and alternative sites the Applicant has considered, or that were discussed during the pre-application meeting. In the case of an Oil and Gas Location with no Wells, the Well(s) producing to that Oil and Gas Location shall be identified.

3. thru 5. – No change.

Delete 6. *Process Flow Diagram.* A process flow diagram (PFD) which depicts oil and gas production operations. The PFD shall be presented as a flowchart that illustrates



~~the general flow of processes and equipment at an Oil and Gas Location. The PFD shall include all permanent Oil and Gas Facilities and shall show the flow path and direction of all oil, gas and water produced on, or transported to or from the Oil and Gas Location. The PFD shall also illustrate fuel and power sources for major equipment. The PFD need not include detailed piping and instrumentation.~~

~~76.~~ *Waste management plan.* A waste management plan shall be provided that describes the methods for storing, transporting and disposing of wastes. The plan must include a statement that waste materials will be handled in compliance with and should cite appropriate local, state and federal regulatory requirements. The plan should further provide that wastes stored onsite will be stored in compatible containers that are regularly inspected to ensure they are in good condition and free of excessive wear, structural issues or other defects that may impact their effectiveness. Reports and information regarding the integrity and effectiveness of compatible containers will be made available for review upon request. At a minimum, the waste management plan must address the following waste streams: drilling fluids, drill cuttings, Hydraulic Fracturing Fluid, Flowback and Produced Water, oil stained soils, tank bottoms, general trash, hazardous materials, and other non-hazardous solid wastes.

~~87.~~ *Lighting plan.* A plan detailing lighting to be utilized during the Construction Phase, and if applicable, the Production Phase shall be attached, as specified in Section 21-5-402.

C. *Additional Attachments.* The following items may be required as attachments to the Application, if applicable:

1. and 2. – No change.

3. *Noise mitigation plan.* A noise mitigation plan that describes how the Operator will comply with the maximum permissible noise levels specified in Section 21-5-416, Table 416 A.1. may be required. The plan shall include site-specific design for mitigation measures including the appropriate BMPs, engineering practices, and available technology the Operator will utilize to achieve compliance. The plan will provide an estimated duration of each stage of operations, including drilling, Completion, Flowback, production, and an estimate of the noise levels of each stage of operations. Lastly, the plan will reference any topographical and/or geographical features which may impact noise propagation from the proposed Oil and Gas Location.

4. *Dust Mitigation plan.* Operators shall submit a Dust Mitigation Plan if there are receptors (BUs, RBUs, HOBUs, DOAAs, Schools, School Facilities or Child Care Centers) within the 1041 WOGLA Zone, or if the Location is within HPH. If no receptors are located within the 1041 WOGLA Zone, the Operator will still be responsible for controlling dust on private access roads and on Location, especially on high wind days. See Section 21-5-406.

- 5 Odor Mitigation plan Operators shall submit an Odor Mitigation Plan, when required, as an attachment to the 1041 WOGLA Application Within the plan, Operators will detail how they will utilize all practicable BMPs and other methodologies to reduce odor, including, but not limited to, utilization of odor reducing or suppressive additives, utilizing different types of drilling mud, describing processes and equipment used to reduce odors for each odor source or on-site activity, and a list of all other odor reducing BMPs that may apply to the Location Additionally, the Odor Mitigation Plan should identify all potential sources of odors that are associated with each phase of Oil and Gas Operations, including, but not limited to, drilling fluids and cuttings, flowback and produced fluids, and E&P Waste The OGED Director may require an Operator to further evaluate its operation and impose additional odor mitigation measures in the event of a public complaint, or other odor observation

An Odor Mitigation Plan is required if there are receptors (BUs, RBUs, HOBUs, DOAAs, Schools, School Facilities or Child Care Centers) within the 1041 WOGLA Zone, or if the Location is within HPH

- 6 Oil and Gas Solar Energy Facility (OGSEF) plan See Division 5 of Chapter 21, Article V of this Code
- 7 A Visual Mitigation Plan See Section 21-5-404
- 8 Wildlife Mitigation Plan If the Location or its access is partially or fully within HPH, the Applicant will submit a copy of their Wildlife Mitigation Plan, pursuant to Section 21-5-456

D *Additional Weld County issued permits and agreements* The following permits and agreements may be required either for the issuance of a 1041 WOGLA Permit, or after approval of a 1041 WOGLA Permit

1 – No change

- 2 An Access Permit is required for a 1041 WOGLA Permit The Applicant shall complete an Access Permit application provided by the Weld County Department of Public Works pursuant to the requirements of Chapter 8, Article XIV of this Code If the access point is under the jurisdiction of the Colorado Department of Transportation or a Local Government other than Weld County, proof of access by such AHJ is required
- 3 If county-maintained roads are utilized to access the Oil and Gas Location, a maintenance or improvements agreement as outlined below may be required for a 1041 WOGLA Permit Following the submittal of a 1041 WOGLA Application, county staff will evaluate Application materials and determine the proper type of agreement required based on the specific haul route, safety requirements and plans of operation The agreement shall be prepared by county staff and sent to the Applicant for execution prior to the 1041 WOGLA Hearing

In accordance with Chapter 8, Article II of the Weld County Code, Agreement options for 1041 WOGLA Applications are as follows

- a *Road Maintenance Agreement (RMA) or Comprehensive Road Maintenance Agreement* May be required for a 1041 WOGLA Permit that will have long-term trucking operations from the site
- b *Road Maintenance During Construction (RMCA)* May be required for a 1041 WOGLA Permit that will significantly reduce or eliminate truck traffic from the site based on installed and utilized pipelines, except for minimal routine maintenance needs. Pre and post construction inspections are required for these agreements
- c *Offsite Improvements Agreement (OFFSIA)* May be required for a 1041 WOGLA Permit when safety concerns exist along the haul route that would necessitate improvements prior to the Construction Phase. Also, includes Road Maintenance requirements

A Cash in Lieu (CIL) one-time payment may be considered as an alternative to the RMA or RMCA. See Chapter 5, Appendix 5-D of the Weld County Code for payment information regarding CIL options for 1041 WOGLA Applications. The approval of a CIL payment does not relieve the Operator of dust control obligations for the haul route, or repair work for damage to County roads which is directly attributed to activities on the Oil and Gas Location.

- 4 A Drainage Report is required for a 1041 WOGLA Permit. At the time of application submittal, at minimum, a preliminary drainage report shall be provided for review by Weld County pursuant to the requirements of Chapter 8 Article XI, and Section 21-5-446 of this Code. Prior to applying for a Grading Permit, a final drainage report stamped and signed by a Professional Engineer registered in the State of Colorado is required.
- 5 If the Oil and Gas Location is located within a Special Flood Hazard Area identified by maps officially adopted by Weld County, a Flood Hazard Development Permit (FHDP) is required for a 1041 WOGLA Permit. The FHDP is issued by the Weld County Department of Planning Services pursuant to Chapter 23, Article XI of this Code. If required, a FHDP must be obtained prior to construction.
- 6 A Grading Permit is required prior to construction of any Oil and Gas Location greater than one (1) acre. This permit is issued by the Weld County Department of Public Works pursuant to the requirements of Chapter 8, Article XII of this Code.
- 7 If applicable, Building Permit(s) issued by the Weld County Department of Planning Services, shall be obtained prior to construction, pursuant to Chapter 23 and Chapter 29 of this Code.
- 8 If applicable, Right-of-Way (ROW) Permit(s), issued by the Weld County Department of Public Works, pursuant to Article XIII of Chapter 8 of this Code, are

required for any work occurring within County ROW No work within County ROW shall occur without such ROW Permits being issued ROW Permits may be issued after 1041 WOGLA Permit approval

- 9 If applicable, a Special Transport permit shall be obtained No vehicles associated with the 1041 WOGLA Permit may exceed legal per axle weight limits and/or legal size limits as set forth in Article XV of Chapter 8 of this Code, unless Special Transport permits have been applied for and granted by the Weld County Department of Public Works Special Transport permits may be issued after 1041 WOGLA Permit approval

Remainder of Section – No change

**Amend Sec. 21-5-325 Comprehensive Development Plans (CDPs).**

- A Operators are encouraged to initiate and enter into Comprehensive Development Plan ("CDP") where feasible and with the agreement of Surface Owner(s) CDPs will identify foreseeable oil and gas activities in a defined geographic area, facilitate discussions about potential cumulative impacts, and identify mitigation measures to Minimize Adverse Impacts to public health, safety, welfare, and environment, including Wildlife Resources The plan shall (a) identify natural features of the geographic area, including vegetation, Wildlife Resources, and other attributes of the physical environment, (b) describe the Operator's future Oil and Gas Operations in the area, (c) identify potential impacts from such operations, (d) develop agreed-upon measures to avoid, minimize, and mitigate the identified potential impacts, (e) include other relevant information A Comprehensive Development Plan must be approved by the 1041 Hearing Officer and shall be valid for a period of up to ten (10) years, as recommended by the OGED Director and approved by the Hearing Officer, unless extended by the 1041 WOGLA Hearing Officer
- B CDPs shall begin with a Pre-application meeting as described in Section 21-5-315 A single pre-application meeting shall be held to discuss the CDP area in its entirety The Development Area drawing shall encompass the entirety of the CDP boundary and show each of the individual Oil and Gas Locations proposed The proposed Haul Route map shall indicate the preferred route to each Location, along with the proposed access point to each Location
- C 1041 WOGLA Notice shall be sent to all parties as described in Section 21-5-317, inclusive of those property owners located within two thousand (2,000) feet of each individual Location within the CDP boundaries Each property owner shall be provided the specific Notification Zone drawing relevant to their property, as well as an additional map showing the boundaries of the entire CDP with all individual Oil and Gas Locations identified
- D In order to be considered a CDP and request an extended term, there shall be a minimum of three (3) individual Oil and Gas Locations The Development Areas shall be contiguous
- E While many of the aspects of the CDP will be consistent and uniform throughout, CDPs will always be conditioned for the submittal of a Site-Specific 1041 WOGLA Application These Site-Specific Applications shall be submitted closer to the time of construction (no

less than sixty (60) days prior to notice of construction), and may be administratively approved, as long as no major changes are proposed to a Location – see Section 21-5-360

