

Oil & Gas Regulations & Development Projects in Garfield County

(Draft Date: November, 2007)

This document is intended to serve as guide for operators, contractors, and consultants involved in pursuing projects related to the development of oil and gas in Garfield County. What follows are the County Zoning Regulations that govern the most common types of projects in the County.

I. Types of Projects and How they are Defined by Garfield County

The following section provides examples of the projects and how Garfield County defines them in terms of the Zoning Regulations.

a. Water Storage Ponds

As natural gas drilling generates large amounts of water from the drilling process as a by-product (also defined by the COGCC as E & P Waste), some operators have preferred to transport this water to storage ponds either for evaporation, treatment and discharge, or for reuse in the fracing process. Additionally, there may be a desire to create storage ponds to hold fresh water used in the fracing process.

The County defines these facilities generally as “Storage and Material Handling of Natural Resources.” In the case where there is a processing element such as removing hydrocarbons to clean the water, it would be defined as “Storage, Processing, and Material Handling of Natural Resources.” Examples of these facilities approved by the County are shown below:



Encana’s “Lake Fox”: SUP for Storage & Material Handling of Natural Resources (for storage of fresh water)



Encana’s “Middle Fork Water Storage Pond”: SUP for Storage, Processing & Material Handling of Natural Resources (for storage of produced water where adjacent tanks were used to separate hydrocarbons from water)

b. Natural Gas Processing / Treatment Facilities

Where an operator proposes to construct a natural gas conditioning and compressor facility intended to treat natural gas gathered in an operator's gas gathering system to meet the gas quality specifications of the pipeline companies taking delivery of residue gas from the facility, it is defined as Processing and Material Handling of Natural Resources.

As experienced in Garfield County, these facilities typically include 1) a Master Control Center that houses process control equipment that also provides limited storage for instruments and tools, 2) insulated buildings constructed to house the compressors for the project, and 3) a variety of gas treatment facilities that are intended to condition the gas prior to sending to market. Treatment includes dehydration, removal of CO₂, water, and liquefiable hydrocarbons. An example is shown below of such a facility approved in Garfield County:



OXY'S CONN CREEK NATURAL GAS TREATMENT FACILITY AT CONN CREEK APPROVED IN 2005 AS A SPECIAL USE PERMIT FOR "PROCESSING AND MATERIAL HANDLING OF NATURAL RESOURCES"

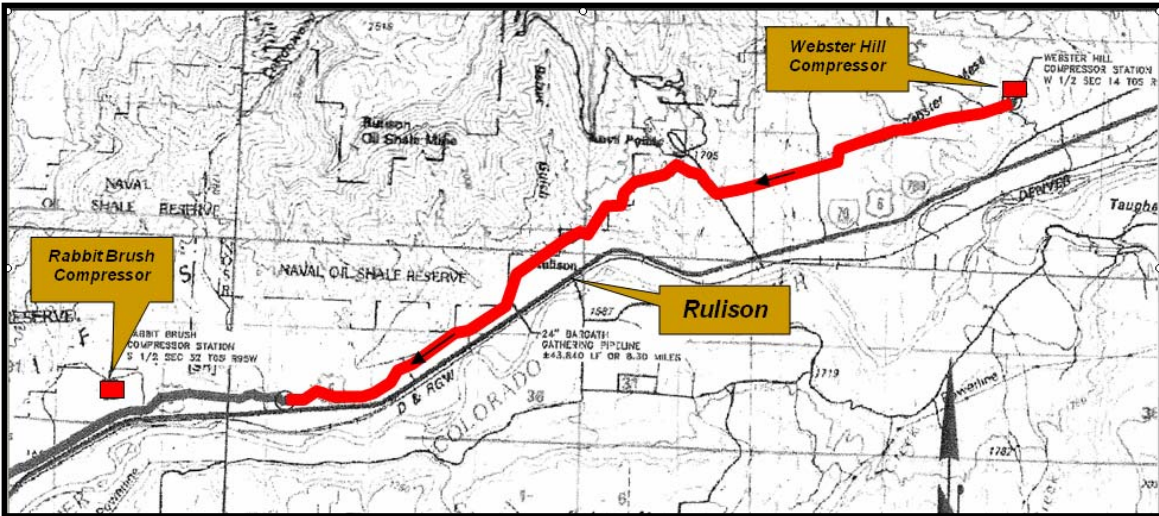
c. Pipelines

The County defines pipelines as "Any conduit and appurtenant facilities designed for, or capable of, transporting natural gas, other petroleum derivatives, gaseous matter or other liquid matter. Pipelines regulated, licensed, or permitted under federal regulations as interstate transmission lines shall be exempted from regulations under this Chapter."

If a pipeline is proposed, it is regulated by Garfield County through an administrative process if it meets the following tests:

- 1) The pipeline is greater than 12 " in diameter and over two (2) miles in length; or
- 2) Any pipeline more than five (5) miles in length.

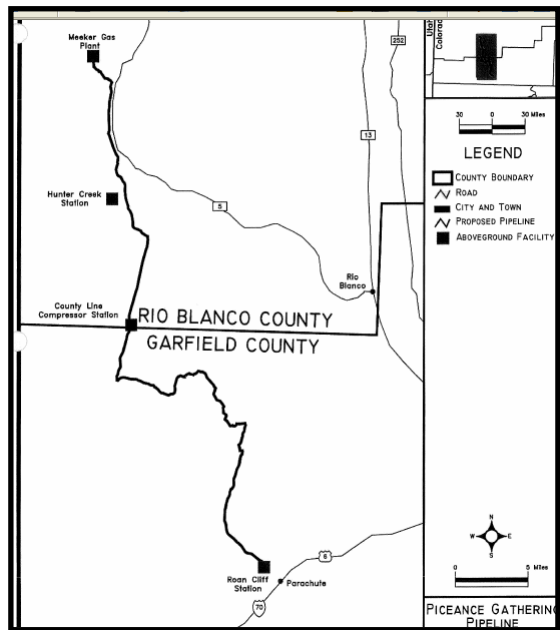
The following are examples of pipelines approved by Garfield County through this administrative process:



8.3 miles of a 24-inch natural gas gathering pipeline, 2.0 miles of 12-inch natural gas gathering pipeline and two compressor stations to be constructed by Bargath, Inc to gather natural gas from Williams Production RMT wells in the area.

The map on the right shows the construction of 49 miles of a 36-inch natural gas gathering pipeline of which 28 miles falls inside Garfield County. This pipeline is intended to convey untreated natural gas gathered from the Piceance Basin areas in Garfield County to the Meeker Natural Gas Processing Facility in Rio Blanco County.

Note, if the pipeline also includes a compressor, that compressor is considered “appertinant” to the pipeline and is reviewed as part of the administrative permit. In the event that compressors are proposed as part of a pipeline where the length / width do not require a County Administrative Pipeline Permit, the County regulates the new compressor requiring a Special Use Permit for “Material Handling of Natural Resources.”



d. Compressors / Compressor Stations

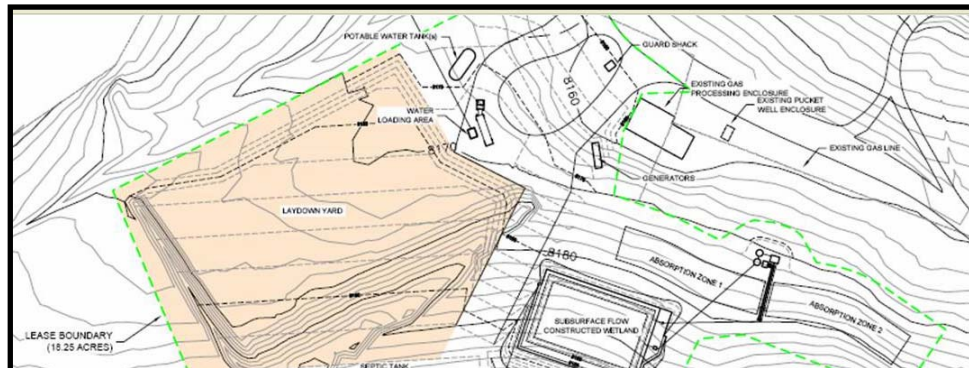
The County reviews compressors that are constructed to 1) boost pressure along an existing pipeline or a new pipeline, or are part of a centralized compressor station which includes several / multiple compressors. The County defines and regulates natural gas compressors as “Material Handling of Natural Resources” where individual compressors intended to boost pressure along a pipeline or as part of a centralized station including multiple compressors. Again, in the event that compressors are proposed as part of a new pipeline where the length / width do not require a County Administrative Pipeline Permit, the County requires that the new compressor require a Special Use Permit for “Material Handling of Natural Resources.”

