

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF COUNTY COMMISSIONERS Minutes of Meeting July 6, 2018

The Board of Morgan County Commissioners met Thursday, July 6, 2018 at 9:30 a.m. with Chairman Mark Arndt, Commissioner James Zwetzig and Commissioner Laura Teague in attendance along with County Attorney Kathryn Sellers.

### PUBLIC HEARING

**Application is for a minor subdivision to create 3 commercial lots. The parcel is located in NE1/4 Section 5, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, also known as 19975 County Road S, Fort Morgan, CO 80701**

**Applicant: Don Neb/Plains Realty  
Landowner: Jensen Farms Inc.**

Chairman Arndt asked Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry to present the file at which time Ms. Cherry read aloud the following information.

### **Background Information**

Ms. Cherry explained that Jensen Farms, Inc. as being the landowner and Don Neb as the applicant are requesting approval of a Minor Subdivision of a 14.9 acre parcel at the southwest corner of Barlow Road and County Road S. The property is addressed as 19975 County Road S and has never been platted. The application is to create three lots, Lot 1 is 5.25 acres, Lot 2 is 4.67 acres and Lot 3 is 4.36 acres. The property is zoned Commercial where the minimum lot size is 4,000 square feet. The property is located in the NE¼ of Section 5, Township 5 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado.

Ms. Cherry stated that at the present time, vegetable storage and processing are conducted on what is to become Lot 3. Agriculture crop production is a use-by-right in the Commercial zone district.

Ms. Cherry explained that the City of Fort Morgan has a new taps designated for Lots 2 and 3. At the present time there is a well on proposed Lot 1, there is a letter from the State Engineer cancelling Well Permit #569-R (August 31, 1959) and issuing Well Permit #308066 for exempt commercial uses, this well is used for the proposed Lot 1.

Ms. Cherry stated there is existing sewer service on Lot 3, two additional sewer connections have been purchased for Lots 1 and 2.

Ms. Cherry explained that access will be by existing driveways, two on Riverview Avenue, and one on Barlow Road. These are City of Fort Morgan streets and the City will allow continued use in the current locations. The site of the minor subdivision is not located within the 100-year floodplain. Subject property is located within the Fort Morgan Fire District. Taxes are current.

Ms. Cherry stated that all appropriate notice requirements have been completed. As of the date of this summary no comments have been received on this application, either in favor or opposition. The file contains all documentation required for a Minor Subdivision application.

Ms. Cherry explained that Planning Commission reviewed this application at their meeting on June 18, 2018 and unanimously recommends approval subject to the following conditions:

- 1.) Water taps will be paid in full prior to recording of the plat. (Tap in place for Lot 3, Well in place for Lot 1 tap to be purchased is for lot 2)
- 2.) Sanitary sewer taps will be paid in full prior to recording of the plat. (For lots 1 and 2) the sewer taps have been paid at this point.

Commissioner Teague stated that the sewer taps have been paid but the third water tap three has not been paid , with Mr. Neb stating that originally the City of Fort Morgan gave two water taps to Jensen for the 10 feet strip on Barlow Road in exchange. They had two water tapes that never had been installed so those two taps will be used for lots 3 and 4. They already had 1 sewer tap connected to the buildings along Barlow Road and there has been two more sewer taps paid for but not installed.

Commissioner Zwetzig asked Ms. Cherry if a notice was sent to the City Fort Morgan, with Ms. Cherry stating it was sent to Jeff Wells and Mr. Neb stated that the city does have a copy of the plat.

Commissioner Zwetzig asked Ms. Cherry if a notice was also sent to Upper Platte and Beaver Ms. Cherry stating it was sent to Heather Kalous with no response.

At this time, Chairman Arndt opened the matter for public comment with there being none.

At this time, Chairman Arndt moved to discussion and decision with no further discussion.

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A motion was made by Commissioner Teague to approve the application for a minor subdivision to create 3 commercial lots for Landowner being Jensen Farms Inc. and applicant Don Neb/Plains Realty. The parcel is located in NE1/4 Section 5, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, also known as 19975 County Road S, Fort Morgan, CO 80701, as presented by Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry and authorized the preparation of the appropriate resolution to be approved at a later date. Commissioner Zwetzig seconded the motion.

Commissioner Zwetzig asked if there are two parcels, with Ms. Cherry stating there is only one with Commissioner Zwetzig asking if there are two deeds with Mr. Neb stating there were three separate deeds and three parcels. So they are not changing the numbers of parcels. At this, time motion carried 3-0.