- F CDP's will be considered "evergreen" in nature, meaning Operators must adhere to all current and future Code requirements and Development Standards
- G Upon approval, the individual Site-Specific 1041 WOGLA Application shall follow the remaining term of the original CDP
- H Upon approval, the Locations specified within the CDP shall have received initial siting approval, and shall not require a new 1041 WOGLA hearing, unless major changes are proposed – see Section 24-5-360
- I Process Milestones for CDPs

The following steps are anticipated for CDP Applications and are for general guidance only

- 1 Pre-application – CDPs will follow the pre-application process outlined in Section 21-5-315. However, the Development Area drawing shall encompass all lands which are planned to be developed within the proposed CDP. In addition, the drawing will show the preferred sites for all Locations within the CDP
  - 2 1041 WOGLA Notice – the Applicant shall send 1041 WOGLA notice as outlined in Section 21-5-317
  - 3 1041 WOGLA Application submittal
  - 4 The Applicant shall hold a community meeting prior to the 1041 WOGLA Hearing. The community meeting shall be held in-person, at a location and time to allow the greatest possible community involvement for those within or around the CDP area. A virtual community meeting may be held in addition to the in-person meeting, to reach additional community members who may not be able to attend in-person
  - 5 CDPs shall follow the hearing process as outlined in Section 21-5-340
  - 6 CDP final order shall be recorded and legally noticed as outlined in Section 21-5-345
- J CDP Application requirements
- 1 The items contained within Section 21-5-320 A, with the exception of Section 21-5-320 A 5 c and e
  - 2 Haul Route map, inclusive of all proposed Locations within the CDP

- 3 Development Area drawing, showing both the extents of the CDP, as well as the individual DAs within the CDP
  - 4 Comprehensive RMA, or other agreement as detailed in Section 21-5-320 D 3
  - 5 EAP utilizing the template from OEM
  - 6 Minimum preliminary drainage requirements for CDP Provide a brief memorandum that describes the proposed drainage concept for the typical Location and how stormwater quantity and quality will be managed, a statement acknowledging the requirements in Chapter 8 Article XI of this Code, and identify any nearby irrigation ditches or bodies of water downstream of any Locations and acknowledge that stormwater release into any irrigation ditch requires written permission from all ditch owners
- K Site-Specific Application requirements for Locations within an approved CDP
- 1 Subsequent to CDP approval, Site Specific 1041 WOGLA Applications shall be submitted by the Applicant for each Location within the CDP, and shall include, but not be limited to, the following information
    - a The items contained within Section 21-5-320
  - 2 The Applicant is required to send 1041 WOGLA notice no less than sixty (60) days, and no more than six (6) months, per Section 21-5-317

**Amend Sec 21-5-330 OGED review of 1041 WOGLA Permit application**

The OGED Director shall review the 1041 WOGLA Permit Application to determine if it is complete Such review shall occur within ten (10) business days of the filing of the Application Any Application deemed incomplete by the OGED shall be re-submitted within ninety (90) days for completeness determination Any Application remaining incomplete beyond ninety (90) days will be automatically withdrawn Upon completeness determination, the OGED Director shall

A and B – No change

C Refer the Application to the following agencies for review and comment The agencies named shall respond within twenty-eight (28) days from the mailing of the application by the County The failure of any agency to respond within twenty-eight (28) days shall be deemed to be a favorable response to OGED The referral shall state that the OGED Director will conduct a formal consultation with the referral agency during the twenty-eight (28) day referral period if requested by the referral agency Reviews and comments solicited by the County are intended to provide the County with information about the proposed Oil and Gas Location The reviews and comments submitted by a referral agency are recommendations to the 1041 WOGLA Hearing Officer

1 thru 4 – No change

Add 5 The Weld County Office of Emergency Management

6 The CPW

7 The ECMC

7 thru 11 – No change Renumber as 8 thru 12

D and E – No change

Delete last paragraph of Section

**Amend Sec. 21-5-340. 1041 WOGLA Hearing.**

A *1041 WOGLA Hearing Participation* The Applicant and any person or entity who has been granted intervention by the Hearing Officer shall have the right to participate formally in the 1041 WOGLA hearing The process for seeking intervention is as follows

1 Application for Intervention must be received by the Hearing Officer twenty (20) days prior to the 1041 WOGLA hearing Application for Intervention must be on the form provided on the OGED website Persons who have standing to participate are limited to those who have received notice of the 1041 WOGLA hearing by First-Class Mail or who have demonstrated they would be directly, adversely and significantly affected or aggrieved by the granting of the 1041 WOGLA Permit Application for Intervention must include the following

a The docket number and date of the 1041 WOGLA hearing,

b thru f – No change

2 – No change

3 Any written comment provided by a person who is not granted intervention, or by any other member of the public, will be included in the 1041 WOGLA hearing record, to be considered by the Hearing Officer as evidence and given such weight as the Hearing Officer believes is appropriate

B Conduct of 1041 WOGLA hearing

1 1041 WOGLA hearings shall be recorded, and a list of attendees shall be kept

2 thru 4 – No change

C *Decision of the 1041 WOGLA Hearing Officer* Upon the conclusion of the 1041 WOGLA hearing, the Hearing Officer shall

1 Grant approval of the 1041 WOGLA Permit if he or she determines that sufficient evidence exists in the record that the standards set forth in Division 4 of this Article

V will be met and that the proper Site Analysis has been performed by the Applicant

2 – No change

3 Deny the 1041 WOGLA Permit if he or she determines that insufficient evidence exists in the record or that a proper Site Analysis has not been performed by the Applicant. If a 1041 WOGLA Permit is denied, the Applicant may apply for a 1041 WOGLA Permit on the same parcel only if substantial changes have been made to the Application from the original submittal.

4 and 5 – No change

D – No change

E *Right to appeal* The Appellant must file a written notice with the OGED Director within ten (10) days of receiving the Hearing Officer's final order. The notice of appeal must specifically state what part of the decision the Appellant believes the Hearing Officer either misinterpreted the facts presented in the Application and/or in the 1041 WOGLA Hearing, or misapplied the regulations set forth in Article V. The notice shall not exceed five (5) pages in length. The OGED Director may submit a memorandum brief but must do so within ten (10) working days of receiving the notice of appeal. Any such memorandum brief shall not exceed five (5) pages in length.

F *Review of appeal and decision* The OGED Director shall transmit the Hearing Officer's order, the notice of appeal and any memorandum brief to the Board of County Commissioners for review within twenty-one (21) days of receiving the notice of appeal. The Board of County Commissioners may affirm the Hearing Officer's order, modify it in whole or in part, or remand the matter to the Hearing Officer for further fact-finding. A modification may only be made if, based upon the Hearing Officer's findings of fact, the order clearly shows the Hearing Officer either misinterpreted the facts presented in the Application and/or in the 1041 WOGLA Hearing, or misapplied the regulations set forth in Article V. The Board of County Commissioners may review the entire 1041 WOGLA Hearing record upon a majority vote of the Board of County Commissioners. The Board of County Commissioners shall transmit a written decision on the appeal to the OGED Director within ten (10) working days after receiving the notice of appeal and other documents allowed herein. The OGED Director shall thereafter communicate the decision to the Applicant, the Appellant, and the Hearing Officer within five (5) working days of receiving the Commissioners' decision.

**Amend Sec 21-5-345 Recording of the 1041 WOGLA Permit, and Vested Property Rights**

Following the 1041 WOGLA Hearing, if the Hearing Officer grants approval for the 1041 WOGLA Permit, the following shall occur:

A The Hearing Officer shall prepare the draft final order. Once written, he or she will provide the draft final order to the Applicant and to the Regulatory Analyst assigned to the Case, for their review. Said review shall be for a period of not more than three (3) business days.



and is intended to allow for evaluation of the details and COAs to be included on the final order, prior its recording. The Applicant shall not be allowed to change or reline the draft final order but may request the Hearing Officer's consideration of including or modifying certain details based upon the testimony provided at the 1041 WOGLA hearing. If no comments are received within three (3) business days, the Hearing Officer shall provide the final order to OGED for recording.