The photos below are from Encana’s Middle Fork Compressor Station on the North Parachute Ranch. This facility also included processing / treating natural gas as well as compression. As a result, the Special Use Permit sought included “Processing” in the use.



e. Laydown Yards / Staging Areas

The County’s regulations allow for “Staging Areas” in the Resource Lands Zone District and “Storage of Oil and Gas Equipment” in the ARRD Zone District commonly called “Laydown Yards” which typically are proposed by the industry as parcels of land that are intended to serve as a central storage area to temporarily park drilling rigs and associated oil and gas equipment while not actively drilling on a well pad so that rigs and equipment can be accessed closer to the drilling field rather than further away. Additional equipment typically includes steel reserve pits, mud pumps, generators, diesel engines, drill collars, pipe racks and down-hole casing. (A typical site design lay-out is below.)



f. Industrial Support Facilities

Most commonly, the oil and gas industry has obtained approval of field support offices as “Industrial Support Facilities”. This general term could also be used for a variety of other more administrative functions. A recent example of an approved Industrial Support Facility is the Williams Production RMT Office Building on CR 215 which is shown below:



g. Contractor’s Yards

With the increase in drilling activity, contractors providing services to the oil and gas industry are also increasing and are looking to locate nearer to the gas fields. This use is defined as a “Contractor’s Yard.” The County defines this use as *“The use of land for the purpose of storing machinery, equipment and supplies for an individual business that provides services to clients through the use of the machinery, equipment or supplies. Such use may include office and repair facilities.”*

Commonly, the County has approved projects where a land owner proposed to lease out an area of the subject property for storage of oil and gas equipment including an office area. Note, the primary difference between “storage” and a “contractor’s yard” is the latter includes the primary components of a functioning business such as an office, bathroom, and serves as the area where employees come to work leaving their personal vehicles while out on job sites.

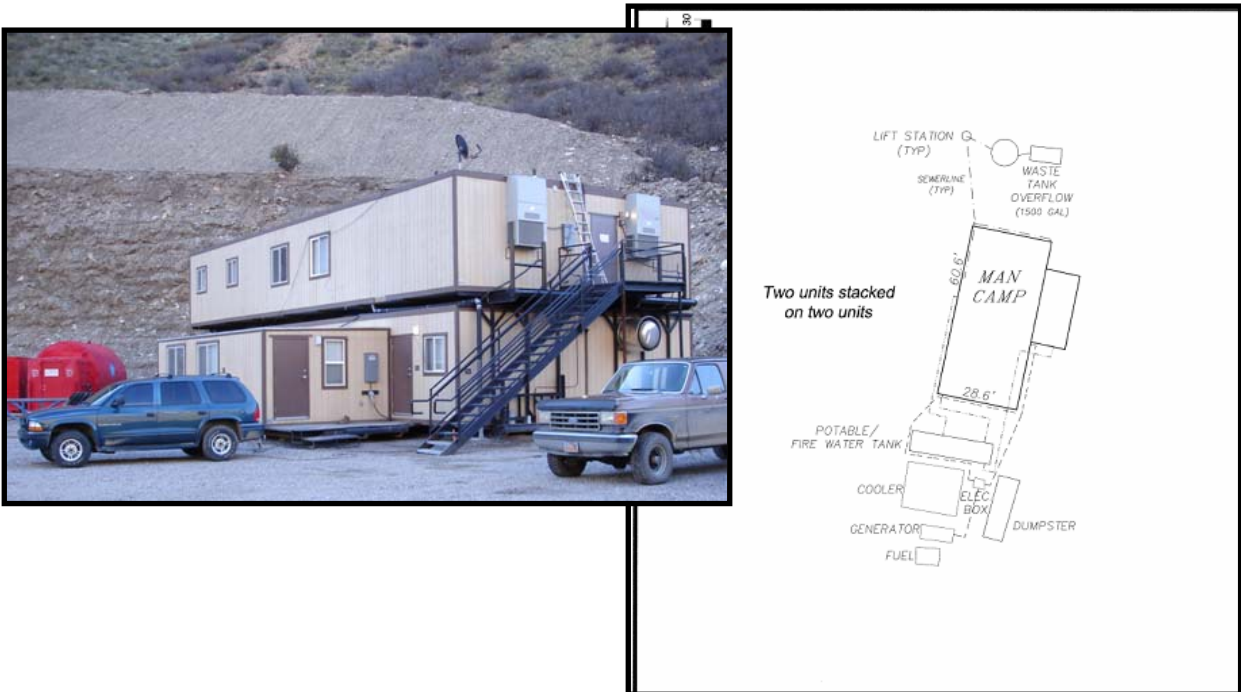
h. Temporary Employee Housing

Presently, the County regulates Temporary Employee Housing, which is most commonly referred to as “Man Camps” for a variety of industrial / construction projects. More specifically, the County’s land use code defines these facilities in the following way:

At times of severe housing shortage, extremely remote locations or other emergency conditions, special use permits for temporary employee housing in the nature of manufactured homes [as defined under C.R.S. 42-1-102 (106) (b)] and/or recreational vehicles [as defined under C.R.S. 42-1-102 (61), with the addition that such truck, truck tractor, motor home or camper trailer is being used for temporary living quarters and not recreational purposes] may be granted for projects within Garfield County related to commercial, industrial, mineral extraction or highway operations of substantial size in any zone district by the County Commissioners through the special use permit process.

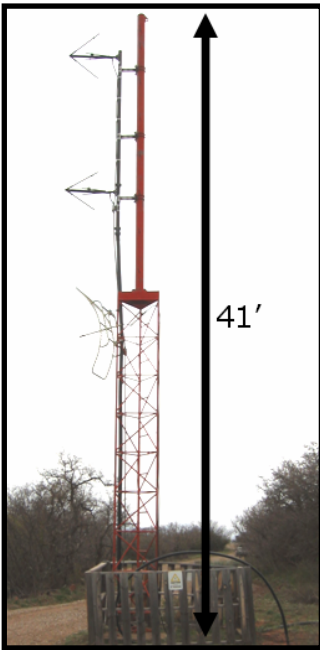
These facilities require annual review for those served by Individual Sewage Disposal Systems (ISDS) and are limited to one year for those served by “vault and haul”. Revegetation / reclamation requirements are in place for any facilities not on a state or federally permitted site.

The pictures below show an example of units / site plan for such a facility generally located on an approved well pad. These were approved by the BOCC.

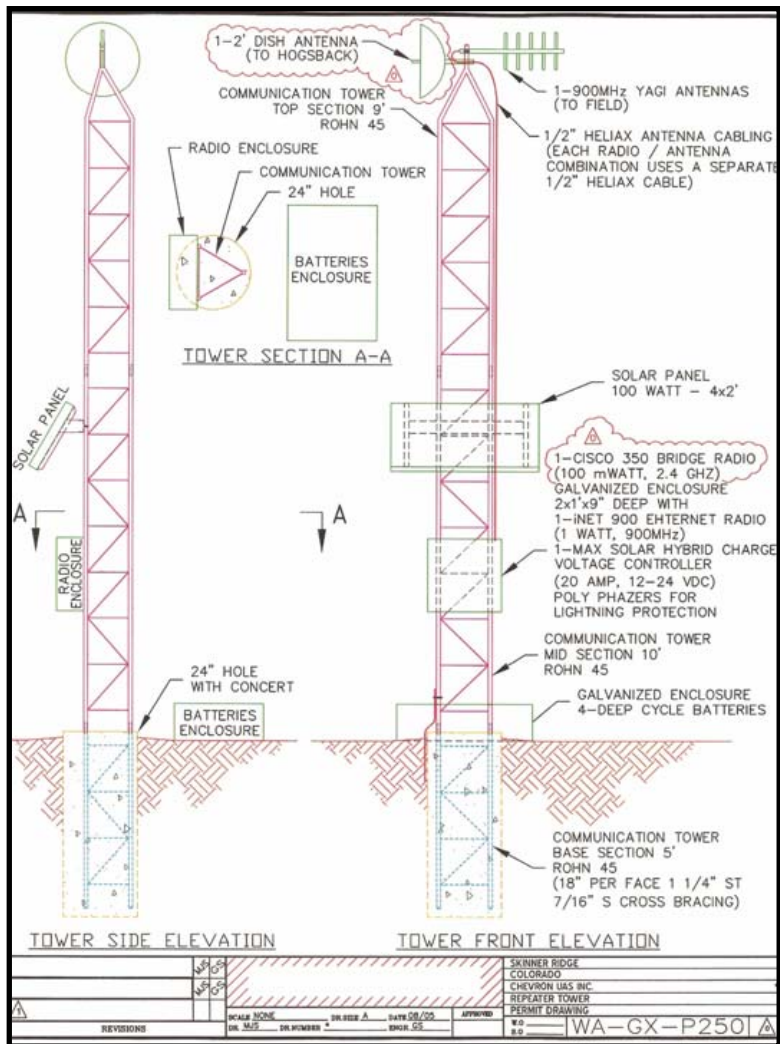


i. Communications Facilities

The County regulates “Communications Facilities / Towers” and defines them as *A non-inhabitable structure supporting antennas and microwave dishes that sends and/or receives radio frequency signals, including television and data impulses through space by means of electromagnetic waves. Communication facilities include structures or towers, and accessory building, not including individual/personal direct-to-home satellite services.*