**Application is for a conditional use permit to place buried liquid natural gas gathering pipeline to meet additional infrastructure needs to meet the demand of producers and consumers.**

**Applicant: OneOK Elk Creek Pipeline, L.L.C**

<b>Landowner:</b>	<b>Legal Descriptions:</b>
<b>Arnold Piel</b>	NW1/4 Section 3 T6N, R55W and the S/12 of NE1/4;
<b>Douglas E. Piel</b>	SE1/4 of Section 3, T6N, R55W
<b>Jay Harryman</b>	SW1/4 Section 2, T6N, R55W
<b>Mark Mertens</b>	NW1/4 Section 11, T6N, R55W
<b>Alan Ladd</b>	NE1/4 Section 11, T6N, R55W
<b>Gerald Montague</b>	S1/2 Section 11, T6N, R55W
<b>Margo D. Mesch</b>	S1/2 SW1/4 Section 12, T6N, R55W
<b>Matt Baker</b>	NE1/4 Section 8, T6N, R56W
<b>Darrel L. Dilley</b>	W1/2 Section 13, T6N, R55W
<b>Darrel L. Dilley</b>	W1/2 Section 24, T6N, R55W
<b>Owen Nichol森 Jr.</b>	W1/2 NW1/4 NE1/4 SW1/4 NE1/4, W1/2 SE1/4, SE1/4 SE1/4 & S1/2 NE1/4, SE1/4 S1/2 Section 13, T6N, R55W

Chairman Arndt asked Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry to present the file at which time Ms. Cherry read aloud the following information.

## **Background Information**

Ms. Cherry explained that the applicant, ONEOK (Elk Creek Pipeline), and various owners, listed above, have submitted an application for a Conditional Use Permit for approval to construct, own and build a buried natural gas liquids pipeline across approximately 4.2 miles in the northeast corner of Morgan County. The pipeline will be no greater than 20" in diameter. The right-of-way for the pipeline is approximately 25.5 acres. The pipeline alignment is on a diagonal and enters the County at approximately County Road 34 and exits at approximately County Road II. The properties are located in Township 6 North, Range 55 West of the 6<sup>th</sup> P.M., Morgan County, Colorado. The properties are all located in the Agriculture Production Zone District.

- a. Pursuant to Section 3-175(FF) (properties greater than 20 acres) of the Morgan County Zoning Regulations, a pipeline requires a Conditional Use permit.
- b. Section 4-495(F) of the Morgan County Zoning regulations require that all production oil and/or gas be transported from the well head to the production facilities by buried pipeline or other approved method.

Ms. Cherry stated the Elk Creek Pipeline is approximately 900 miles long. It originates in Richland County, Montana and terminates at the existing ONEOK facility near Bushton, Kansas. The route parallels the existing Overland Pass pipeline in a portion of Colorado. The disturbed ground will be returned to natural conditions upon completion of construction. Following reclamation of the disturbed area the surface will return to agricultural use.

Ms. Cherry explained that ONEOK has acquired 75' construction right-of-way along the alignment that will be reduced to 50' permanent right-of-way upon completion of the construction. This application does not propose the addition of any above ground facilities such as pump stations or contractor yards.

## **Criteria to discuss for approval of Conditional Use:**

- A. The application documents are complete and present a clear picture of how uses are to be arranged on the site.
- B. The Site Plan conforms to the design standard of these Regulations.
- C. There are no off-site impacts imposed by the conditional use proposed that require additional infrastructure or upgrades by the County or Special Districts.
- D. The use proposed is compatible with the surrounding uses and adequately buffered as necessary.

## **Analysis**

Ms. Cherry stated that the application documents are complete and present a clear picture of how uses are to be arranged on the site.

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*ONEOK submitted this application on May 4, 2018. Exhibits A-P are listed as attachments to the Conditional Use permit application. Exhibit G (utilities) and Exhibit J (irrigation ditches) were waived for this application, utilities are not necessary and there are not irrigation ditches in the area of the alignment.*

The Site Plan conforms to the design standard of these Regulations.

*The site plan shows the entire pipeline alignment with labels for property owners on each parcel to be effected as well as road crossings necessary. The application includes typical cross sections of the pipeline and typical construction methods to be utilized.*

There are no off-site impacts imposed by the conditional use proposed that require additional infrastructure or upgrades by the County or Special Districts.