- B The OGED Director shall record the final order with the Weld County Clerk and Recorder
- C After the final order is recorded with the Weld County Clerk and Recorder, the OGED Director shall forward a copy of the recorded document to the ECMC.
- D Pursuant to Section 24-68-101(1)(a), C R S , with the intent to ensure reasonable certainty, stability, and fairness in the Land Use planning process and in order to stimulate economic growth, secure the reasonable investment-backed expectations of landowners, and foster cooperation between the public and private sectors in the area of Land Use planning, the Board of County Commissioners declares and orders that an approved 1041 WOGLA Permit is an approved site specific development plan as that term is defined in Section 23-1-90 of this Code and in Section 24-68-102(4)(a), C R S.
  - 1 Therefore, an approved 1041 WOGLA Permit is a vested property right, as defined in Section 23-1-90, upon the completion of the notification requirements set forth in Section 23-8-70 of this Code.
  - 2 Once noticed pursuant to the requirements of Section 23-8-70, the approved 1041 WOGLA Permit confers upon the Operator the right to undertake and complete the exploration and production of oil and gas in Weld County under the terms and conditions set forth therein, pursuant to Section 24-68-103(1), C R S.

Delete last paragraph of Section labeled C

**Delete Sec 21-5-350 Compliance with 1041 WOGLA Permit conditions of approval and Development Standards**

**Amend Sec 21-5-350 Required notification**

- A *Notifications to the OGED Director* The following notifications sent to the OGED shall certify certain conditions of approval or Development Standards, which were specified as part of the approved 1041 WOGLA Permit, have been completed. The notification shall list the COA(s) or Development Standard(s) completed, along with any relevant permit number or identification number assigned.

If an Operator does not develop the Location in a single occupation, the following notifications may be required multiple times.

- 1 *Prior to construction notification* The Operator is required to provide written notice to the OGED Director two (2) weeks prior to beginning the Construction Phase of

the Oil and Gas Location. This written notice satisfies the notification requirements of the Road Maintenance Agreement and the Emergency Action Plan.

2. *Drilling and Completions notifications.* The Operator is required to provide notice to the OGED Director for the following:
  - a. *Spud notice* - At least 48 hours prior to Spud, the Operator shall provide written notice of such activity to the OGED Director. This notification satisfies the requirements outlined in the Emergency Action Plan.
  - b. *Completions notice* - At least one (1) week prior to commencement of Completions activity on an Oil and Gas Location, the Operator shall provide written notice of such activity to the OGED Director. This notification will meet the requirements outlined in the Emergency Action Plan.
3. *Turn-in-Line notification.* The Operator is required to provide written notice to the OGED Director within two (2) weeks of a Well or facility being turned to sales. ~~This written notice shall include an electronic GIS map (shapefile or kmz) showing the off-location Flowlines.~~ This written notification satisfies the notification requirements of the Road Maintenance Agreement and the Emergency Action Plan.
4. *Interim Reclamation notice.* The Operator is required to provide written notice to the OGED Director pursuant to the requirements of Section 21-5-555.D.3., documenting the success of the interim Reclamation.
5. *Final abandonment notice.* The Operator is required to provide written notice to the OGED Director at least one (1) week prior to plugging the final Well on a Location or final decommissioning of an Oil and Gas Facility. This notice will begin the final Reclamation requirements outlined in Section 21-5-560.E.

B. – No change.

C. *Notification to property owner(s).* At least thirty (30) days, but no more than ninety (90) days, before Oil and Gas Operations or construction commences, the Operator shall provide written notice (Notice of Operations) to all property owners within the 1041 WOGLA Zone. Property owners shall be re-noticed if: it has been more than one (1) year since the previous notice or since drilling activity last occurred, or notice was not previously required.

1. Notice of Operations shall be delivered in writing, with receipt confirmation, to all property owners within the 1041 WOGLA Zone (as determined by Weld County Assessor's record at the time of notice).
2. The Notice of Operations must include:

- a A statement informing the property owner that the Operator intends to construct an Oil and Gas Location within two thousand (2,000) feet of their property,
  - b thru f – No change
- 3 A property owner entitled to receive Notice of Operations may waive their right to be noticed, in writing, at any time. The Operator shall provide evidence of this waiver to OGED, if requested.

**Amend Sec 21-5-355 Amendments, termination, or failure to commence use**

- A Any amendments to an Oil and Gas Location which modify or expand the Facility or Location beyond what was originally permitted by Weld County or the ECOMC shall be filed with the OGED via the Sundry Process. The OGED Director will review the Sundry and determine if the request is minor or major, and if subsequent action is needed. Minor amendments may be administratively approved by the OGED Director, however, additional BMPs may be required. Major amendments may require a new 1041 WOGLA Permit Application and fee.
- B – No change
- C No Sundry request is required for refracs, recompletions, routine Well Site operations, normal repairs and maintenance of an existing Oil and Gas Facility, like kind replacement of equipment, setting Temporary equipment, surface disturbance at an existing Oil and Gas Location within the original disturbed area which does not have the effect of permanently expanding the Oil and Gas Facility or Oil and Gas Location, and repairs or maintenance of an Oil and Gas Facility required by a county, state, or federal compliance order.
- D The Construction Phase authorized by an approved 1041 WOGLA Permit shall commence within three (3) years from the date of publication announcing the approval of the 1041 WOGLA Permit, or the approval shall terminate. Requests for extension may be granted by the OGED Director, via the Sundry Process, but the 1041 WOGLA Permit shall then be subject to any new rules amended into this Article V since the approval of the original 1041 WOGLA Permit.

**Add Sec. 21-5-360 Site inspection by OGED.**

OGED or Weld County staff may inspect, at any time, the Oil and Gas Locations subject to the regulations set forth in this Article V to determine if the Oil and Gas Location is in compliance.

**Add Sec 21-5-365 Compliance with 1041 WOGLA Permit Conditions of Approval and Development Standards.**

An Applicant for a 1041 WOGLA Permit shall comply with the Conditions of Approval (COAs) and Development Standards detailed in the 1041 WOGLA Permit and in Division 4 of this

Article V Noncompliance with the COAs and Development Standards may be reason for revocation of the 1041 WOGLA Permit by the Hearing Officer

Enforcement actions by the OGED Director shall be according to the following procedure

- A *Enforcement of COAs* The Hearing Officer shall, after hearing and upon issuing a preliminary order granting the 1041 WOGLA Permit, schedule a return date when the Operator shall present evidence to the Hearing Officer that all "Prior to Recording" COAs have been satisfied. Upon providing such evidence, the Hearing Officer shall issue a final order granting the 1041 WOGLA Permit. If no "Prior to Recording" COAs exist, the Hearing Officer shall issue a final order granting the 1041 WOGLA Permit and no return date shall be necessary. Should at any time the Operator be found to be out of compliance with any COAs or Development Standards, the OGED Director may set a violation hearing, or a suspension or revocation hearing before the Hearing Officer pursuant to the provisions of Section 21-5-370, below
- B *Enforcement of Development Standards* The enforcement of the standards (referred to herein as "Development Standards") stated in the 1041 WOGLA Permit and/or in Division 4 of this Article V shall be conducted by the OGED Director in the following manner
- 1 Upon receiving a complaint from any member of the public or the filing of an inspection report by an OGED inspector, alleging a violation of Development Standards stated in the 1041 WOGLA Permit and/or in Division 4 of this Article V, the OGED Director shall notify the Operator of the complaint or adverse inspection report and require Operator investigation and response within 24 hours. Within the OGED Director's required timeframe, the Operator shall correct the violation and inform the OGED Director of such correction. If the Operator is unable to achieve the required correction within the stated timeframe, the Operator shall inform the OGED Director of the circumstances and the anticipated date of correction, and the OGED Director may modify the stated timeframe
  - 2 If the OGED Director has probable cause to believe the violation persists, he or she shall notify the Operator, in writing, of the violation, present a demand for correction and provide a date upon which the violation must be corrected. The Operator shall correct the violation within the stated timeframe and notify the OGED Director, in writing, of such correction
  - 3 If the OGED Director does not receive a written response from the Operator within the stated timeframe saying the violation has been corrected, or if upon OGED inspection there is probable cause to believe the violation persists, the OGED Director shall set a violation hearing, or a suspension or revocation hearing before the Hearing Officer pursuant to the provisions of Section 21-5-370, below

**Amend Sec 21-5-370. Violation procedures**

- A If following the notice and timeframes called for in Section 21-5-365 above, the OGED Director determines that one (1) or more of the 1041 WOGLA Permit Development Standards set forth in Division 4 of this Article V or any of the Conditions of Approval have

not been met, the OGED Director shall notify the Operator of the Oil and Gas Location of the failure to comply with the terms of the 1041 WOGLA Permit, the COAs, and/or the Development Standards set forth in this Article V. The notice will inform the Operator that a hearing has been scheduled before the Hearing Officer to determine if there is a violation of the 1041 WOGLA Permit. The Operator shall have the right to participate and present information at the hearing.

- B The Hearing Officer shall hold a hearing to determine if the Operator of the Oil and Gas Location has failed to comply with the terms of the 1041 WOGLA Permit, the COAs, and/or the Development Standards set forth in this Article V. Upon such a finding, the Hearing Officer may suspend or revoke the 1041 WOGLA Permit, and order the Operator to cease the use of the Oil and Gas Facility immediately. In lieu of suspension or revocation, the Hearing Officer may order the Operator to submit a compliance plan and set a timeframe for return to present evidence of compliance or develop an alternative course of action which may be deemed appropriate due to the specific violation(s).

- 1 If the Hearing Officer finds the Operator in violation of the terms of the 1041 WOGLA Permit, the COAs, and/or the Development Standards set forth in this Article V, he or she may also assess fees to the Operator, pursuant to Appendix 5-D of the Weld County Code.