The County has approved a variety of these facilities that have been constructed with a variety of heights and support systems that are located on concrete pads or compacted gravel pad. These facilities are generally unmanned with or with out guy wiring, no exterior lighting and have a self contained electrical supply using solar panels and ground mounted batteries. The graphic to the left is an example of an approved Communications Facility. Below is a design schematic used in the oil and gas industry.



j. Construction Materials Mining

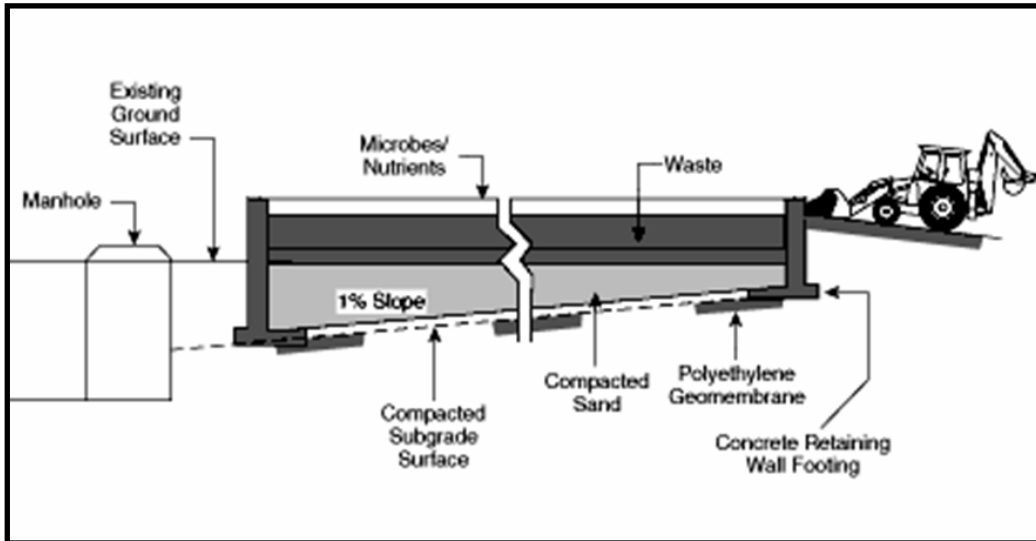
Particularly in the Resource Lands Zone District, certain operators / energy companies have requested approval for projects that entail surface mining of the talus / shale rock on their own property for construction purposes such as drill pad and access road construction. The industry commonly refers to this activity as “Construction Materials Mining” while the County defines this use as “Extraction, Processing, and Material Handling of Natural Resources.” An example of this mining use is in the following photograph which depicts a mine used by Chevron.



k. “Bioremediation Land Farm” to store Exploration and Production Waste

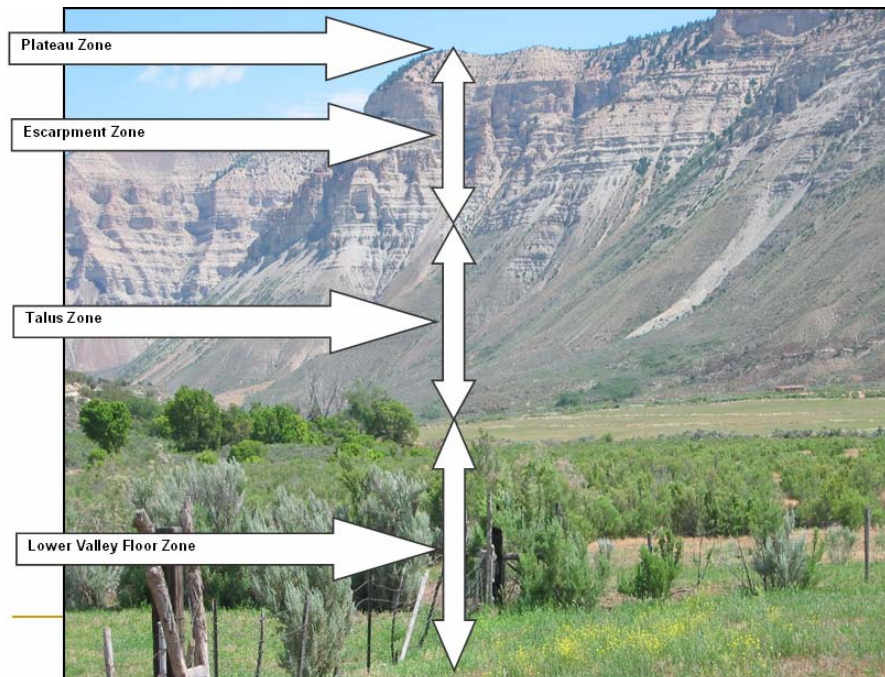
The County uses a general set of terms to handle a wide variety of uses and activities conducted by the oil and gas industry. An example is “Storage, Processing, and Material Handling of Natural Resources”. In this case, a company proposed a “land farm” to treat and reuse soils that had been polluted with petroleum hydrocarbons in the natural gas drilling process. The proposal included using the property as a centralized treatment facility for impacted soils from the energy company’s well sites and other E&P facilities.

The treatment process consisted of bioremediation land farm cells which use microbes to degrade petroleum hydrocarbons contained within the soils. Operation of the land farm provided an environmentally responsible alternative to disposing of the petroleum impacted soils in the local landfill. By remediation of the soils to State standards, the company was able to reuse the soils at other facilities. The site was fenced and bermed to protect from trespassing. It is expected that the impacted soils would be brought to the site and treated. An example of that facility’s general design is shown on the following page:



II. Zoning Uses & Where they are permitted in Garfield County

All land in the political boundaries of Garfield County is classified in certain zone districts. These zone districts allow certain uses to occur as permitted (Conditional or Special) uses. Note, if a use is not listed, it is prohibited. The majority of oil and gas activity currently occurs in either the ARRD (Agricultural / Residential / Rural Density) zone district or the RL (Resource Lands) zone district. The Resource Lands zone district is broken down into 4 sub-districts as



shown in the graphic where each sub district has its own set of permitted uses.

III. The Uses & The County's Regulations

The matrix below is intended to serve as a guide to determine the criteria or standards for common uses in the County's Zoning Resolution of 1978, as amended:

Common Place Project Name	County Use Definition	Required Criteria / Standards
"Fresh Water Storage Ponds"	Storage & Material Handling of Natural Resources	5.03, 5.03.07 & 5.03.08
"Produced Water Storage (E&P Waste)"	Storage, Processing & Material Handling of Natural Resources	5.03, 5.03.07 & 5.03.08
"Pipelines"	Administrative Pipeline Permit	9.07
"Natural Gas Processing / Treatment Facilities"	Storage, Processing & Material Handling of Natural Resources	5.03, 5.03.07 & 5.03.08
"Compressor / Compressor Stations"	Material Handling of Natural Resources	5.03, 5.03.07 & 5.03.08
"Laydown Yards" / "Contractor's Yard"	Staging Areas / Storage	5.03, 5.03.07 & 5.03.08
"Man Camps"	Temporary Employee Housing	5.02.21
"Communications Facilities / Towers"	Communications Facility	5.03 & 5.03.13
"Construction Materials Mining"	Storage, Processing & Material Handling of Natural Resources	5.03, 5.03.07 & 5.03.08
"Drill Cuttings Storage"	Storage, Processing & Material Handling of Natural Resources	5.03, 5.03.07 & 5.03.08

A. Section 5.03

(1) *Utilities adequate to provide water and sanitation service based on accepted engineering standards and approved by the Board of County Commissioners shall either be in place or shall be constructed in conjunction with the proposed use.*

(2) *Street improvements adequate to accommodate traffic volume generated by the proposed use and to provide safe, convenient access to the use shall either be in place or shall be constructed in conjunction with the proposed use;*

(3) *Design of the proposed use is organized to minimize impact on and from adjacent uses of land through installation of screen fences or landscape materials on the periphery of the lot and by location of intensively utilized areas, access points, lighting and signs in such a manner as to protect established neighborhood character;*

B. Section 5.03.07

Industrial Operations: *Industrial Operations, including extraction, processing, fabrication, industrial support facilities, mineral waste disposal, storage, sanitary landfill, salvage yard, access routes and utility lines, shall be permitted, provided:*