*The properties that are crossed by the pipeline are zoned Agriculture Production as are all of the surrounding properties to each. There will be no visual impact to surrounding properties upon completion of the construction the alignment will be reclaimed and returned to existing uses. There is no need for additional infrastructure of upgrades by the County or Special Districts.*

The use proposed is compatible with the surrounding uses and adequately buffered as necessary.

*Best Management Practices will be implemented to address the construction impact mitigation and restoration, proper waste handling, dust suppression, fire prevention and suppression practices, spill prevention, containment and countermeasures, weed management and minimization of impacts to irrigated agricultural land This is a buried pipeline and is compatible and buffering is not necessary.*

Ms. Cherry stated that as of June 22, 2018 there have been no comments received. At this point there was also been no comments

Suggested conditions of approval:

1. This approval grants vested rights for a period of 3 years from the date of approval.
2. Road crossings will require a permit from Morgan County Road and Bridge. Road cuts are not permitted on paved roads. *The road crossing permits were approved by the County Commissioners at their meeting on June 19, 2018.*
3. The pipeline area will be returned to its pre-construction condition.
4. ONEOK will obtain all permits necessary by the State of Colorado and federal agencies and will remain in compliance with the requirements and conditions of those permits.
5. Easement agreements must be obtained from the property owners and recorded prior to commencing construction.

Ms. Cherry stated that the Planning Commission considered this application for a conditional use at its meeting on June 18, 2018 and unanimously recommends approval, with five conditions, to the County Commissioners.

Commissioner Teague asked Ms. Cherry about the application the review talks about a property greater than 20 acres and the land use guidelines say parcels, with Ms. Cherry stating she will correct that, each of the property owners would be considered a different portion of the applications there is a series of 8-10 different easements that had to be obtained.

At this time, Chairman Arndt asked the applicant for comments.

Would like to say that the Morgan County staff has been easy to work with and helping explaining what needs to be done has been beneficial.

Commissioner Teague asked if all the easements in place with Mr. stating that they have one land owner that they are still in negotiation with, 9 of the 11 tracts and 9 out of the 10 landowners that have they are in the final stage of getting those taken care of.

At this time, Chairman Arndt opened the matter for public comment.

Don Jones, 6 Marion Court, Fort Morgan CO he is not apposed to the application he does have a few questions. He would like them to introduce themselves.

Michael Gillaspie ONEOK, 700 South Kansas Avenue Topeka, Kansas

Jake Rosenburg ERM, 5720 20<sup>th</sup> Avenue Minneapolis, Minnesota

Dave Porter ERM, 17 Fairview North Hampton, Massachusetts

Mr. Jones the applicant what they are going to transport through the pipeline with Mr. Gillaspie it will be natural gas liquids it will not be refined yet it will be a raw feed of natural gas that will turn into propane butane.

Mr. Jones then asked it that will then be petroleum products with Mr. Gillaspie stating that is correct.

At this time, Chairman Arndt moved to discussion and decision.

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Commissioner Zwetzig stated he wanted to ensure that all easements were obtained before the matter could be approved, with Ms. Cherry stating there was one issue. Commissioner Zwetzig asked if under the current regulations if it could still be approved, with Ms. Cherry stating that the approval would be subject to the last easement needing to be done and all of them recorded. Ms. Sellers stated that it can be approved with that condition that they all have to be executed and recorded before construction of the pipeline could begin.

Mr. Gillaspie stated that the pipeline is 900 miles and explained that they have full faith negotiation with each land owner and each one is different and each surface has to be put back to the original and that is why it takes longer for one versus the other. They cannot construct until the agreements are signed, so that gives the land owner a heavy hand not the pipeline company.

Commissioner Zwetzig stated that he was told from commissioners in Weld County that they always want to protect citizens, they have seen some problems with flow lines and they cautioned Morgan County to be beware of that.

Commissioner Zwetzig also wanted to be of record that the landowner is not here today to object either.

Commissioner Zwetzig it was not part of the conditions but it was part of the permit we require GIS shape files to be provided after construction and he would like that be added to the application.

Commissioner Teague asked if the landowner does not agree what they will do with Mr. Gillaspie stating that they will move around them. He does believe that the landowner will sign up they are just going over the terms.

Commissioner Teague stated that this application is for this route so would the process be if they had to amend with Ms. Sellers stating they would have to amend the approval.

Commissioner Zwetzig what is the safety record of the owners of ONEOK. With the Mr. Gillaspie explaining that they operate 38,000 miles pipe, 26 million barrels of natural gas liquid storage, they own 8 billion cubic feet of natural gas storage, over a dozen processing plants, 5 natural gas fractionators and they continue to build and the reason they can is due to their safety record. Safety is the most important priority for the employees, contractors and environment. Commissioner Zwetzig has there been any issues on any of the pipelines with Mr. Gillaspie stating that he is not aware of any issues.

