

- (viii) Additional Best Management Practices (BMP) shall be incorporated if the water quality is affected in any negative manner. These shall include but are not limited to:
- (ix) An Integrated Pest Management (IPM) system that will minimize pest problems shall be approved by Grand County. This IPM will include:
 - (1) Reliable and accurate pest identification.
 - (2) Monitoring pest populations and related damage to ensure treatments will only be applied when necessary and when they will be most effective.
 - (3) Establishment of injury levels that can be tolerated before controls are implemented.
 - (4) Use of combinations of the following treatment methods to control pests in a manner that achieves a high level of effectiveness while minimizing environmental impact:
 - (5) Biological controls - release of predatory/parasitic insects
 - (6) Cultural controls - use of resistant cultivars, encouragement of diverse plant communities, and using optimal irrigation management and other techniques to maximize plant vigor.
 - (7) Physical Controls - sanitation, pruning, protective weed barriers.
 - (8) Chemical Controls - use of products that are target specific, have short lived residual lives and have low environmental impacts.
- (x) Continuous evaluation of turf management practices and pest treatment effectiveness to determine if changes are necessary.
- (e) No disturbance or construction may occur on the proposed golf course site unless approved by the Grand County Board of Commissioners.

(15) Oil and gas exploration and production

This section shall apply to all oil and gas operations within the unincorporated area of Grand County with the exception of those lands where the County's jurisdiction is preempted by federal or state law. In recognition of the need to avoid operational conflicts, yet recognizing the rights of surface owners, the right of the County to determine land uses and the right of the mineral estate to extract minerals, the following additional submittal requirements, review standards and criteria for approval shall apply.

- (a) **Submittal Requirements**
The Applicant shall submit the following:
 - (i) Copies of application forms for all applicable local, state, or federal permits, including Colorado Oil and Gas Conservation Commission (CCOGCC) forms;
 - (ii) Evidence of surface owner notification, of mineral lease agreements and of surface agreements where the surface owner is not a party to the mineral lease;

- (iii) A detailed drawing of the site at a scale of 1 inch to 100 feet, including the dimensions of the site, indicating area in square feet and acres, and the area of the site to be disturbed;
- (iv) The location of all structures, flow lines or pipelines, tanks, wells pits, and any other oil and gas operation facilities or equipment;
- (v) Existing and proposed roads within the site as well as ingress and egress from public or private road;
- (vi) Lease lines, if applicable;
- (vii) On-site features such as floodplain designations, water courses, drainage, utility lines and easements, ditches, wetlands or aquatic habitat, significant plant ecosystems, wildlife habitat and migration routes, geologic features, vegetative cover, dams, reservoirs, mines, and known cultural resources;
- (viii) Existing and proposed topography of the site at intervals of five feet, existing and proposed vegetation, buffers, berms, fences, and other screening devices;
- (ix) Vicinity map, drawn to scale, including: section, township, and range of the site, surrounding public roads and municipal boundaries, adjacent properties and the approximate location of building and their uses within a distance of 1000 feet of any proposed structure, facility, or area to be disturbed;
- (x) Copies of financial guarantees in the form of bonds, letters of credit, cash, certificates of deposit, or other guarantees acceptable to the County, if the Board of County Commissioners determines that financial guarantees are necessary to assure the performance of specific conditions of approval of the development plan. This requirement may be waived by the Board of County Commissioners if the Board is satisfied that individual bonds posted with the COGCC for the proposed operation cover the conditions of the development plan approval granted under this Article, or if the operator posts a blanket bond with the County covering all operations conducted in County in an amount of \$500,000 or more;
- (xi) An operation plan including the method of and schedule for the drilling completion, production, abandonment and reclamation phases of the operation.

(b) **Liability Insurance**

For any facility permitted under this article, the applicant shall submit a certificate of insurance to the Grand County Department of Planning and Zoning, showing that a policy of comprehensive general liability insurance or a self-insurance program approved by the Colorado Insurance Commission, in the amount of no less than \$400,000.00 per occurrence, insuring the applicant against all claims or causes of action made against the applicant for damages arising out of the drilling, maintenance, operation or other work done with respect to such proposed facilities. The policy shall be written by a company authorized to do business in the State of Colorado, unless the applicant is self-insured. The certificate shall require at least 30 days' notice to the County prior to termination of coverage for any reason. If the insurance policy lapses or becomes void for any reason whatsoever, the approval shall cease to be valid until a new insurance certificate is provided and filed with planning. All approved oil or gas or related activity shall cease, consistent with safety considerations, until the applicant provides evidence that insurance coverage in the prescribed amount is in effect.