(1) *The applicant for a permit for industrial operations shall prepare and submit to the Planning Director ten (10) copies of an impact statement on the proposed use describing its location, scope, design and construction schedule, including an explanation of its operational characteristics. One (1) copy of the impact statement shall be filed with the County Commissioners by the Planning Director. The impact statement shall address the following:*

(A) *Existing lawful use of water through depletion or pollution of surface run-off, stream flow or ground water;*

(B) *Impacts on adjacent land from the generation of vapor, dust, smoke, noise, glare or vibration, or other emanations;*

(C) *Impacts on wildlife and domestic animals through the creation of hazardous attractions, alteration of existing native vegetation, blockade of migration routes, use patterns or other disruptions;*

(D) *Affirmatively show the impacts of truck and automobile traffic to and from such uses and their impacts to areas in the County;*

(E) *That sufficient distances shall separate such use from abutting property which might otherwise be damaged by operations of the proposed use(s);*

(2) *Permits may be granted for those uses with provisions that provide adequate mitigation for the following:*

(A) *A plan for site rehabilitation must be approved by the County Commissioners before a permit for conditional or special use will be issued;*

(B) *The County Commissioners may require security before a permit for special or conditional use is issued, if required. The applicant shall furnish evidence of a bank commitment of credit, bond, certified check or other security deemed acceptable by the County Commissioners in*

the amount calculated by the County Commissioners to secure the execution of the site rehabilitation plan in workmanlike manner and in accordance with the specifications and construction schedule established or approved by the County Commissioners. Such commitments, bonds or check shall be payable to and held by the County Commissioners;

(C) Impacts set forth in the impact statement and compliance with the standards contained in Section 5.03.08 of this Resolution. (A. 93-061)

C. Section 5.03.08

Industrial Performance Standards: All industrial operations in the County shall comply with applicable County, State, and Federal regulations regulating water, air and noise pollution and shall not be conducted in a manner constituting a public nuisance or hazard. Operations shall be conducted in such a manner as to minimize heat, dust, smoke, vibration, glare and odor and all other undesirable environmental effects beyond the boundaries of the property in which such uses are located, in accord with the following standards;

(1) Volume of sound generated shall comply with the standards set forth in the Colorado Revised Statutes at the time any new application is made. “Sound levels of noise are measured radiating from a property line at a distance of 25 feet or more there from in excess of the dB(A) established for the following time periods and zones shall constitute (prema facia) evidence that such noise is a public nuisance.” The table below shows the zones and dB(A) acceptable for each zone and particular time.

<i>Zone</i>	<i>7 am to 7 pm</i>	<i>7 pm to 7 am</i>
<i>Residential</i>	<i>55 dB(A)</i>	<i>50 dB(A)</i>
<i>Commercial</i>	<i>60 dB(A)</i>	<i>55 dB(A)</i>
<i>Light Industrial</i>	<i>65 dB(A)</i>	<i>70 dB(A)</i>
<i>Industrial</i>	<i>80 dB(A)</i>	<i>75 dB(A)</i>

(2) *Vibration generated: every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the property on which the use is located;*

(3) *Emissions of smoke and particulate matter: every use shall be operated so as to comply with all Federal, State and County air quality laws, regulations and standards;*

(4) *Emission of heat, glare, radiation and fumes: every use shall be so operated that it does not emit heat, glare, radiation or fumes which substantially interfere with the existing use of adjoining property or which constitutes a public nuisance or hazard. Flaring of gases, aircraft warning signals, reflective painting of storage tanks, or other such operations which may be*

required by law as safety or air pollution control measures shall be exempted from this provision;

(5) Storage area, salvage yard, sanitary landfill and mineral waste disposal areas:(A97-112)

(A) Storage of flammable or explosive solids or gases shall be in accordance with accepted standards and laws and shall comply with the national, state and local fire codes and written recommendations/comments from the appropriate local protection district regarding compliance with the appropriate codes; (A97-112)

(B) At the discretion of the County Commissioners, all outdoor storage facilities may be required to be enclosed by fence, landscaping or wall adequate to conceal such facilities from adjacent property; (A97-112)

(C) No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property by any reasonably foreseeable natural causes or forces; (A97-112)

(D) Storage of Heavy Equipment will only be allowed subject to (A) and (C) above and the following standards: (A97-112)

- 1. The minimum lot size is five (5) acres and is not a platted subdivision.*
- 2. The equipment storage area is not placed any closer than 300 ft. from any existing residential dwelling.*
- 3. All equipment storage will be enclosed in an area with screening at least eight (8) feet in height and obscured from view at the same elevation or lower. Screening may include berming, landscaping, sight obscuring fencing or a combination of any of these methods.*
- 4. Any repair and maintenance activity requiring the use of equipment that will generate noise, odors or glare beyond the property boundaries will be conducted within a building or outdoors during the hours of 8 a.m. to 6 p.m., Mon.-Fri.*
- 5. Loading and unloading of vehicles shall be conducted on private property and may not be conducted on any public right-of-way.*

(E) Any storage area for uses not associated with natural resources shall not exceed ten (10) acres in size.

(F) Any lighting of storage area shall be pointed downward and inward to the property center and shaded to prevent direct reflection on adjacent property.

(6) Water pollution: in a case in which potential hazards exist, it shall be

necessary to install safeguards designed to comply with the Regulations of the Environmental Protection Agency before operation of the facilities may begin.

D. Section 5.02.21: Special Use Permits for Temporary Employee Housing (Amended 2006-106)

(1) At times of severe housing shortage, extremely remote locations or other emergency conditions, special use permits for temporary employee housing in the nature of manufactured homes [as defined under C.R.S. 42-1-102 (106) (b)] and/or recreational vehicles [as defined under C.R.S. 42-1-102 (61), with the addition that such truck, truck tractor, motor home or camper trailer is being used for temporary living quarters and not recreational purposes] may be granted for projects within Garfield County related to commercial, industrial, mineral extraction or highway operations of substantial size in any zone district by the County Commissioners through the special use permit process. Such housing shall be of a temporary nature. At the expiration of the permit, the lands shall be restored and all housing structures and associated infrastructure shall be removed. Review of the permit shall be subject to §9.03 and §5.03 of the Garfield County Zoning Regulations of 1978 as Amended. All Special Use Permits for Temporary Employee Housing is subject to all applicable building code, state and federal permit requirements, fire protection district requirements and fire code requirements.

(2) Special Use Permits for Temporary Housing: The applicant shall submit an adequate site plan, consistent with §9.01.01 and including proposed water supply, proposed method of sewage treatment and names and addresses of adjacent property owners.

(A) Water and wastewater systems proposed to service temporary employee housing must comply with all applicable state and local laws and regulations. In addition, all sewage must be disposed of on-site using an Individual Sewage Disposal System (ISDS) unless the applicant can prove:

1. That, at the discretion of the Garfield County Board of Health, an ISDS system is not feasible due to environmental, topographic or engineering conditions where the temporary housing is to be located; or

2. That, at the discretion of the Garfield County Board of Health, year-round access is available and maintained for safe and regular access for sewage hauling vehicles. In addition, the following conditions must be met:

- a. *The applicant must demonstrate and guarantee an arrangement for hauling sewage; and*
 - b. *The applicant must maintain all records including but not limited to trip logs/reports and landfill receipts; and*
 - c. *All sewage disposal records must be maintained as public records to be available to the County and/or any other interested third party upon request; and*
 - d. *The temporary housing must not exceed a cumulative of one (1) year at an approved location.*
- (B) *For sites where potable water is hauled to and wastewater is hauled out, applicants must keep appropriate records, to be provided to the County upon request to demonstrate that water supplied to a site is from an approved source and that wastewater is disposed at an approved facility. For facilities serving twenty-four (24) people or less, the operator must conduct monthly tests (or quarterly if an on-site disinfection system is installed) and maintain records of stored potable water samples specific for coli form. Any tests indicating coli form contamination must be disclosed to the Garfield County Board of Health or designee. Water systems serving twenty-five (25) people or more must demonstrate conformance to state regulations by obtaining all necessary state permits prior to the scheduling of a Special Use Permit for Temporary Employee Housing public hearing.*
- (C) *In no case shall unsafe water be used for drinking nor shall raw sewage or used water be discharged on the ground surface.*
- (D) *Special Use Permits for Temporary Employee Housing sites must be related to one or more commercial, industrial, mineral extraction or highway operation locations and shall be limited to a spacing of at least one (1) mile between temporary employee housing sites, regardless of land ownership or operator. Special Use Permits for Temporary Employee Housing for oil and gas extraction purposes in the Resource Lands (RL) zoning district may be exempted by the BOCC from the one mile spacing if the operator can prove that the housing structures and all supporting infrastructure will be contained within the Colorado Oil and Gas Commission (COGCC) approved well pad and there will be no new additional land disturbance outside of the COGCC approved well pad area. If the applicant is applying for a Special Use Permit for Temporary Employee Housing on an approved COGCC well pad, the applicant must provide the relevant approved APD permit indicating housing location(s) along with the*

application for a Special Use Permit for Temporary Employee Housing.