Commissioner Teague asked the applicant where they are with permitting in Logan, Washington and Weld Counties with Mr. Gillaspie stating that they have already went in front of Washington County, they go in front of both Weld and Logan on July 17<sup>th</sup>.

Commissioner Zwetzig asked if the headquarters will be Sterling with Mr. Gillaspie stating that the pipe yard will be in Wiggins there will not be a headquarters they will stay on easement for less road traffic. The pipe will be delivered in the near future.

Commissioner Zwetzig asked the County Attorney this application is under current regulations with Ms. Sellers stating that is correct; Commissioner Zwetzig asked if the regulations that are going to be considered change the way we permit. With Ms. Sellers stating that application submittal will be different however, the process will be the same.

Chairman Arndt if the new oil and gas regulations are approved and they do not get approval from the last landowners will the process is different for them. Ms, Sellers stated that the application requirements may be different but the process will still be a conditional use. If they had to amend the permit they would have to come through the new procedures they are not much different.

Commissioner Zwetzig stated that he is uncomfortable with all the easements have not been obtained with Ms. Sellers stating that is up to the board to decide if they would like all the easements to be obtained before approval.

At this time, a motion was made by Commissioner Zwetzig to approve the application for OneOK Elk Creek Pipeline, L.L.C as presented with the conditional conditions including condition #6 along with an additional condition that the compatible GIS shape file be provided after the pipeline is constructed authorized the preparation of the appropriate resolution to be approved at a later date. Commissioner Teague seconded the motion, Commissioner Teague made a note to the applicant he hopes that they continue to negotiate with the landowner, motion carried 3-0.

## **Amendments to Zoning Regulations**

### **Proposed amendments to the Morgan County Zoning Regulations regarding Chapter 4 – Oil and Gas Drilling and/or Production, Sections 4-455 through 4-495**

Chairman Arndt asked Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry to present the file at which time Ms. Cherry read aloud the following information.

#### **Background Information**

Ms. Cherry stated that on August 21, 2017 the Board of County Commissioners adopted a moratorium on applications for proposed injection wells for the storage or disposal of exploration and production wastes and other oil and gas waste from oil and gas operations in Morgan County. On November 21, 2017 the Board amended the moratorium by limiting the moratorium application to only commercial disposal well facilities. On February 20, 2018 the Board extended the moratorium until March 30, 2018. Beginning after August 2017 and during the period

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of the moratorium, the Board hosted a series of stakeholder meetings to assist the education and development of oil and gas regulations. After those meetings, draft regulations were produced and on March 12, 2018, the Planning Commission reviewed those draft regulations and unanimously recommended that the Board of County Commissioners approve them.

Ms. Cherry explained that on March 27, 2018, the Board decided to approve a portion of the regulations which established use categorizations for certain oil and gas operations but determined further study of the regulations was warranted. On April 11, 2018, the Board held another stakeholder meeting and after the conclusions of that meeting, directed staff to make further revisions to the regulations. This second draft of the regulations, which including amendments to the use categorizations previously approved the Board, was produced and provided to the public, stakeholders and other interested parties on May 18, 2018 for review and comment and referred to the Planning Commission.

Ms. Cherry stated that included in your packets are the redline regulations received from CPC (API) and COGA, the May 18<sup>th</sup> draft regulations, the draft resolution amending the use categorizations and adopting the regulations, the oil and gas regulations as they are currently and Resolution 2018 BCC 14 which was adopted on March 27, 2018, establishing the use categorizations.

Ms. Cherry explained that the draft resolution, if adopted, will completely replace Sections 4-455 through 4-495 of the Morgan County Zoning Code. The amendments as proposed will make the current oil and gas regulations more consistent with the current status of the law on oil and gas and will clarify the approval process for oil and gas exploration in Morgan County. Currently, most of the oil and gas operations in Morgan County would be required to obtain a special use permit. The proposed use categorizations, particularly those uses in the agricultural and industrial zones, reflect the County's intent to allow for most oil and gas operations as a use by right or conditional use in zones where the use is well suited to operate and is most likely to be located. The amendment to the use categorizations includes the allowance of all injection wells, with the exception of commercial disposal injection wells, as uses by right in the Agricultural Production, Agri-Business, Light Industrial and Heavy Industrial Zones. Commercial disposal injection wells are proposed to be treated as conditional uses in these zones.