C – No change

**Delete Sec. 21-5-380. Site inspection by OGED**

**Amend Sec. 21-5-390 Transferability of 1041 WOGLA Permits**

Once issued, 1041 WOGLA Permits, along with any ancillary Weld County issued permits or agreements, are transferable to a new Operator. The new Operator is subject to all terms and conditions of the 1041 WOGLA Permit and shall be considered the Responsible Party. Within sixty (60) days of transfer, the new Operator shall notify the OGED Director, and the Surface Owner in writing of the name, business address, and other contact information for the new Operator.

**Division 4 - Weld Mineral Resource (Oil and Gas) Area Development Standards**

The following Development Standards (referred to herein as "Development Standards") apply to all Oil and Gas Locations within the Weld Mineral Resource (Oil and Gas) Area having received approval of a 1041 WOGLA Permit (or an amendment thereto as required by Section 21-5-360).

**Amend Sec. 21-5-402. Lighting.**

As part of the Application, an Operator shall submit a lighting plan for the Construction Phase and, if applicable, the Production Phase of the Location. The lighting plan shall demonstrate compliance with the maximum permissible lighting levels, as described in this Section 21-5-402. The lighting plan shall describe mitigation measures to be used at the Location.

to comply with the lighting standards outlined in Section 21-5-402 E for both Construction and Production Phases

If requested, an exemption may be granted for the Construction Phase lighting plan, if the Location will include thirty-two (32) foot sound walls on all sides. If an exemption is granted, the Applicant shall continue to be bound to the lighting standards as outlined in Section 21-5-402 E, below. No exemption for a Production Phase lighting plan shall be granted.

Considering the Planning Area, surrounding Land Uses, the number and proximity to Building Units, DOAAs, and/or High Priority Habitats, OGED is responsible for recommending an appropriate LZ, to be considered by the OGED Director and/or the Hearing Officer as part of the 1041 WOGLA Permit

**A** *Lighting Zones ("LZ")*

**Table 402 A 1**

Remainder of Table – No change

Source Illuminating Engineering Society, International Dark-Sky Association, Joint IDA-IES Model Lighting Ordinance (MLO) with User's Guide, June 15, 2011

**B** – No change

**Table 402 B 1**

Remainder of Table – No change

Source Illuminating Engineering Society, International Dark-Sky Association, Joint IDA-IES Model Lighting Ordinance (MLO) with User's Guide, June 15, 2011

The allowable base lumens for an Oil and Gas Location are calculated using the Lighting Zone as shown in Table 402 A 1, and the total hardscape. In both Planning Areas, the Construction Phase hardscape shall equal the acreage of the Oil and Gas Location, or up to twelve (12) acres, whichever is less.

Operators shall ensure that lighting at the Oil and Gas Location does not exceed the assigned allowable base lumens.

During the Construction Phase or during operations involving Pipeline or Gas Facility installation or maintenance, use of a Workover rig, or stimulation, Operators must comply with the maximum allowable lumens per SF as shown in Table 402 B 1.

**C** – No change

**Table 402 C 1**

Remainder of Table – No change

Source Illuminating Engineering Society, International Dark-Sky Association, Joint IDA-IES Model Lighting Ordinance (MLO) with User's Guide, June 15, 2011

The allowable base lumens for an Oil and Gas Location are calculated using the Lighting Zone as shown in Table 402 A 1, and the total hardscape. In both Planning Areas, the Production Phase hardscape shall equal actual acres of the Oil and Gas Location after interim Reclamation.

Operators shall ensure that lighting at the Oil and Gas Location does not exceed the assigned allowable base lumens.

1. During the Production Phase, unless another LZ is allowed by the OGED Director and/or the 1041 WOGLA Hearing Officer, Oil and Gas Locations within the Ag-Rural Planning Area shall comply with the lighting standards of LZ-0 or LZ-1, depending upon the number of and proximity to Building Units, DOAAs, and/or High Priority Habitats. Unless another LZ is allowed by the OGED Director and/or the Hearing Officer, Oil and Gas Locations within the Near-Urban Planning Area shall comply with the lighting standards of LZ-0 through LZ-3, depending upon the number of and proximity to Building Units, DOAAs, and/or High Priority Habitats.

a - No change

- D. *Lighting plan requirements.* Operators shall provide a lighting plan with the Application to be considered by the OGED Director and the Hearing Officer.

1. The lighting plan will demonstrate compliance with the Construction Phase lighting levels outlined in Table 405 B 1, and the Production Phase lighting levels outlined in Table 405 C 1, if applicable. The plan will demonstrate how the Applicant will utilize BMPs and lighting technology to limit the amount of light leaving the Location. The plan will include the following information, along with any other information OGED may request:

a thru c – No change

Delete d

OGED may consider substantially equivalent information in lieu of the above requirements.

2. If a Location, during the Production Phase, utilizes indicator beacons, heat trace, or similar lighting that is designed to alert personnel to emergencies or abnormal operating conditions occurring on the Oil and Gas Location, and if said lighting is the only lighting on Location and is red or amber in color, the Applicant will not be required to submit a Production Phase lighting plan.

- E. *Lighting standards.* Operators shall adhere to the following lighting standards at all Oil and Gas Locations during all phases of Oil and Gas Operations. Nothing in this section shall prohibit the use of indicator beacons, heat trace, or similar lighting that is designed to alert

personnel to emergencies or abnormal operating conditions occurring on the Oil and Gas Location

- 1 – No change
- 2 Operators will place bulbs within fixtures that obscure, block, or diffuse the light to reduce light trespass outside the boundaries of the Oil and Gas Location
- 3 Offsite impacts from lighting shall be reduced or mitigated to the greatest extent practicable using BMPs including, but not limited to
  - a Minimizing lighting when not needed using timers, switches, or motion sensors (“use only the lights you need”) “Dusk til dawn” lighting is not allowed,
  - b – No change
  - c Using lighting colors and/or temperatures that reduce light intensity, and

Remainder of Section – No change

#### **Amend Sec. 21-5-404 Visual impact mitigation**

Production Facilities, regardless of construction date, observable from any public roadway shall be painted with uniform, non-contrasting, non-reflective color tones (similar to the Munsell Soil Color Coding System), and with colors matched to, but slightly darker than, the surrounding landscape

Weld County staff may request the Applicant to provide a visual mitigation plan as part of the 1041 WOGLA Application or Sundry The intent of the plan is to describe and graphically represent the enhanced mitigation efforts the Applicant will employ to visually screen the Location from the general public

Portable toilets for use on the Oil and Gas Location shall not be visible from adjacent properties or public roadways Sound walls or fencing may be used as screening

#### **Amend Sec 21-5-406 Fugitive dust**

- A Operators shall employ practices for control of fugitive dust caused by their operations on the Oil and Gas Location and private access roads Such practices shall include, but are not limited to, the use of speed restrictions, regular road maintenance, restriction of construction activity during high-wind days, silica dust controls when handling sand used in Hydraulic Fracturing operations, and the application of dust suppression controls limited to magnesium chloride and Fresh Water
  - 1 The submittal of and compliance with a dust mitigation plan detailing additional management practices such as road surfacing, construction of wind breaks and barriers, soil stockpile stabilization or automation of Wells to reduce truck traffic may be required by the OGED Director and/or the 1041 WOGLA Hearing Officer



as part of the 1041 WOGLA Permit approval to provide impact mitigation, or pursuant to a fugitive dust enforcement action against an Operator

- B Should the Operator choose to provide a cash in lieu payment pursuant to the provisions of Section 21-5-320 C 3 of this Code, the Operator shall continue to be responsible for mitigating fugitive dust on County roads that are part of the haul route for the Oil and Gas Location

**Amend Sec 21-5-408 Odor**

Oil and Gas Operations shall comply with the AQCC Regulation No 2 Odor Emission (5 C C R 1001-4) Subsections A I A , and A II—A V, which standards may be enforced by the OGED Director following the enforcement procedures set forth in this Article V The OGED Director and/or the 1041 WOGLA Hearing Officer may require the submittal of and compliance with an odor mitigation plan as part of the 1041 WOGLA Permit approval to provide impact mitigation, or pursuant to any enforcement action against an Operator

**Amend Sec 21-5-410 Site Security**

- A The Oil and Gas Facility shall be designed and operated in a manner that is protective of public health, safety and welfare during all phases of operation by preventing public access, unauthorized vehicular traffic, and illegal dumping of wastes

1 and 2 – No change

Delete Remainder of Section

**Add New Sec 21-5-412. Site Signage**

- A The Operator shall, concurrent with the Surface Owner notice, post a Temporary sign The sign shall be placed at the intersection of the lease road and the public road providing access to the Oil and Gas Location but shall not be placed in the road right-of-way Such sign, which shall be no less than four (4) square feet, and no greater than thirty-two (32) square feet, shall provide

- 1 The name of the Operator
- 2 The proposed Oil and Gas Location name
- 3 The legal description of the proposed Location, including Section and Quarter/Quarter
- 4 The assigned address
- 5 The estimated date of construction commencement

Such sign shall be maintained until the placement of the permanent signage

B When completion operations of a Well are concluded, or within sixty (60) days after beginning construction of an Oil and Gas Location, or when an existing sign is replaced or modified, a permanent sign shall be required. The sign shall be placed at the intersection of the lease road and the public road providing access to the Oil and Gas Location but shall not be placed in the road right-of-way. Such sign, which shall be no less than four (4) square feet, and no greater than thirty-two (32) square feet, shall provide