- (3) The maximum allowable time length of the Special Use Permit for Temporary Employee Housing is one (1) year. For good cause shown, the permit may be renewed annually in a public meeting with notice by agenda only. Annual renewal review shall be based on the standards herein as well as all conditions of the permit. A permit may be revoked anytime through a public hearing called up by staff or the Board of County Commissioners. By way of example and not limitation, continued non-availability of a permanent housing inventory or the nature of the construction or extraction project may constitute “good cause” for renewal. The applicant must provide an estimated total cumulative length of time the temporary employee housing will be at the proposed location along with a statement of intentions to request renewal past the one year expiration date as part of the Special Use Permit for Temporary Employee Housing application. Failure to provide a statement of intention for renewal will prohibit the Special Use Permit for Temporary Employee Housing permit from future renewal consideration.*
- (4) Temporary housing shall be located at a site authorized by the Board of County Commissioners and identified on the relevant site plan submitted with the Special Use Permit for Temporary Employee Housing. Inhabitants of the temporary housing shall be applicant’s employees and/or subcontractors, working on the related construction or mineral extraction operation, and not dependents of employees, guests or other family members.*
- (5) Temporary employee housing sites shall be maintained in a clean, safe and sanitary condition, free of weeds and refuse. Any hazardous or noxious materials that must be stored on site for operational or security reasons must be managed in accordance with all applicable federal, state and local laws and regulations.*

 - (A) Fire Protection General Requirements: Provisions shall be made for giving alarm in case of fire. It shall be the responsibility of the duly authorized attendant or caretaker to inform all employees about means for summoning fire apparatus, sheriff’s office and resident employees. All fires are subject to §307 of the 2003 International Fire Code (IFC) including but not limited to permits, attendance, open fires, coal grills, fire bans and bon fires. One (1) or more approved extinguishers of a type suitable for flammable liquid or electrical fires (Class A, Class B and Class C), carbon dioxide or dry chemical, shall be located in an open station so that it will not be necessary to travel more than one hundred (100) feet to reach the nearest extinguisher. A water storage tank may be required if County and local fire protection officials deem it necessary.*

- (B) *Bear-proof refuse containers must be provided for trash. At least one thirty (30) gallon (4 cubic feet) container shall be provided for each unit or the equivalent in a central trash collection facility. Said container(s) must be durable, washable, non-absorbent metal or plastic with tight-fitting lids. Refuse shall be disposed of not less than once weekly.*
 - (C) *Outdoor food storage is prohibited unless facilities that prevent the attraction of animals to the temporary employee housing site are provided.*
 - (D) *The applicant shall provide a detailed map and GPS coordinates to the Garfield County Sheriff's Office and the relevant Fire Protection District which is sufficient for emergency response purposes, including location of the temporary employee housing site; private and public roadways accessing the site, marked as open, gated and/or locked; and detailed directions to the site from a major public right-of-way. The map is subject to approval by the Garfield County Sheriff's Office and relevant Fire Protection District.*
- (6) *If structures, requiring Building Permits under the Garfield County Building Code, are constructed for the commercial, industrial, highway project or mineral extraction operation related to the Special Use Permit for Temporary Employee Housing, upon expiration or revocation of the permit Certificates of Occupancy for such structures shall be withheld until the temporary living quarters are removed and the site is restored to the satisfaction of the County Building and Planning Director.*
- (7) *If a Special Use Permit for Temporary Employee Housing is granted, the applicant shall notify the county when site development begins. The applicant shall verify in writing, by site plan and through photo documentation that the site, water system, and sewage disposal system were designed, installed and inspected in accordance with the said special use permit and comply with all applicable regulations, permits, and conditions. All written documentation and site plans verifying compliance must be stamped by a certified Colorado Engineer. The county also reserves the right to inspect a site, without notice, to assess compliance with the Special Use Permit for Temporary Employee Housing. A determination of noncompliance with any Special Use Permit for Temporary Employee Housing, or condition approval thereof, is grounds for revocation or suspension of said permit, in accordance with Section §9.01.06.*
- (8) *If there is suitable permanent housing inventory available in an area near the commercial, industrial, highway project or mineral extraction operation, as determined at the discretion of the BOCC, the Special Use Permit for Temporary Employee Housing shall not be granted.*

- (9) *No animals shall be allowed at temporary employee housing sites.*
- (10) *In evaluating a request for a Special Use Permit for Temporary Employee Housing, the County Commissioners may require compliance with additional conditions of approval as may be needed to ensure the health, safety and welfare of the public. (A.81-263)*
- (11) *The applicant shall submit as part of the Special Use Permit for Temporary Employee Housing, a reclamation and revegetation plan for each specific site addressing all points in section eleven (11) within this §5.02.21.*

a. Debris and waste materials, including, but not limited to structures, concrete, footings, sewage disposal systems and related infrastructure, water storage and related distribution infrastructure, roads, and other sand, plastic, gravel, pipe and cable shall be removed. All pits, cellars, and other holes will be backfilled as soon as possible after all equipment is removed to conform to surrounding terrain. All access roads to the site and associated facilities shall be closed, graded and recontoured. Culverts and any other obstructions that were part of the access road(s) shall be removed. Upon closure of a camp facility, wastewater tanks shall be completely pumped out and either crushed in place, punctured and filled with inert material or removed. Any waste material pumped from a wastewater tank or waste debris from tank removal must be disposed of at an approved facility that is permitted by CDPHE and/or Garfield County to receive said wastes. Materials may not be burned or buried (other than ISDS) on the premises. All disturbed areas affected by temporary employee housing or subsequent operations shall be reclaimed as early and as nearly as practicable to their original condition and shall be maintained to control dust, weeds and minimize erosion. 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. Reclamation shall occur no later than three (3) months after the Special Use Permit for Temporary Employee Housing expires or is revoked unless the Director or designee extends the time period because of conditions outside the control of the applicant.

b. All areas compacted by temporary employee housing and subsequent operations shall be cross-ripped. On crop land, such compaction alleviation operations shall be undertaken when the soil moisture at the time of ripping is below thirty-five percent (35%) of field capacity. Ripping shall be undertaken to a depth of eighteen (18) inches unless and to the extent bed rock is encountered at a shallower depth.

c. When a temporary employee housing site is removed, all disturbed areas will be restored and revegetated as soon as practicable. For disturbed areas not regulated by the Colorado Oil and Gas Conservation Commission, the following regulations will apply:

(1) Revegetation of crop lands. All segregated soil horizons removed from crop lands shall be replaced to their original relative positions and contour, and shall be tilled adequately to re-establish a proper seedbed. The area shall be treated if necessary and practicable to prevent invasion of undesirable species and noxious weeds, and to control erosion. Any perennial forage crops that were present before disturbance shall be reestablished.

(2) Revegetation of non-crop lands. All segregated soil horizons removed from non-crop lands shall be replaced to their original relative positions and contour as near as practicable to achieve erosion control and long-term stability, and shall be tilled adequately in order to establish a proper seedbed. The disturbed area then shall be reseeded in the first favorable season. Reseeding with species consistent with the adjacent plant community is encouraged. In the absence of an agreement between the applicant and the affected surface owner as to what seed mix should be used, the applicant shall consult with a representative of the local soil conservation district to determine the proper seed mix to use in revegetating the disturbed area.

d. During occupation and reclamation operations, all disturbed areas shall be kept free of Garfield County and State of Colorado List A and B noxious weeds.

e. Successful reclamation of the site and access road will be considered completed when:

(1) On crop land, reclamation has been performed as per 11(c)(1) of this section, and observation by the Director or designee over two growing seasons has indicated no significant unrestored subsidence.

(2) On non-crop land, reclamation has been performed as per 11(c)(2) of this section, and the total cover of live perennial vegetation, excluding noxious weeds, provides sufficient soils erosion control as determined by the Director

through a visual appraisal. The Director or designee shall consider the total cover of live perennial vegetation of adjacent or nearby undisturbed land, not including overstory or tree canopy cover, having similar soils, slope and aspect of the reclaimed area.

(3) A final reclamation inspection has been completed by the Director or designee, there are no outstanding compliance issues relating to Garfield County rules, regulations, orders or permit conditions, and the Director or designee has notified the applicant that final reclamation has been approved.

f. Specifically as to revegetation, the applicant shall provide security for revegetation of disturbed areas in amount and in accordance with a plan approved by the Garfield County Vegetation Management Department. The security shall be held by Garfield County until vegetation has been successfully reestablished according to the standards in the Garfield County Vegetation Management Plan adopted by resolution No. 2002-94, as amended.

g. Specifically as to reclamation, the applicant shall provide security for reclamation of disturbed areas in amount and in accordance with a plan approved by the Garfield County Planning Department. The security shall be held by Garfield County until reclamation has been successfully completed per Section 11 within this §5.02.21.