(c) **Performance Security**

The applicant shall provide one form of the following security to ensure compliance with mitigation requirements set forth in this article and specific conditions of approval for facilities: \$5,000.00 performance bond for each facility; \$50,000.00 countywide blanket bond for all facilities operated by the applicant within the county; irrevocable letter of credit; or equivalent financial security acceptable to the county. Conditions of approval covered by this performance security shall consist of mitigation measures addressing specific impacts affecting the general public and/or adjacent landowners by the applicable performance standards contained in these Regulations. Reclamation activities which fall under Colorado Oil and Gas Conservation Commission jurisdiction are exempted from this performance security coverage.

(d) **Location of Oil and Gas Wells**

- (i) The siting of a facility shall adhere to the standards outlined in the Grand County Zoning Regulations to the maximum extent practical and shall lie within the Colorado Oil & Gas Conservation Commission (CCOGCC) determined drilling window, or in a location that complies with CCOGCC rules and regulations;
- (ii) No facility shall be sited in a geologic hazard area; an area with slopes exceeding 30 percent; an area of wetlands under the jurisdiction of the U.S. Army Corps of Engineers; an area within a floodway of a stream or river as determined by a state licensed professional engineer;
- (iii) Wells and any associated oil and gas operation facility or structure requiring a building permit shall not be located in subdivisions containing lots of ten acres or less;
- (iv) At the request of either the operator, surface owner, or any other landowner, County Planning staff will conduct a public site visit with all interested parties to evaluate locations, compliance with County Regulations and mitigation that may be required. When possible this site visit will be coordinated with site visits required by CCOGCC rules;
- (v) If the CCOGCC spacing rules require a well to be located contrary to the siting required by these Regulations, the applicant shall apply for a variance with the CCOGCC to meet the County's well location requirements. If such a variance is not granted, the location as required by these Regulations shall be complied with to the maximum extent possible. The Board of County Commissioners may impose additional mitigation measures as necessary to protect the public health, safety, and welfare when the well is not located as required by these regulations;
- (vi) No oil and gas operation shall violate the setbacks of the applicable zoning district in which the operation is located. In order to buffer oil and gas operations from surrounding properties, wells and any associated oil and gas operation facility or structure requiring a building permit shall meet the following setbacks:
 - (1) A minimum of five hundred feet (500') from the site perimeter of the facility to any occupied building or occupied building permitted for construction, unless verified written consent is obtained from the affected property owner;
 - (2) A minimum of three hundred feet (300') from the site perimeter of the facility to the closest platted subdivision lot line, unless verified written consent is obtained from the affected property owner; and;
 - (3) A minimum of two hundred feet (200') from the site perimeter of the facility to any public right-of-way;

- (4) A smaller set back may be granted if the surface owner agrees and if there is no adverse impact on adjacent properties created by the reduced setback;
- (vii) If the CCOGCC spacing rules require location of wells at a distance less than these minimum requirements, the applicant shall apply for a variance with the CCOGCC to meet the County's setback requirements. If such a variance is not granted, the setbacks specified in these regulations shall be complied with to the maximum extent possible. The Board of County Commissioners may impose additional mitigation measures as necessary to protect the public health, safety, and welfare where these setbacks cannot be met.
- (e) **A maximum of one oil/or gas well is allowed per 40 acres.**
- (f) **Review Standards and Criteria for Approval**
A permit for oil and gas operations shall be approved, conditionally approved or denied in accordance with the standards set forth in Section XI and the following standards and criteria:
 - (i) **Noise**
 - (1) Any equipment used in drilling, completion, or production of a well must comply with the maximum permissible noise levels set forth in CCOGCC Regulation 802.
 - (2) Where a facility does not comply with the required setback or other portions of the performance standards, additional noise mitigation may be required. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to, Nature and proximity of adjacent development; Prevailing weather patterns, including wind directions; Vegetative cover on or adjacent to the site; Topography.
 - (3) One or more of the following additional noise abatement measures, listed below:
 - (a) Acoustically insulated housing or covers enclosing any motor or engine;
 - (b) Screening of the site or noise emitting equipment by fence or landscaping;
 - (c) Solid wall or fence of acoustically insulating material surrounding all or part of the facility.
 - (d) A noise management plan specifying the hours of maximum noise and the type, frequency, and level of noise to be emitted; and
 - (e) Any other noise mitigation measures required by the CCOGCC.
 - (f) Construction of buildings or other enclosures may be required where facilities create noise and visual impacts non-mitigatable because of proximity, density and/or intensity of adjacent land use.
 - (ii) **Visual Mitigation in Visually Sensitive Areas**
 - a. Well sites located within a visually sensitive area shall be mitigated according to the provisions of this section. Visually sensitive areas shall be defined as any area within 1000 feet of a residence, school, health care facility, or place of public assembly, 500 feet from a public road, and 500 feet from a property line. Any facility within a visually sensitive area shall utilize the following mitigation measures:

Visual Mitigation Measures

Landscaping	Equipment and Size
<p>Landscaping Requirements:</p> <ul style="list-style-type: none"> -Five (5) foot berm with no greater than a 3:1 slope ratio; -Min. 15% of total developed area; -Placed on perimeter of site; -One specimen tree per 200 s.f. of landscaped area; -Min. 50% of trees must be evergreen; -One 5-gal. shrub per 100 s.f. of landscaped area; -Landscape plan by certified landscape architect or arborist and include species suitable for climate and soils type; -Landscaping may be placed on adjacent property. -Irrigation plan required for first 2 years after establishment of vegetation -Financial guarantee provided to County in amount equal to value of landscaping. 	<p>Reclaim drilling pad up to the drilling anchors.</p> <p>Production equipment will be no greater than 10 feet tall (i.e. horizontal separator/dehydrator and low profile pumps*.)</p> <p>There will be no motorized production equipment on the site or production equipment will use electric motors instead of gas-reciprocating engines.</p>

- (iii) **Air Quality**
Air contaminant emissions shall be in compliance with the permit and control provisions of the Colorado Air Quality Control Program, Title 25, Article 7, C.R.S.
- (iv) **Water**
 - (a) An approved well permit shall comply with the following requirements:
 - (1) All CCOGCC water well testing and water-bearing formation protection procedures and requirements.
 - (2) All applicable state water quality standards and classifications established by the Water Quality Control Commission.
 - (3) Water Right Determination and Administration Act and the Ground Water Management Act for beneficial uses of produced water related to coal bed methane production.
 - (4) All Bradenhead and water well testing data shall be forwarded to the Grand County Department of Planning and Zoning.
- (v) **Hydraulic Fracturing**
The permit holder shall provide a list of all chemicals used in Hydraulic Fracturing operation to the Grand County Department of Planning and Zoning for review and approval.
- (vi) **Inspections**
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. By accepting an approved development plan, the applicant grants its consent to such inspections.
- (vii) **Operational Conflict**
Special exceptions to these regulations may be granted where the requirements of these regulations actually conflict in operation with the requirements of the Colorado Oil and Gas Conservation Act or implementing regulations. All

applications where a special exception due to operational conflicts is requested shall be heard in a noticed public hearing by the Board of County Commissioners acting in a quasi-judicial capacity. The applicant shall have the burden of pleading and proving an actual, material, irreconcilable operational conflict between the requirements of these regulations and those of the COGCC in the context of a specific application.

For the purpose of this section, an operational conflict exists where the County condition of approval or regulation actually conflicts in operation with the state statutory or regulatory scheme, and such conflict would materially impede or destroy the state's interest in the development, production, and utilization of oil and gas resources in the state, and the protection of the public health, safety and welfare. An operational conflict may occur where the County regulation prohibits an activity which the COGCC, or its valid regulations, has clearly authorized, or where the County regulation authorizes an activity which the COGCC, or its valid regulations, has clearly prohibited.

Additional County requirements in areas regulated by the COGCC, which also falls within County land use powers and which are necessary to protect the public health, safety and welfare under the facts of the specific application presented, and which do not impose unreasonable burdens on the applicant, shall be presumed not to present an operational conflict. If the Board of County Commissioners finds, based upon competent evidence in the record, that compliance with the requirements of this section shall result in an operational conflict with the state statutory and regulatory scheme, a special exception may be granted, in whole or in part, but only to that extent. The Board of County Commissioners may condition the approval of a special exception as necessary to protect the public health, safety and welfare by mitigating any adverse impacts arising from the grant of approval

(16) ADULT ORIENTED USES shall be subject to the following additional provisions:

- (a) No person may operate or cause to be operated an adult oriented use within 1,000 feet of any of the following uses or property boundaries, whether the use or zone district listed below is unincorporated Grand County, an adjacent county, or within an incorporated Town:
 - (i) Any church, school, child care or day care facility, public park, playground, outdoor recreational area or recreation facility, public facility or library.
 - (ii) Any single family or multi-family dwelling or any boundary of any R-Residential, E-Estate or M-Mobile Home Zone Districts.
 - (iii) Any establishment holding a liquor license.
 - (iv) Of another adult oriented uses.
- (b) For purposes of this section, the distance between any adult oriented use and any use or zone district boundary outlined in Section 16(a) above, shall be measured in a straight line, without regard to intervening structures or objects or political boundaries, from the closest property line of any adult oriented use to the nearest property line of any use or zone district boundary outlined in Section 16(a) above. No person may operate or cause to be operated an adult oriented use within 1,000 feet of another adult oriented use.
- (c) No person may cause or permit the operation, establishment or maintenance of more than one adult oriented use within the same building or structure or portion thereof, such as in a shopping center. An adult oriented use may include one or more types of adult oriented use provided it has one address and is operated as a single use entity that has one sales tax license number.