- 1 The name of the Operator
- 2 The proposed Oil and Gas Location name
- 3 The legal description of the proposed Location, including Section and Quarter/Quarter
- 4 The assigned address
- 5 The phone number at which the Operator can be reached twenty-four (24) hours a day, seven (7) days a week
- 6 A phone number for local emergency services (911 where available)

In lieu of posting a Temporary sign per Section 21-5-412 A, the permanent sign may be installed

C General sign requirements

- 1 Operator will ensure signs are visible, well maintained and legible. Operator will eliminate any obstruction(s) affecting visibility as soon as possible and replace damaged or vandalized signs within thirty (30) days of discovery that the sign is damaged or no longer legible.
- 2 If additional signage is placed for purposes of public notification related to the Oil and Gas Location, the sign(s) shall not be placed in the road right-of way, be no less than four (4) square feet, no greater than thirty-two (32) square feet, and will not be illuminated. Said sign shall be removed upon placement of Temporary sign per Section 21-5-412 A, or permanent sign per Section 21-5-412 B.
- 3 Within sixty (60) days of any transfer of assets by Operators, the new Operator shall replace or update all signs to comply with Section 21-5-412 B.
- 4 Any sign that is replaced or updated for any reason shall comply with Section 21-5-412 B.

**Amend Sec 21-5-414. Well completions.**

Oil and Gas Well Completions shall be conducted in compliance with the Reduced Emissions or "Green" Completion requirements of CDPHE, AQCC, Regulation 7 and US EPA, New Source Performance Standards, Subparts OOOO and OOOOa

**Amend Sec 21-5-416. Noise.**

As part of the application for a 1041 WOGLA Permit, an Operator shall describe noise mitigation measures that demonstrates their capability to meet the maximum permissible noise levels as described in this Section 21-5-416 A. These measures shall be included in the Operator's Noise Mitigation Plan, as described in Section 21-5-320 C 3

- A *Noise Level Standards* All Oil and Gas Operations will comply with the following maximum permissible noise levels

**Table 416 A 1**

Remainder of Table – No change

- 1 During the Construction Phase or during operations involving Pipeline or Gas Facility installation or maintenance, use of a Workover rig, or stimulation, Operators must comply with the following noise levels
  - a For Oil and Gas Locations within the Ag-Rural Planning Area, Operators shall comply with the maximum permissible noise level for the NL-4 standard
  - b For Oil and Gas Locations within the Near-Urban Planning Area, Operators shall comply with the maximum permissible noise level for the NL-3 standard
  - c The OGED Director may require Operators to comply with a lower maximum permissible noise level in consultation with the Colorado Department of Public Health and Environment, Colorado Parks and Wildlife, or due to input from surrounding Building Units within the 1041 WOGLA Zone
  - d Compliance points shall be determined as follows
    - 1) Five hundred (500) feet from the Oil and Gas Location, or
    - 2) Twenty-five (25) feet from the exterior wall of a Building Unit, or
    - 3) The boundary of the 1041 WOGLA Zone

If access to a property is not attainable, a noise measurement will be taken at a point that is equally representative of the assumed impacts, as identified by the OGED Director

2 – No change

- 3 Periodic, impulsive or shrill noises will be allowed an additional five (5) db(A) from the levels shown in Table 416 A 1 for a period not to exceed 15 minutes in any 1-

hour period Operators shall use BMPs and equipment maintenance or modifications to limit these types of noises to the fullest extent possible

4 – No change

5 As part of the 1041 WOGLA Application, a noise mitigation plan as outlined in Section 21-5-320 C 3, shall be required for all Oil and Gas Locations within the Near-Urban Planning Area For Oil and Gas Locations within the Ag-Rural Planning Area, a noise mitigation plan shall be required only if there are Building Units, DOAAs, and/or High Priority Habitats within the 1041 WOGLA Zone

a If a Building Unit, High Priority Habitat, or DOAA is built or designated after an Oil and Gas Location is permitted, the Operator shall continue to comply with the standards of Section 21-5-416 A, as allowed within the approved 1041 WOGLA Permit

6 A noise impact study by a qualified sound expert may be required for Oil and Gas Locations within either the Near-Urban or Ag-Rural Planning Area, depending upon the number of and proximity to Building Units, DOAAs, and/or High Priority Habitats

a When required by the OGED Director, the Operator will prepare a noise impact study which will provide sound projection modeling including db(A) and db(C) measurements at the points of compliance per Section 21-5-416 A 1 d, out to two thousand (2,000) feet, for both drilling and completions phases The study will include graphic representation of buffers from the Oil and Gas Location every five hundred (500) feet, out to two thousand (2,000) feet The study shall also indicate all sensitive receptors and any significant geographic or topographic features that may impact noise propagation from the Oil and Gas Location

b – No change

7 A baseline ambient noise survey by a qualified sound expert may be required when there are existing industrial or commercial types of activity within the 1041 WOGLA Zone Examples of industrial or commercial types of activity may include, but are not limited to, businesses, roadways, railroads, and airports

a – No change

b When required, the 1041 WOGLA Permit will include a condition of approval requiring the Operator to conduct a background ambient noise survey The survey shall be conducted no more than one (1) year, nor less than thirty (30) days prior to the Construction Phase Survey results shall be submitted to the OGED Director for review and possible action If necessary, the noise mitigation plan shall be updated accordingly based on the survey results and submitted to the OGED Director for approval

- c. When an Operator conducts a background ambient survey the Operator will follow the same approach as outlined in Section 21-5-416 B and over a 72-hour period, including at least 24 hours between 10 00 p m on a Friday and 4 00 a m on a Monday A single cumulative daytime ambient noise level and a single cumulative nighttime ambient noise level will be established by taking the logarithmic average of all daytime or nighttime one (1)-hour Leq values measured and in accordance with the sound level data collection requirements pursuant to the maximum permissible noise levels found in Table 416 A 1
  - d. Sound levels shall be measured at a distance of five hundred (500) feet from the Oil and Gas Location, at minimum in four (4) directions If property access is not granted, or if certain situations exist that prohibit measuring sound levels in one or more directions, the OGED Director may grant an exception to measure less than four (4) directions
  - e. Operators may exceed the noise levels in Table 416 A 1 as measured at the nearest noise point of compliance if all reasonably affected Surface Owners and tenants within the 1041 WOGLA Zone provide a written waiver to the higher noise limit requested by the Operator
- B To demonstrate compliance with the standards set forth in Section 21-5-416 A, sound levels shall be measured according to the following standards

1 Pursuant to an A-scale complaint

- a. Sound levels shall be measured at the point (2) of compliance per Section 21-5-416 A 1 d , in the direction of the complainant
- b. At the request of the complainant or OGED Director, sound levels may be measured at a point beyond the point of compliance, that the complainant or OGED Director believes is more representative of the noise impact

Delete c and d , and reletter subsequent sections

- c. In situations where measurement of noise levels at the point(s) of compliance per Section 21-5-416 A 1 d is unrepresentative or non-attainable due to topography, measurements may be taken at a more attainable/accessible distance and be extrapolated to the point of compliance using the following formula

$$\text{Unknown db(A)} = \text{Known db(A)} - (20 \times \log_{10}(d2/d1))$$

This same formula should also be used when calculating db(C)

(d2 = point of compliance & d1 = measured distance)

- d -- No change

2 Pursuant to a C-scale complaint

- a In situations where the complaint or on-site inspection indicates that low frequency noise is a component of the problem, sound level measurements shall be taken twenty-five (25) feet from the exterior wall of the complainant's residence or occupied structure in the direction of the Oil and Gas Location, using a noise meter calibrated to the db(C) scale. In the event property access is not granted, measurements will be taken at a point that is an equally representative location as identified by the OGED Director
- b – No change
- c If the sound levels exceed the maximum permissible noise levels as defined in Table 416 A 1, the OGED Director shall require the Operator to obtain a low frequency noise impact analysis by a qualified sound expert, including identification of any reasonable control measures available to mitigate such low frequency noise impact. Such study shall be provided to the OGED Director for review and possible action
- d – No change

3 thru 6 – No change

C *Cumulative Noise*

1 – No change

- 2 During drilling or Completion operations, including Flowback or operations involving Pipeline or Gas Facility installation or maintenance, use of a Workover rig, or stimulation, Operators will be considered in compliance, unless at any time their individual noise contribution, measured pursuant to Section 21-5-416 B, increases noise above ambient levels by greater than five (5) db(C) and five (5) db(A)
- 3 If ambient noise levels already exceed the maximum permissible noise thresholds identified in Table 416 A 1, under no circumstances shall the Production Phase exceed the ambient noise levels shown on the baseline noise survey

**Amend Sec. 21-5-418 Pollution**

Operators shall take precautions to minimize adverse environmental impacts to air, water, soil, or biological resources to the extent necessary to protect public health, safety, and welfare, including the environment and Wildlife Resources

**Amend Sec. 21-5-420 Leak detection and repair (LDAR).**

Leak Detection and Repair (LDAR) shall be conducted in compliance with all state and federal regulations

**Amend Sec 21-5-422 Management of waste**

A and B – No change

**Amend Sec 21-5-424 Storage tank control requirements.**

Crude oil, condensate and Produced Water storage Tanks shall be installed and operated in compliance with all state and federal regulations