D. Section 5.03.13

Broadcasting Studio and/or Communication Facility: Such broadcasting studios and/or communication facility shall be approved by the Federal Communication Commission and the Federal Aviation Administration, where appropriate. (A. 84-78;97-60) In addition, the following standards will be used in the review application for a communication facility:

- 1. All facilities shall comply with the radio frequency emission requirements of the Federal Communications Commission and any facility in compliance cannot be denied.*
- 2. The co-location of telecommunication facilities on one site is encouraged and the denial of a landowner/lessor of the co-location of a site shall be based on technical reasons, not on competitive interests. It is the County's policy to minimize the number of communication facilities by the encouragement of co-locating such facilities.*

3. *A freestanding telecommunication facility, including antennas, shall not exceed the maximum structure height in the applicable zone district unless an exception is approved by the Board based on the applicant demonstrating the following: (A97-60)*

(a) Use of existing land forms, vegetation and structures to aid in screening the facility from view or blending in with the surrounding built natural environment;

(b) Design, materials and colors of antennas and their support structures, shall be compatible with the surrounding environment, and monopole support structures shall taper from the base to the tip.

(c) It is consistent with existing communication facilities on the same site.

E. Section 9.07

Development Plan Review for Pipeline Right-of-way

9.07.01 Purpose

(1) This development plan review is an administrative review procedure for right-of-way considered likely to impact surrounding land uses and infrastructure needs and demands.

(2) Development plan review should occur before a full set of working drawings has been completed for submission as part of an application for a building permit. As part of the review procedure, the applicant may be required to submit a development plan indicating siting and layout, buffering, landscaping, access, lighting, and other specific data.

(3) Development plan review is not intended to mandate aesthetics of design.

(4) "Planning Director", as used in Section 9.07, includes any authorized representative of the Planning Director.

9.07.02 **Development Plan Review Requirements:** A development plan must be submitted for the site or area of any pipeline(s), greater than 12 " in diameter and over two (2) miles in length or any pipeline more than five (5) miles in length, proposed to be located in the unincorporated area of Garfield County. Development plan approval is required prior to the issuance of any County building permits, or associated access or other land use permits associated with pipeline operations. However, pipeline operations which do not require a building or other associated County permit must still obtain development plan approval under this resolution.

9.07.03 Application: The application for development plan review shall be made on application forms available at the County Planning Department. Such forms shall have all spaces completed, designate all agents, exhibit all owner or operator signatures, and be accompanied by required fees and all materials required within these regulations.

9.07.04 Development Plan Submission: The applicant shall submit eight copies of the proposed development plan with the completed application form to the Planning Director. The following information must be submitted with a development plan application:

- (1) A vicinity map indicating the section, township, and range of the site, and its relation to surrounding public roads and municipal boundaries.
- (2) Project Overview: a description of the project including the length of the pipeline, diameter of the pipeline, pipeline commodity, and the general description of the pipeline route.
- (3) Ownership
 - A. For individual right-of-way, a diagram showing adjacent properties and the approximate location of buildings and their uses within a distance of 350 feet of any proposed structure, facility, or area to be disturbed. This may be drawn at a smaller scale than the site plan.
 - B. For an area plan, the map will show the property boundaries and ownership information for all private and public property included in the development area.
- (4) Evidence of surface owner notification and of surface agreements where the surface owner is not a party to the mineral lease.
- (5) Need for Proposed Action: a statement of the reason for the pipeline
- (6) Regulatory Permit Requirements: a table indicating the permit agency name, permit/action driving task and the task to be performed to obtain the permit.
- (7) Primary Project Participants: Include the names, address and phone numbers of the company representative, company and individual acting as an agent for the company, construction company contacts, federal and state agency contacts
- (8) Project Facilities: Identify any permanent project facilities such as permanent right-of-way, widths, meter stations, valve sets, etc. Also indicate any temporary right-of-way, width during construction,

construction facilities, etc..

- (9) Construction Schedule: indicate the estimated start and end dates for construction, days of the week in which construction will occur, hours of day during which construction will occur.
- (10) Sensitive Area Survey: List the types and areas of concern along the pipeline right-of-way, such as: sensitive plant populations, cultural, archeological, paleontological resources and wetlands identified during pre-construction environmental surveys, if applicable.
- (11) Land Grant/Permits/Authorizations and Stipulations: attach a copy of any land grant, permits, and authorizations including stipulations.
- (12) Revegetation Plan:
 - a. A plant material list. Be specific, scientific and common names are required. Include application rate in terms of pure live seed (PLS) per acre.
 - b. A planting schedule that includes timing, methods, and mulching.
 - c. A revegetation security. A security may be required if, in the determination of the County Vegetation Management, the proposed project has:
 - (i) A potential to facilitate the spread of noxious weeds
 - (ii) A potential to impact watershed areas.
 - (iii) A potential for visual impacts from public viewing corridors.
 - (iv) Steep slopes (15% or greater) or unstable areas.
 - (v) Disturbs large area (Half an acre or greater)
 - d. The revegetation security will be in an amount to be determined by the County Vegetation Management that will be site-specific and based on the amount of disturbance. The security shall be held by Garfield County until vegetation has been successfully reestablished, or for a period of time approved by the County Vegetation Management in any specific land use action, according to the Reclamation & Revegetation Standards Section in the Garfield County Weed Management Plan. The County Vegetation Management will evaluate the reclamation and revegetation prior to the release of the security.
- (13) A weed management plan for all Garfield County listed noxious weeds and State of Colorado listed noxious weeds that are targeted by the Commissioner of Agriculture for statewide eradication.

- (14) Emergency Response Plan: include a fire protection and hazardous materials spills plan, which specifies planned actions for possible emergency events, a listing of persons to be notified of an emergency event, proposed signage, and provisions for access by emergency response teams. The emergency plan must be acceptable to the appropriate fire district or the County Sheriff, as appropriate. The plan shall include a provision for the operator to reimburse the appropriate emergency service provider for costs incurred in connection with emergency response for the operator's activities at the site.
- (15) Traffic Impact: for construction traffic on county roads, indicate the anticipated types of vehicles, number of each type, anticipated number of trips per day per each type, county roads to be used, percentage of the construction traffic that will travel on each listed county road.
- (16) Staging Areas: indicate the general location of the staging areas required for pipeline construction.
- (17) Hydrotest Water: indicate the quantity of water required, source of water and the disposition of the water after testing.

9.07.05 Referral and Review by Planning Director: The Planning Director will coordinate the review of the development plan application. Upon the filing of a complete application for development plan review, the Planning Director shall promptly forward one copy to the County Road & Bridge, Oil & Gas Auditor, Vegetation Management and Engineering Departments; the appropriate fire district or County Sheriff; the surface owners of an individual pipeline development plan; and any adjacent municipality for comment.

- (1) Referral comments on the proposed development shall be returned to the Planning Director no later than 18 days from the date of application for an individual site application and 30 days from the date of application for an area development plan.
- (2) In addition, the applicant shall notify the property owners within 200 feet of the route that are not affected surface owners with an agreement with the applicant. A sign will be posted on the portions of the route crossing or adjacent to a public road within seven days after receiving the application for an individual development plan review. Both the notice and the sign shall indicate that a development plan review application has been made, and the phone number of the Planning Department where information regarding the application may be obtained. The applicant shall notify all property owners within 200 feet of the outside boundary of an area development plan and post a sign at the

intersection of each public road entering the area within seven days after receiving the application for an area development plan review. Both the notice and the sign shall indicate that a development plan review application has been made, and the phone number of the Planning Department where information regarding the application may be obtained.

- (3) Any determination by the Planning Director to approve or conditionally approve a development plan application must be in writing and mailed or otherwise provided to the applicant no later than 28 days for an individual pipeline development plan or 60 days for an area pipeline development plan, after the date on which the development plan application is filed. Failure to make a determination on the application within this time period shall result in the application being considered approved and the applicant's building permit or access, or other permits being processed.

9.07.06 Development Plan Review Standards and Criteria for Approval: A development plan shall be approved or conditionally approved in accordance with the following standards and criteria.

- (1) Right-of-way and any associated facilities shall be located along the perimeters of surface property ownerships and not within areas of agricultural crop production as a general guide. Non-perimeter locations will be acceptable if the surface owner agrees and there is no adverse impact on adjacent properties.
- (2) Any equipment used in construction or operation of a pipeline must comply with the Colorado Oil and Gas Conservation Commission Rules and Regulations, Section 802, Noise Abatement.

a. For any pipeline construction or operational facility that will have a substantial impact in adjacent areas, additional noise mitigation may be required. One or more of the following additional noise mitigation measures may be required:

- (i) acoustically insulated housing or covers enclosing any motor or engine;
- (ii) screening of the site or noise emitting equipment by fence or landscaping;
- (iii) a noise management plan specifying the hours of maximum noise and the type, frequency, and level of noise to be emitted; and
- (iv) any other noise mitigation measures required by the OGCC.

