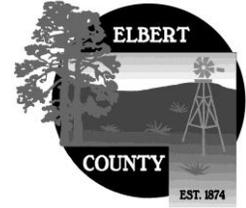




# COUNTY OF ELBERT

## COMMUNITY & DEVELOPMENT SERVICES OFFICE

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### EXHIBIT A

January 2, 2014

Staff: Kyle Fenner

### **PLANNING COMMISSION RECOMMENDATIONS FOR THE BOARD OF COUNTY COMMISSIONERS: Administrative Review and MOU Process for Minor Oil and Gas Operations and Related Facilities**

1. Section 27.1A, page 1: (1<sup>st</sup> Sentence)

**Currently reads:** “This is intended”

**Planning Commission recommends:** “This section is intended”

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2. Section 27.1E, page 1: (1<sup>st</sup> sentence of this section)

**Currently reads:** “A Pre-Existing Oil and Gas Operation which was previously approved prior to the adoption of this Section”

**Planning Commission recommends:** “A Pre-Existing Oil and Gas Operation which was legally established prior to the effective date of this Section”.

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3. Section 27.1E page 1: (2<sup>nd</sup> paragraph, last sentence)

**Currently reads:** “currently operating under an approved COGCC permit”

**Planning Commission recommends:** “operating under an approved COGCC permit prior to the effective date of this section.”

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### EXHIBIT A

4. Section 27.1E(3)(b), page 2.

**Currently reads:** “may be required”

**Planning Commission recommends:** “shall be required”.

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5. Section 27.3B(2), page 5 (2<sup>nd</sup> paragraph)

**Currently reads:** “Things to be considered in such a situation include but are not limited to: wildlife, proximity to subdivisions, length of impact, impact on county infrastructure, water quality and visual impacts.”

**Planning Commission recommends:**

“An applicant for a special use permit for a Major Oil and/or Gas Facility may request that the permit application be processed under the rules pertaining to minor facilities set forth in section 27.2(B) below so long as (i) no portion of the facility lies within a platted subdivision and (ii) the proposed major facility is not an open pit for the storage of produced or flowback water. Any such request must be submitted to the planning commission and the BOCC. Factors to be considered in reviewing such a request include:

- I. the size of the facility;
- II. the number of residential lots within 500 feet of the facility;
- III. the potential impact of the facility on surrounding land uses;
- IV. the potential impact of the facility on the provision of public services ;
- V. the potential impact of the facility’s construction and operation on traffic and road use and maintenance;
- VI. the facility’s use of water;
- VII. the facility’s potential impact on the environment in terms of noise, emissions, pollution of surface or subsurface water resources, and the consequences of any intentional or unintentional release of hazardous materials;
- VIII. the facility’s potential impact on wildlife;
- IX. the facility’s potential impact on open space; and
- X. the facility’s potential for otherwise having a detrimental impact on the health, safety, and welfare of citizens of Elbert County.”

6. Section 27.4, page 6 (last sentence)

**Currently reads:** Applicable provisions of the MOU shall be included as BMPs with the COGCC on Form 2A.

**Planning Commission recommends:** “The standard MOU shall identify provisions that constitute best management practices (BMPs) to be incorporated into State permit form 2A by the applicant prior to issuance of the County permit.”

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7. Section 27.6, page 11. (1<sup>st</sup> sentence)

**Currently reads:** “Once an MOU has been executed by the parties...”

**Planning Commission recommends:** “Once the MOU has been executed by the parties and approved by the BOCC...”

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8. Section 27.6 (1<sup>st</sup> sentence)

**Currently reads:** “...all subsequent Oil and Gas Facilities of the Operator in Elbert County”

**Planning Commission recommends:** “all subsequent Oil and Gas Facilities covered by section 27 of the Elbert County Zoning Regulations.”

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9. 27.6 (second paragraph, end of 1<sup>st</sup> sentence)

**Currently Reads:** “An executed MOU may be amended by the parties when there is a demonstrated need to accommodate site-specific circumstances including, but not limited to, topography, geology, geography, reservoir management, historical site, location of surface waters and surface owners concerns that the Standard MOU would not otherwise allow. All amendments to an MOU must be approved by the BOCC.

**Planning Commission Recommends:** An executed MOU may be amended by the parties when there is a demonstrated need to accommodate site-specific circumstances including, but not limited to, topography, geology, geography, reservoir management, historical site, location of surface waters and surface owners concerns. All amendments to an MOU must be approved by the BOCC.

THE ONLY ELIMINATION IS: “that the Standard MOU would not otherwise allow”

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10. 27.6 (second paragraph, last sentence)

**The first sentence of the last paragraph of the section currently reads:** “All amendments to an MOU must be approved by the BOCC.”

**The Planning Commission Recommends:** Striking it

11. 27.1 Recommends striking Operational Conflict of Interest and Wavier language entirely.

12. Section 27.1, K. Top of page 4

**Currently reads:** WITHDRAW

**Planning commission recommends:** WITHDRAWAL

13. TYPO, page 7 following #7

**Currently reads:** FSPA

**Should read:** FPSA

14. Page 6 – 27.5(B)

Should read: Once the applicant has submitted ~~all~~ all items required for a pre-application meeting and paid the pre-submittal fee in accordance with PART I, Section 8 of the Elbert County Zoning Regulations...”

15. TYPO Page 8, #9

**Last sentence:** change CDEHP to CDPHE

16. Page 5, B1.b

**Should read:** Any water treatment, water recycling or open storage pit to manage Flowback and Produced Water;

17. DELETED

18. **Planning Commission recommendation:** Define Flowback Water.

Flowback Water (Flowback Fluids): The fraction of the injected fluid that is forced back to the surface by geological formation pressure after a hydraulic fracturing procedure is complete. Fluids and solids produced during initial completion procedures.