**Amend Sec 21-5-426. Pits—General and special rules.**

A thru D – No change

**Amend Sec 21-5-428. Spills and releases**

Operators shall maintain a Spill prevention plan for each Oil and Gas Location with BMPs to adequately protect any and all critical receptors. The OGED Director and/or 1041 WOGLA Hearing Officer may require the submittal of and compliance with a Spill prevention plan as part of the 1041 WOGLA Permit approval to provide impact mitigation, or pursuant to any enforcement action against an Operator

Operators shall notify the Weld County Office of Emergency Management of the occurrence of Spills and Releases, as required by the terms of the approved Weld County Emergency Action Plan

**Amend Sec 21-5-430. Concentrations and sampling for soil and ground water**

Operators shall comply with applicable state and federal rules and regulations regarding concentrations and sampling for soil and ground water, if applicable. Results of such sampling shall be made available at the request of the OGED Director and/or Weld County Department of Public Health and Environment

**Amend Sec. 21-5-432. Venting and flaring natural gas.**

Operators shall comply with applicable state and federal rules regarding venting and flaring of natural gas. Operators shall minimize venting and flaring to the greatest extent practicable

If infrastructure is not in place to allow natural gas takeaway, Operators may utilize alternative technologies for beneficial use. Examples of beneficial use may include, but are not limited to, crypto currency mining, or power generation for the Facility's use or to supply power to the electric utility grid. The Operator shall submit beneficial use requests to OGED via the 1041 WOGLA Application or the Sundry, for review

**Amend Sec 21-5-434 Air permits**

Facilities and equipment which are sources of regulated air emissions shall be authorized in accordance with the Air Pollutant Emission Notice (APEN) and Stationary Source Permitting requirements of CDPHE, AQCC, Regulation 3

**Amend Sec 21-5-436. Pneumatic pumps and controllers**

Operators are encouraged to install non-pneumatic devices or pneumatic devices that are operated using instrument air wherever feasible. Natural gas operated pneumatic devices shall be installed and operated in compliance with the requirements of CDPHE, AQCC, Regulation 7, Part D and US EPA, New Source Performance Standards, Subpart OOOO and Subpart OOOOa

**Amend Sec. 21-5-438. Setbacks**

**A General Requirements**

1 – No change

2 The Hearing Officer may grant an exception from the surface property line setback if a waiver is obtained from the adjacent Surface Owner(s)

3 and 4 – No change

**B Building Unit** Oil and Gas Location shall be located a minimum of five hundred (500) feet from Building Units. For an exception from the Building Unit setback, the Operator may submit a waiver from each Building Unit owner within five hundred (500) feet of the proposed Oil and Gas Location to be approved by the Hearing Officer. Alternatively, the Hearing Officer may approve an exception by determining that potential locations outside the 500-foot setback are technically infeasible or economically impracticable and sufficient mitigation measures including, but not limited to, BMPs shall be employed to protect public health, safety and welfare. See requirements of Section 21-5-440, below

**C and D** – No change

**E School Facility and Child Care Center** Oil and Gas Location shall be located a minimum of five hundred (500) feet from the boundary of a School Facility or Child Care Center, unless the relevant School Governing Body agrees in writing to the location of the proposed Oil and Gas Location and the 1041 WOGLA Hearing Officer determines that potential locations outside the applicable setback are technically infeasible or economically impracticable and sufficient mitigation measures are in place to protect public health, safety, and welfare. Such mitigation measures shall be a condition of approval of the 1041 WOGLA Permit. See requirements of Section 21-5-440, below

**F and G** – No change

**H** Surface development pursuant to a SUA or Site-Specific Development Plan. A Surface Owner or Building Unit owner and mineral owner or mineral lessee may agree to locate



future Building Units closer to existing or proposed Oil and Gas Locations than otherwise allowed pursuant to a valid SUA or Site-Specific Development Plan (as defined in Section 24-68-102(4)(a), C R S , that establishes vested property rights as defined in Section 24-68-103, C R S ) that expressly governs the location of Wells or Production Facilities on the surface estate. Future Building Units shall adhere to setback requirements per Section 23-4-700

**Amend Sec. 21-5-440 Mitigation measures for setback exceptions**

The following requirements apply to Oil and Gas Locations that have been granted an exception from the designated setback distance from a Building Unit, School Facility, or Child Care Center

A In addition to the mitigation measures agreed to between the Operator and the persons or entities noticed pursuant to Section 21-5-320 of this Article V, the following mitigation measures shall apply to each Oil and Gas Location that is granted a setback exception

1 Noise Noise levels shall comply with the NL-1 standard during all phases of operation, including but not limited to the Construction Phase and Production Phase. Short-term noise increases shall be allowable as described in Section 21-5-416 of this Article V

2 and 3 – No change

4 Flaring and venting Flaring and venting of gas shall be prohibited, except during upset or emergency conditions or as allowed by the ECOM and the OGED Director

Remainder of Section – No change

**Amend Sec. 21-5-442. Safety requirements.**

Operators shall comply with state and federal safety rules and regulations as applicable to all Oil and Gas Operations

Operators shall comply with the EAP and TRP issued by OEM

**Amend Sec. 21-5-444 Floodplain and Overlay Zoning District requirements.**

An Operator shall comply with Article V and Article XI of Chapter 23 of this Code if the proposed Oil and Gas Location is located within any Overlay Zoning District or a Special Flood Hazard Area identified by maps officially adopted by the County, and as defined in Section 23-1-90

**Amend Sec. 21-5-446. Stormwater management.**

As part of the application for a 1041 WOGLA Permit, an Operator shall provide proof of a valid stormwater discharge permit issued by CDPHE. The Operator shall submit a drainage report

to comply with required Storm Drainage Criteria pursuant to Chapter 8, Article XI of this Code. Additional requirements for Municipal Separate Storm Sewer System (MS4) areas may be applicable pursuant to Chapter 8, Article IX of this Code.

Remainder of Section – No change

**Amend Sec. 21-5-448. Storage of non-essential items.**

All Oil and Gas Locations shall be kept free of commercial products, Chemicals, materials and other supplies not necessary for use on the Oil and Gas Location, and Junk and unused Commercial Vehicles as those terms are defined in Section 23-1-90 of this Code. The burning or burial of any such material and/or items on the Oil and Gas Location is prohibited.

**Amend Sec. 21-5-450. Equipment anchoring requirements**

All equipment at Oil and Gas Locations in geological hazard areas and Floodplains shall be anchored. Anchors must be engineered to support the equipment and to resist flotation, collapse, lateral movement, or subsidence, and must comply with all requirements of any necessary geologic hazard recommendations and/or Flood Hazard Development Permit.

**Delete Sec. 21-5-525 Protection of Wildlife Resources**

**Amend Sec. 21-5-452 General operating requirements regarding Wildlife Resources.**

Subject to exception by the OGED Director for site specific reasons and BMPs, the operating requirements identified below shall apply in all areas.

Remainder of Section – No change

**Add Sec. 21-5-454. Protection of Wildlife Resources.**

- A The OGED Director, utilizing the referral from CPW, shall determine whether conditions of approval are necessary to Minimize Adverse Impacts from the proposed Oil and Gas Operations in the identified High Priority Habitat.
- B In selecting conditions of approval the OGED Director and/or 1041 WOGLA Hearing Officer shall consider the following factors, among other considerations:
  - 1 The BMPs for the producing geologic basin in which the Oil and Gas Location is situated,
  - 2 Site-specific and species-specific factors of the proposed new Oil and Gas Location,
  - 3 Anticipated direct and indirect effects of the proposed Oil and Gas Location on Wildlife Resources,

- 4 The extent to which conditions of approval will promote the use of existing facilities and reduction of new surface disturbance,
- 5 The extent to which legally accessible, technologically feasible, and economically practicable alternative sites exist for the proposed new Oil and Gas Location,
- 6 The extent to which the proposed Oil and Gas Operations will use technology and practices which are protective of the environment and Wildlife Resources,
- 7 The extent to which the proposed Oil and Gas Location minimizes surface disturbance and habitat fragmentation,
- 8 The extent to which the proposed Oil and Gas Location is within land used for residential, industrial, commercial, agricultural, or other purposes, and the existing disturbance associated with such use

**Amend Sec 21-5-456 Requirements in High Priority Habitats**

An Operator of an Oil and Gas Location within a High Priority Habitat shall follow the Operator's Wildlife Mitigation Plan, if one is required pursuant to Rule 1201 of the ECMC Rules

**Amend Sec 21-5-458 General operating requirements in High Priority Habitats.**

- A Subject to exception by the OGED Director for site specific reasons and BMPs, within High Priority Habitat and Restricted Surface Occupancy Areas, Operators shall comply with the following operating requirements

Remainder of Section – No change

**Amend Sec 21-5-460. Site preparation and stabilization**

- A *Soil removal and segregation*

Remainder of Section – No change

**Sec. 21-5-462. General Reclamation requirements**

A – No change

- B *Surface Owner Reclamation release form* The Surface Owner has the right to waive Reclamation requirements set forth in Sections 21-5-460, 21-5-464, and 21-5-466 of this Article V, unless such Reclamation is deemed necessary to protect public health, safety and welfare, environment and wildlife of Weld County, as determined by the OGED Director