- b. All power sources used in pipeline operations shall have electric motors or muffled internal combustion engines.
- (3) Pipeline operations shall be located in a manner to minimize their visual impact and disturbance of the land surface.
 - a. The location of right-of-way shall be away from prominent natural features and identified environmental resources.
 - b. Right-of-way shall be located to avoid crossing hills and ridges, and wherever possible, shall be located at the base of slopes.
 - c. Facilities shall be painted in a uniform, noncontrasting, nonreflective color, to blend with the adjacent landscape. Right-of-way shall be located in existing disturbed areas unless safety or visual concerns or other adverse surface impacts clearly dictate otherwise.
- (4) Access points to public roads shall be reviewed by the County Road & Bridge Department and shall be built and maintained in accordance with the Garfield County Road Specifications. All access and oversize or overweight vehicle permits must be obtained from the County Road & Bridge Department prior to beginning operation. All proposed transportation right-of-way to the site shall also be reviewed and approved by the County Road & Bridge Department to minimize traffic hazards and adverse impacts on public roadways. Existing roads shall be used to minimize land disturbance unless traffic safety, visual or noise concerns, or other adverse surface impacts clearly dictate otherwise.
- (5) Any new roads created as a result of the pipeline construction, intended to be permanent for maintenance and repair operations shall be placed behind a locked gate or other barriers preventing use by recreational vehicles. Any gates or barriers need to be consistent with the surface owners preferences.
- (6) In no case shall an operator engage in activities which threaten an endangered species.
- (7) Air contaminant emissions shall be in compliance with the applicable permit and control provisions of the Colorado Air Quality Control Program, Title 25, Resolution 7, C.R.S..
- (8) All operations shall comply with all applicable State Public Health and Environment, Water Quality Control standards.

- (9) Any proposed waste disposal or treatment facilities shall comply with all requirements of the County Individual Sewage Disposal System Regulations.
- (10) The proposed reclamation plan shall provide for a reasonable reclamation schedule in light of the specific surface use and surrounding land uses, and may require recontouring and revegetation of the surface to pre-disturbance conditions. The Planning Director may also approve a plan for an alternative postdisturbance reclamation, provided the surface owner and the applicant agree, and the plan is in harmony with the surrounding land uses and the Comprehensive Plan.
- (11) Should an abandoned pipeline be removed, it will be subject to the original revegetation and weed management requirements in the original application.

9.07.07 Conditions of Approval

- (1) If the Planning Director finds in reviewing a development plan application that the application meets the applicable standards set forth above, the Planning Director shall approve the site plan, and the applicant may continue the processing of the building or other associated County permit applications, or otherwise engage in the construction of the proposed pipeline.
- (2) If the Planning Director finds that the application does not meet an applicable standard or standards, the application shall be approved with appropriate reasonable conditions imposed to avoid or minimize the significant adverse impacts of the development. Such conditions may include, but are not necessarily limited to, the relocation or modification of proposed access roads, facilities, or structures; landscaping, buffering, or screening; posting of adequate financial guarantees; compliance with specified surface reclamation measures; or any other measures necessary to mitigate any significant impact on surrounding properties and public infrastructure.
- (3) Once the Planning Director issues a determination on the development plan, the determination shall not be final, and no permit based upon the determination shall be issued, for 14 calendar days after the date of the determination, in order to allow time for the applicant to appeal, or for the Board of County Commissioners to call up the determination for further review, pursuant to Sections 9.07.08 and 9.07.09 of this Resolution. The Planning Director's determination shall become final, and permits applied for in accordance with the determination may be issued, only after the expiration of this 14-day period, and only if the determination is not reviewed and acted upon by the Board of County Commissioners at a subsequent appeal or call-up hearing.

9.07.08 Applicant's Right of Appeal of Conditional Approval

- (1) In the event that the Planning Director conditionally approves a development plan application, the applicant shall be entitled to appeal the approval to the Board of County Commissioners. The applicant must file an appeal for this purpose with the Planning Director in writing no later than seven calendar days after the date of the Planning Director's determination. If the determination is mailed to the applicant, three additional days for mailing shall be added to the time for filing an appeal.
- (2) The Board shall review the Planning Director's determination at a public hearing held as soon as practical after the date of the determination. Prior written notice of this hearing shall be provided to the applicant and to affected surface property owners as defined in Section 9.07.05, and shall be published as part of the Board's agenda in a newspaper of general circulation in Garfield County.
- (3) At the public hearing the Board shall consider evidence related to the Planning Director's determination which may be presented by County staff, the applicant, or interested members of the public. The Board shall not be limited in their review to the subject of the appeal, but may review any aspect of the development plan application. Based upon this evidence the Board may affirm the Planning Director's determination, or may approve the development plan with modified, altered, deleted, or added conditions in accordance with Section 9.07.06 of this Resolution. No County building, grading, access or other permit shall be issued, or the applicant otherwise allowed to proceed with the operation, until the Board acts on the Planning Director's determination at the public hearing, and approves the development plan with or without the addition or modification of conditions.

9.07.09 Board of County Commissioners' Review ("Call-up") of a Determination to Approve or Conditionally Approve a Development Plan

- (1) No County building, grading, access, or other permit may be issued to the applicant, nor shall the applicant be authorized to proceed with any proposed pipeline construction not requiring one of these County permits, for 14 calendar days after the date of the Planning Director's approval, in order for the Board of County Commissioners to review the approval. At the same time written approval of the development plan is provided to the applicant, the Planning Director shall forward to the Board a written statement which shall include a description of the proposed pipeline construction, and, if the development plan is conditionally approved, the conditions of approval.

(2) Upon receiving the Planning Director's statement, and no later than 14 calendar days after the date of the approval, the Board may call the Planning Director's determination up for review before the Board. The call-up generally shall be made by the Board at a public meeting convened within this 14-day period. However, if it is not practical for the Board to convene a public meeting for this purpose within the 14-day period, the Board will convene at the next regular meeting to make a determination as to whether or not the Planning Director's determination should be reviewed.

- a. The Board shall review the Planning Director's determination at a public hearing held as soon as practical after the Planning Director's determination.
- b. Prior written notice of the hearing shall be provided by the Planning Director to the applicant and to surface property owners having agreements with the applicant, and shall be published as part of the Board's agenda in a newspaper of general circulation in Garfield County.

(3) At the public hearing, the Board shall consider evidence related to the Planning Director's determination which may be presented by County staff, the applicant, or interested members of the public. The Board shall not be limited in their review to the subject of the call-up, but may review any aspect of the development plan application. Based upon this evidence, the Board may affirm the determination, or alter, delete, or add conditions of approval, in accordance with Section 9.07.06 of this Resolution. No County building, grading, access or other permit shall be issued, or the applicant otherwise allowed to proceed with the operation, until the Board acts on the Planning Director's determination at the public hearing, and approves the development plan with or without the addition or modification of conditions.

9.07.10 Effect of the Approved Development Plan: After approval of a development plan for a pipeline, the applicant shall be entitled to have processed any necessary building, grading or access permits or to otherwise proceed with the proposed operation. The approval of a development plan by the Planning Director or Board of County Commissioners does not result in the vesting of development rights, nor does it permit the violation of any County or state regulations or preclude the County Building Official or Road & Bridge Department from refusing to issue a permit if the plans and specifications do not comply with applicable County regulations.

9.07.11 Inspections/Certifications: The applicant shall provide the telephone number of a contact person who may be reached 24 hours a day for purposes of being notified of any proposed County inspection under this Section. Any site under an approved development plan may be inspected by the County at any time, to ensure compliance with the requirements of the approved development plan, provided that one hour's prior notice is given to the contact person at the telephone number supplied by the applicant. Calling the number (or leaving a message on an available answering machine or voice mail service at the number) at least one hour in advance of the proposed inspection shall constitute sufficient prior notice if the contact person does not answer. The approved development plan shall be considered to grant the applicant's implied consent to such inspections and right of entry by County representatives.

Upon completion of any pipeline, the applicant shall submit a statement from a licensed Professional Engineer in the State of Colorado certifying the completion of the project and include a digital copy of the surveyed pipeline as-built.