**Amend Sec 21-5-464 Interim Reclamation.**

- A *General* Debris and waste materials other than de minimis amounts, including, but not limited to, concrete, sack bentonite and other drilling mud additives, sand plastic, pipe and cable, as well as equipment associated with the drilling, re-entry, or Completion operations shall be removed. All waste shall be handled according to Section 21-5-422 of this Article V All Freshwater or Production Ponds, cellars, rat holes, and other bore holes unnecessary for further Oil and Gas Operations, will be backfilled as soon as possible after the drilling rig is released to conform with surrounding terrain. On Crop Land, if requested by the Surface Owner, guy line anchors shall be removed as soon as reasonably possible after the Completion rig is released. When permanent guy line anchors are installed, it shall not be mandatory to remove them. When permanent guy line anchors are installed on Crop Land, care shall be taken to minimize disruption or cultivation, irrigation, or harvesting operations. If requested by the Surface Owner the anchors shall be specifically marked, in addition to the marking required below, to facilitate farming operations. All guy line anchors left buried for future use shall be identified by a marker of bright color not less than four (4) feet in height and not greater than one (1) foot east of the guy line anchor.
- B *Interim Reclamation of areas no longer in use* All disturbed areas affected by drilling or subsequent operations, except areas reasonably needed for production operations or for subsequent drilling operations to be commenced within twelve (12) months, shall be reclaimed as early and as nearly as practicable to their original condition or their final Land Use as designated by the Surface Owner and shall be maintained to control dust and Minimize Erosion to the extent practicable. As to Crop Lands, if subsidence occurs in such areas additional topsoil shall be added to the depression and the land shall be re-leveled as close to its original contour as practicable. Interim Reclamation shall occur no later than three (3) months on Crop Land or six (6) months on Non-Crop Land after such operations. The Operator may submit a Sundry to the OGED Director requesting an extension due to conditions outside the Operator's control. Areas reasonably needed for production operations or for subsequent drilling operations to be commenced within twelve (12) months shall be compacted, covered, paved, or otherwise stabilized and maintained in such a way as to minimize dust and erosion to the extent practicable.
- C – No change
- D *Restoration and revegetation* When a Well is completed for production, all disturbed areas no longer needed will be restored and revegetated as soon as practicable
- 1 and 2 – No change
- 3 *Interim Reclamation* The Operator shall notify the OGED Director pursuant to Section 21-5-355, with a description of the interim Reclamation procedures and any associated mitigation measures performed, any changes, if applicable in the landowner's designated final Land Use, and at a minimum four (4) color photographs taken during the growing season of vegetation, one (1) from each cardinal direction which document the success of the interim Reclamation and one (1) color photograph which documents the total cover of live perennial vegetation

of adjacent or nearby undisturbed land or the Reference Area. Each photograph shall be identified by date taken, location name, GPS location, and direction of view.

Remainder of Section – No change

**Sec 21-5-466. Final Reclamation**

A *Well Sites, associated Production Facilities, and access roads* Upon the Plugging and Abandonment of all Wells on Location or final closure of associated Production Facilities, all Freshwater Pits or Production Pits, mouse and rat holes and cellars shall be backfilled. All debris, abandoned Gathering Line Risers and Flowline Risers, and surface equipment shall be removed within three (3) months of plugging the final Well on Location or final closure of associated Production Facilities. All access roads to Plugged and Abandoned Wells and associated Production Facilities shall be closed, graded, recontoured, and fully reclaimed. Culverts and any other obstructions that were part of the access road(s) shall be removed. All applicable, compaction alleviation, restoration, and revegetation of Well Sites, associated Production Facilities, and access roads shall be performed to the same standards as established for interim Reclamation under Section 21-5-464, above. All other equipment, supplies, weeds, rubbish, and other waste material shall be removed. The burning or burial of such material on the premises shall be performed in accordance with applicable local, state, or federal Solid Waste Disposal regulations. In addition, material may be burned or buried on the premises only with the prior written consent of the Surface Owner. After plugging the final Well on Location or final closure of associated Production Facilities, all such Reclamation work shall be completed within three (3) months on Crop Land and twelve (12) months on Non-Crop Land. The OGED Director may grant an extension where unforeseen circumstances are encountered, but every reasonable effort shall be made to complete Reclamation before the next local growing season. Such request shall be made in writing to the OGED Director via the Sundry Process.

B *Final Reclamation threshold for approval and release* Successful Reclamation of the Well Site, associated Production Facilities, and access road means

- 1 On Crop Land, Reclamation has been performed to the standards established under Section 21-5-464 and there has been no significant unrestored subsidence over two growing seasons.
- 2 On Non-Crop Land, Reclamation has been performed to the standards established under Section 21-5-464 and disturbed areas have been either built on, compacted, covered, paved, or otherwise stabilized in such a way as to Minimize Erosion to the extent practicable, or a uniform vegetative cover has been established that reflects pre-disturbance or Reference Area forbs, shrubs, and grasses with total percent plant cover of at least eighty percent (80%) of pre-disturbance levels or Reference Areas, excluding noxious weeds. The Operator shall consider the total cover of live perennial vegetation of Reference Area, not including overstory or tree canopy cover, having similar soils, slope and aspect of the reclaimed area.

3 – No change

C and D – No change

E *Final Reclamation release* The Operator shall submit a request for release to the OGED Director pursuant to Section 21-5-355, upon completion of the requirements outlined in Section 21-5-466 C above. This request for release shall be submitted no later than two (2) growing seasons after Reclamation work was conducted. The request for release shall include a description of the final Reclamation procedures, any associated mitigation measures performed and any changes, if applicable, in the landowner's designated final Land Use. The Operator shall attach the following:

1 – No change

Add a The final Reclamation revegetation threshold of eighty percent (80%) of pre-disturbance levels on Non-Crop Land may take longer than two (2) growing seasons. If this is the case, Operator or their consultant shall submit annual reports to the OGED Director detailing the revegetation efforts and success thereof. Once the eighty percent (80%) threshold is achieved, the OGED Director may consider the final Reclamation release request.

2 Where necessary, the Operator shall submit to the OGED Director a Surface Owner Reclamation release form if the Surface Owner wishes to have areas unreclaimed or items left on location. The OGED Director shall review the request and determine if Reclamation will be necessary to protect public health, safety and welfare, environment and wildlife of Weld County pursuant to Section 21-5-460 B. Upon the OGED Director's approval, the Surface Owner Reclamation release form shall be placed of record with the Weld County Clerk and Recorder.

Remainder of Section – No change

**Amend Sec. 21-5-468. Fees**

Failure to comply with any items contained in the approved 1041 WOGLA Permit final order, the conditions of approval, or the Development Standards contained herein shall be subject to a financial fee, assessed daily from the date of notification by the OGED Director, pursuant to Appendix 5-D of the Weld County Code. The OGED Director shall also utilize Appendix 5-D when assessing fees due to enforcement actions.

**Amend Sec. 21-5-470. Variances.**

An Operator may seek a variance, due to a hardship, to any rule or regulation found in Chapter 21, Article V of this Code. A variance request shall be submitted in writing to the OGED Director as part of the 1041 WOGLA Permit Application. Should an Operator seek a variance to an order issued by the 1041 WOGLA Hearing Officer, the Applicant shall submit their request to the OGED Director via the Sundry Process. A subsequent hearing shall be required for the Hearing Officer to consider a variance. The Operator requesting a variance must show that it has made a good faith effort to comply or is unable to comply with the specific requirements contained in these 1041 WOGLA Regulations or the 1041 WOGLA Permit from which it seeks a variance. The Operator must also demonstrate through mitigation measures that the requested variance shall

Minimize Adverse Impacts to public health, safety, welfare, and environment including Wildlife Resources

### **Add New Division 5 - Oil and Gas Solar Energy Facility**

#### **Sec. 21-5-500 Approval of an Oil and Gas Solar Energy Facility (OGSEF).**

An OGSEF may be submitted for consideration as part of a 1041 WOGLA Application

In addition, the OGED Director shall have the authority to approve an OGSEF without hearing, via the Sundry Process, if he or she is reasonably certain that the requirements, standards, or conditions of approval for the OGSEF have been or may be met

#### **Sec. 21-5-505. Submittal requirements for Oil and Gas Solar Energy Facilities (OGSEF)**

As part of the Application or Sundry Process, the following submittals and standards are required for an OGSEF

- A A Project Narrative, which will include information about the Location and prior permitting activity, information about the solar array and the method of construction, acreage needed for the OGSEF, including new disturbed and interim reclamation acreage, and basic information about hours of construction, including anticipated noise and lighting impacts
- B A Surface Use Agreement (SUA) or other agreement between the owner of the property where the OGSEF will be located and the Applicant. In lieu of providing a copy of the SUA, the Project Narrative may include a summary of the agreement on record with the Weld County Clerk and Recorder's office, along with a valid reception number
- C Location Drawing. The purpose of the location drawing is to identify all visible improvements within the 1041 WOGLA Zone. It shall be a scaled drawing with scaled aerial imagery to include horizontal distances and approximate bearing from the Oil and Gas Location for all visible improvements. This drawing shall be a stamped by a licensed professional surveyor showing any survey monuments in the 1041 WOGLA Zone and the County road right-of-way extents, if applicable
- D Interconnection Agreement. A copy of the interconnection agreement with the electric utility, or proof the Applicant is approved to interconnect to the electric utility grid which serves the Location
- E Annual Production Report. A copy of the annual production report for the proposed OGSEF, including a detailed layout map
- F Solar Panel Schematic and Photographs. A copy of the solar panel schematics or specifications, including photographs which depict a similar installation as is proposed within the Application
- G Construction drawings and information. A copy of the 90% design drawings, to include