9.07.12 Enforcement

- (1) In addition to any other remedy authorized under this Resolution to enforce the provisions of this Resolution, the Planning Director shall be entitled to draw on any financial guarantee provided by an applicant pursuant to this Resolution, if the applicant violates any term or condition of an approved development plan. If the Planning Director has reason to believe that a violation of an approved development plan for which a financial guarantee has been provided has occurred, the Planning Director shall provide written notice to the applicant describing the violation, and stating a reasonable time within which the violation must be corrected. If, within that time period, the applicant has not either corrected the violation or filed a written appeal with the Board of County Commissioners, the Planning Director shall be entitled to enter upon the site to take any reasonable measures to correct the violation, and may draw on the financial guarantee to cover the costs of corrective measures.
- (2) If the applicant files a timely appeal with the Board of County Commissioners, the Board shall schedule a hearing on the appeal at the soonest possible time. The Planning Director shall provide the applicant reasonable private notice. Publication of the Board's agenda shall operate as notice to the public. If the Board confirms at the hearing that the violation has occurred and has not been corrected, the Board in its discretion may give the applicant additional time to correct the violation, or may specify the time at which the Planning Director may take appropriate action to have the violation corrected and draw on the financial guarantee to cover the costs of corrective measures.

- (3) To insure the Planning Director's ability to enforce the provisions of any approved development plan, the Planning Director shall not release any financial guarantee provided under this Resolution for a development plan, until the Planning Director confirms that all operations have been completed and all provisions of the plan complied with. The Planning Director shall not release any blanket bond or other blanket financial guarantee provided under this Resolution unless he is satisfied that the person providing the bond has adequately declared its intention to conduct no further oil and gas operations in Garfield County in the foreseeable future. The Planning Director shall also be empowered to release a financial guarantee if a successor to an operator provides satisfactory guarantees in accordance with this Resolution.

9.07.13 Amendments to a Development Plan: Any proposal to change a development plan approved under this Resolution shall require an application to the Planning Department to determine whether the proposed change constitutes a substantial modification to the approved plan. If the Planning Director determines that the change constitutes a substantial modification, no such change shall be allowed to proceed until an application to amend the approved development plan is filed with the Planning Director and approval granted in accordance with this Resolution. The applicant or its successor may appeal the Planning Director's decision to require an amended development plan to the Board of County Commissioners, provided that any such appeal shall be in writing and shall be filed with the Planning Director no later than 30 days following the date of the Planning Director's decision to require a development plan amendment.

5.03.10 Approval of Conditional and Special Uses: Uses listed as Conditional under the appropriate Zone District Regulation shall be permitted based on compliance with the requirements listed herein; where uses are listed as Special Uses, they shall be permitted only:

- (1) Based on compliance with all requirements listed herein, and;
- (2) Approval by the County Commissioners, which Board may impose additional restrictions on the lot area, floor area, coverage, setback and height of proposed uses or require additional off-street parking, screening fences and landscaping, or any other restriction or provision it deems necessary to protect the health, safety and welfare of the population and uses of the neighborhood or zone district as a condition of granting the special use.

IV. Permitted Uses In the Zone Districts

The following matrix provides the typical permitted uses related to the oil and gas industry in Garfield County. (Note, there are additional uses in these districts such as churches, vet clinics, etc. that have been omitted from this primer as they are not typical oil and gas uses).

Use	Agricultural / Residential / Rural Density (ARRD)	Agricultural / Industrial (AI)	Resource Lands GSLVF	Resource Lands Talus Slopes	Resource Lands Escarpment	Resource Lands Plateau
Legend Empty Box = Prohibited “•” = Use by Right (with Standards) CUP = Conditional Use Permit SUP = Special Use Permit						
Air Carrier Airport		SUP				SUP
Aircraft Landing Strip	CUP	CUP				CUP
Airport Utility	SUP	CUP				
Camper Park	SUP	SUP	SUP			
Communication Facility	SUP	SUP	SUP	SUP	SUP	SUP
Communication Tower						CUP
Electric Distribution		SUP	SUP			
Extraction	SUP	SUP	SUP	CUP	CUP	CUP
Fabrication / Fabrication Areas		SUP				CUP
Industrial Support Facilities			SUP			
Material Handling	SUP	SUP	SUP			
Mineral Waste Disposal Areas			SUP	SUP	SUP	CUP
Pipeline	•	•	•	•	•	•
Processing	SUP	SUP	SUP	CUP	CUP	CUP
Pumping Facilities		SUP	SUP			
Salvage Yard		CUP				CUP
Sanitary Landfill		CUP	SUP			CUP
Site for Extraction, Processing, and Storage or Material Handling of Natural Resources	SUP	SUP	SUP	CUP	CUP	CUP
Staging Areas		SUP	SUP	CUP	CUP	CUP
Storage	SUP					
Storage Areas		SUP	SUP			CUP
Storage of Heavy Equipment	SUP					
Storage of Oil and Gas Drilling Equipment	SUP					
Temporary Employee Housing	SUP	SUP	SUP	SUP	SUP	SUP
Utility Airport	CUP	SUP	CUP			
Utility Lines	SUP	SUP	SUP	SUP	SUP	SUP
Utility Substations	SUP	SUP	SUP	SUP	SUP	SUP
Warehouse Facilities		SUP	SUP	CUP	CUP	CUP
Water Impoundments		SUP	SUP	CUP	CUP	CUP

V. Definitions

Accessory Uses: Incident only to a lawful use, any use, which complies, with all of the following conditions may be operated as an accessory use:

- (1) Is clearly incidental and customary to, and commonly associated with a lawful use;
- (2) Is operated and maintained under the same ownership and on the same lot as the lawful use;
- (3) Does not include structures or structural features inconsistent with a lawful use; and
- (4) Does not include residential occupancy except by domestic employees employed on the premises and the immediate families of such employees.

Aircraft Landing Strip: A private facility for accommodation and servicing of aircraft, the use of which shall be limited to the owner or owners of the lot upon which the facility is located.

Airport: A public facility for accommodation and servicing of aircraft;

- (1) Airport, utility; a basic or general utility airport as defined by the Federal Aviation Administration; use shall be limited to aircraft weighing no more than twelve thousand five hundred (12,500) pounds.
- (2) Airport, air carrier; an air carrier airport as defined by the Federal Aviation Administration.

Camper Park: Any lot which has been designed, improved or used for the parking of two

(2) or more camper vehicles and/or tent campers for human habitation.

Communication Facility: A non-inhabitable structure supporting antennas and microwave dishes that sends and/or receives radio frequency signals, including television and data impulses through space by means of electromagnetic waves. Communication facilities include structures or towers, and accessory building, not including individual/personal direct-to-home satellite services.

Contractor's Yard: The use of land for the purpose of storing machinery, equipment and supplies for an individual business that provides services to clients through the use of the machinery, equipment or supplies. Such use may include office and repair facilities.

Extraction: "to draw out or forth; hence to derive as if by drawing out"; removal of physical matter in a solid, liquid or gaseous state from its naturally occurring location; the initial step in utilization of a natural resource; examples include

petroleum and natural gas wells, shale and coal mines, gravel pits, timber cutting;

Fabrication: "to form by art and labor; to manufacture"; change in the physical shape of matter; the final step in utilization of a natural resource; examples include manufacture of equipment, vehicles and consumer goods from processed materials, wood and metal working operations, and batch plants;

Material Handling: "to load and unload goods, materials and products, whether industrial or commercial, in bulk, excluding the operation of extraction, processing, fabrication or storage as defined above, including a transfer station for construction waste including: wood, drywall, metals, paper, plastic and other types of construction materials.

Pipeline: Any conduit and appurtenant facilities designed for, or capable of, transporting natural gas, other petroleum derivatives, gaseous matter or other liquid matter. Pipelines regulated, licensed, or permitted under federal regulations as interstate transmission lines shall be exempted from regulations under this Chapter.

Processing: "to subject to some special process or treatment, as in the course of manufacture"; change in the physical state or chemical composition of matter; the second step in utilization of a natural resource; examples include petroleum refining, oil shale crushing, retorting and refining, ore smelting, coal crushing and cleaning, saw mills, alfalfa pellet mills, food canning or packing, creation of glass, ceramic or plastic materials, gravel crushing, cement manufacture; concrete batch plants;

Resource Land District Definitions:

- (1) Plateau: the rolling lands of the higher elevation in resource land districts and generally found above the escarpment.
- (2) Escarpment: the fixed bedrock forming vertical or near vertical parts of the canyon walls.
- (3) Talus slopes: loose deposits of rock debris accumulated at the base of talus slopes in the lower valley floor.
- (4) Gentle slopes and lower valley floor: colluvial and alluvial soil at the base of talus slopes in the lower valley floor.

Salvage Yard: Any location which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts, old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber or synthetic petrochemical debris, waste, appliances or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

Storage: "act of storing or state of being stored, specifically, the safe keeping of goods in a warehouse or other depository", examples include products and open storage of mineral storage piles of gravel, ore and shale.

Water Impoundments: Impoundments with man-made barriers, constructed on natural terrain in order to control or store water and has a surface area of 80 surface acres or more at the high water line.