- 1 Title sheet
  - 2 Electric notes and symbols list
  - 3 Electrical plan
  - 4 Electrical area plan
  - 5 Elevation details
  - 6 DC electric plan
  - 7 One-line diagram
  - 8 Schedules and calculations
  - 9 Grounding details
  - 10 Electrical details
  - 11 Labels and signage
  - 12 Equipment data sheets
- H Updated Facility Layout Drawing The purpose of the facility drawing is to identify the positioning of all equipment on the Oil and Gas Location, including the proposed OGSEF. This shall be a scaled drawing illustrating the approximate outline of the Oil and Gas Location and identifying all existing and proposed Well(s), equipment, Flowline corridors on-location, and the proposed OGSEF configuration covered by the application.
- I Surface Drainage Analysis At the time of OGSEF application submittal, a preliminary drainage report shall be provided for review by the Weld County Department of Public Works pursuant to the requirements of Chapter 8, Article XI of this Code. Prior to applying for a Grading Permit, a final drainage report stamped and signed by a Professional Engineer registered in the State of Colorado is required. Soils shall be planted and maintained in perennial vegetation to prevent erosion, manage runoff and build soil.
- J Dust Mitigation Plan The Dust Mitigation Plan shall be provided at the time of OGSEF application submittal, which includes a description of those methods by which dust emanating from the proposed OGSEF from the Impacted Area (especially during periods of construction) will be mitigated.
- K Weed Mitigation Plan The Weed Mitigation Plan shall be provided at the time of OGSEF application submittal, which includes a description of those methods by which the Applicant proposes to control weeds which may grow upon the Impacted Area, and how they will be mitigated.



L Floodplain Mapping On the map of the base area, or another appropriate map, indicate any floodplain associated with the proposal Documentation of the historical flooding activity should be included Detail potential, adverse impacts related to the associated floodplain (Note If the OGSEF location is within a Special Flood Hazard Area identified by maps officially adopted by Weld County, a Flood Hazard Development Permit (FHDP) is required prior to a building permit The FHDP is issued by the Weld County Department of Planning Services pursuant to Article XI of Chapter 23 of this Code )

M A Decommissioning/Reclamation Plan A Decommissioning/Reclamation Plan shall be provided at the time of OGSEF application submittal which will be signed by the party responsible for decommissioning and the landowner (if different), addressing the following

- 1 Decommissioning/reclamation shall be completed within three (3) months on cropland, and twelve (12) months on non-cropland after power production has permanently ceased The OGED Director may grant an extension where unforeseen circumstances are encountered, but every reasonable effort shall be made to complete Reclamation before the next local growing season Such request shall be made, in writing, to the OGED Director via the Sundry Process
- 2 All non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least three (3) feet below grade shall be removed
- 3 All fences, graveled areas and access roads shall be removed unless landowner agreement to retain is presented, in writing, in which the property owner agrees for this to remain
- 4 Property shall be restored to a condition reasonably similar to its condition prior to development of the OGSEF
- 5 The developer or owner of the OGSEF is responsible for the decommissioning
- 6 Decommissioning/reclamation cost estimates, which shall be updated every five (5) years from the establishment and submittal of the Security, shall include all costs associated with the dismantlement, recycling, and safe disposal of facility components and site reclamation activities, including the following elements
  - a All labor, equipment, transportation, and disposal costs associated with the removal of all facility components from the facility site,
  - b All costs associated with full reclamation of the facility site, including removal of non-native soils, fences, and constructed access roads,
  - c All costs associated with reclamation of any primary agricultural soils at the facility site to ensure each area of direct impact shall be materially similar to the condition it was before construction,
  - d All decommissioning/reclamation activity management, site supervision, and site safety costs,

- e Any other costs, including administrative costs, associated with the decommissioning and reclamation of the facility site, and
  - f The estimated date of submission of the Security to Weld County
- 7 Prior to construction, an irrevocable standby letter of credit, bond, or alternate form of Security in an amount sufficient to fund the estimated decommissioning/reclamation costs required by this Code. The Security shall
- a Name the Board of County Commissioners of Weld County as the sole beneficiary of the letter of credit,
  - b Be issued by an A-rated financial institution based upon a rating provided by S&P, Moody's, Fitch, AM Best, or other rating agency with similar credentials,
  - c Include an automatic extension provision or "evergreen clause", and
  - d Be "bankruptcy remote," meaning the Security will be unaffected by the bankruptcy of the OGSEF operator

Weld County, in its sole discretion, may approve alternative forms of Security such as, but not limited to bonds, letters of credit, corporate guarantees from electric utilities serving the County, or other securities, if it finds that such alternative forms will provide an assurance of the availability of financial resources for decommissioning/reclamation that equals or exceeds that provided by the form required herein

- 8 Access to decommissioning/reclamation fund. Weld County shall have the right to draw upon the irrevocable standby letter of credit, or other form of financial security, to pay for decommissioning in the event that the holder has not commenced decommissioning/reclamation activities within ninety (90) days of the Board of County Commissioners' order or resolution directing decommissioning/reclamation

N Statement of Transportation Construction Impacts

- 1 Describe what impacts construction of the project will have upon transportation patterns in the area intended to be served or affected by the proposal
- 2 Describe the potential construction impact on roads within the County
- 3 A haul route map and agreement to mitigate construction traffic impacts to the area surrounding the proposed OGSEF may be required

**Amend Sec. 21-5-510. Development Standards for Oil and Gas Solar Energy Facilities (OGSEF)**

The following Development Standards are required for an OGSEF

- A Height limitation Ground-mounted solar collectors shall not exceed twenty-five (25) feet in height, measured from the highest grade below each solar panel to the highest extent of the solar panel, or their rotation
- B Glare A OGSEF shall be designed and utilize equipment which limits glare onto nearby properties or roadways at any time of the day
- C Setbacks The Impacted Area for an OGSEF shall conform to the setback requirements of the underlying zone. Additionally, the improved area must be at least five hundred (500) feet from existing RBUs and residential lots of a platted subdivision or planned unit development. The RBU setback requirement may be reduced if appropriate screening through landscape or an opaque fence is installed, or upon submittal to Weld County of a waiver or informed consent signed by the RBU owner agreeing to the lesser setback. If landscaping or opaque fencing is substituted for setback, a landscaping plan or fencing plan shall first be submitted to, and approved by, OGED.
- D Dust mitigation The operators of the OGSEF shall continuously employ the practices for control of fugitive dust detailed in their dust mitigation plan submitted as required by Section 21-5-505 J, above
- E Underground cables All electrical cables on the improved area shall be buried, except for direct current string wires that connect between solar collectors, direct current collection circuits between rows of solar arrays that are no more than four (4) feet above grade crossings, substations, switchyards, and circuit voltages greater than 34.5 kilovolts (where necessary)
- F Fencing The OGSEF shall be enclosed with a security fence as approved pursuant to a fencing plan submitted to OGED
- G Stormwater management The Operator of the OGSEF shall submit a drainage report to comply with required Storm Drainage Criteria pursuant to Chapter 8, Article XI of this Code. Additional requirements for Municipal Separate Storm Sewer System (MS4) areas may be applicable pursuant to Chapter 8, Article IX of this Code. Ground-mounted solar collector systems shall be exempt from impervious surface calculations if the soil under the collectors is designated hydrologic A or B soil groups by the Natural Resources Conservation Service (NRCS)
- H Access permit The OGSEF shall utilize the same approved access point as the Oil and Gas Location

**BE IT FURTHER ORDAINED** by the Board that the Clerk to the Board be, and hereby is, directed to arrange for Municode to supplement the Weld County Code with the amendments contained herein, to coincide with chapters, articles, divisions, sections, and subsections as they currently exist within said Code, and to resolve any inconsistencies regarding capitalization, grammar, and numbering or placement of chapters, articles, divisions, sections, and subsections in said Code

**BE IT FURTHER ORDAINED** by the Board, if any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held or decided to be unconstitutional, such decision shall not affect the validity of the remaining portions hereof. The Board of County Commissioners hereby declares that it would have enacted this Ordinance in each and every section, subsection, paragraph, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared to be unconstitutional or invalid.

The above and foregoing Ordinance Number 2024-09 was, on motion duly made and seconded, adopted by the following vote on the 26th day of June, A D , 2024

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST

Weld County Clerk to the Board

\_\_\_\_\_  
Kevin D Ross, Chair

BY \_\_\_\_\_

Deputy Clerk to the Board

\_\_\_\_\_  
Perry L Buck, Pro-Tem

\_\_\_\_\_  
Mike Freeman

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney

\_\_\_\_\_  
Scott K James

\_\_\_\_\_  
Lori Saine

Date of signature \_\_\_\_\_

First Reading  
Publication

May 22, 2024  
May 26, 2024, in the Greeley Tribune

Second Reading  
Publication

June 10, 2024  
June 16, 2024, in the Greeley Tribune

Final Reading  
Publication

June 26, 2024  
June 30, 2024, in the Greeley Tribune

Effective

July 5, 2024