Ms. Cherry stated as for the regulations, the purpose is to provide specific procedural steps and additional criteria for oil and gas operations which require a conditional or special use permit. Some of the notable revisions since your review on March 12 are as follows:

1. Elimination of the requirement to hold a neighborhood meeting.
2. Application materials that more closely mirror the application requirements of the COGCC.
3. Refined requirements for the content of the application notice.
4. An exception to the agency referral requirement upon a showing that an agency has already reviewed the application through other state agency permit approval process.
5. Delineation that flowline regulations only apply to off-site flowlines.

Ms. Cherry explained that the Planning Commission considered these amendments to the oil and gas regulations and use categorizations at their meeting on June 18, 2018. Planning Commission unanimously recommended approval of the amendments but wants the Commissioners to consider the following items in their decision-making:

1. Neighborhood meetings remain a requirement for applications under the Oil and Gas Regulations;
2. The effect of contiguous properties under common ownership as it relates to off-site waste and off-site flow lines; and
3. Not permitting the injection of E&P waste produced outside the County.

Chairman Arndt asked Ms. Sellers if she had anything to add with her stating she did not.

Commissioner Teague asked if they approve the draft resolution, it also re-includes all the uses that have already been approved with Ms. Sellers stating that those are already in place they only modified sections of the oil and gas regulations

At this time, Chairman Arndt opened the matter for public comment.

Andrew Casper, being the only stakeholder present, representing the Colorado Oil and Gas Association as the director of legal and regulatory affairs stated he was here to answer any questions that Board may have.

At this time, Chairman Arndt moved to discussion and decision.

Commissioner Zwetzig the Board has appreciated all the entities that helped in the stakeholders' process and the board learned a great deal.

Chairman Arndt stated there are a few letters from API with the redline that was dated June 11 and another July 5 with Ms. Cherry stating there was an email received dated July 5<sup>th</sup> that includes the original comments form COGA that were submitted before the Planning Commission and they were not able to review them.

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Commissioner Zwetzig API letters talked about the need for traffic engineering. There are a lot of trucks in the oil and gas industry and is an use. Commissioner Zwetzig how does the board address traffic in a production area, he would like that to be address it in the regulations. Ms. Sellers stated that a traffic study is required with every permit that involves a conditional or special use.

Commissioner Zwetzig stated that Colorado Petroleum council they question the need to retain a traffic engineer for reporting on the traffic. Ms. Sellers stated that it is staying in the regulations that it is optional to have it taken out. Commissioner Zwetzig stated there was a suggestion from the council to removal of requiring commercial electric power he feels that is a reasonable request because they are an energy industry. Ms.Sellers stated that is in the current regulations however it can be taken out if the board wants to.

Commissioner Teague asked about the definitions they have been a concern as to what definitions to leave in and what to take out, she agrees with the industry that they adopt the COCGC's definitions if they do not refer to those definitions by reference then they will be trying to have the county definitions match theirs. Ms. Sellers stated that if the definition is not listed the commission's definitions will apply, if the board adopts all the commissions definitions staff will have to keep up on those and make sure that it does not change the intent of the county's land use regulations. Further discussion followed about the definitions and making sure to protect the county's land use.

Ms. Sellers has a concern is when the commission is regulating they are focused on the operation of the oil and gas facility how they are working and the production and the board is more concerned about how it is affecting the landowners and the county. Ms. Sellers explained that is why local governments have their own definitions.

Commissioner Zwetzig made comment that he understands the importance as to why the local government needs to have control over the land use regulations.

Chairman Arndt stated that he believes that the intent with the commercial electric power in the old regulations was if commercial power was available not having generators running next to people's homes.

Commissioner Zwetzig how are the regulations are the conditions that are put on permits in regards to noise and nuisances with Ms. Sellers stating the nuisance is in the current regulations and nothing is really changing. If an application due to its location had a concern, the nuisance requirement gives the board the authority to place a condition to address an impact.

Commissioner Zwetzig stated there was legislation proposed that would not allow there to be a moratorium, they started with the regulations because there was an industry that they did not have control of for the land use which was the commercial injection well, with the proposed legislation they would not have been able to do, however it is good that it did not pass. He stated that Morgan County needs to be able to control the land uses and the industry needs to be able to operate as well.

Commissioner Teague for Ms. Cherry to describe the Planning Commissions discussion on items 2 and 3 pertaining to the effective contiguous property under common ownership as it resorts to offsite waste and flow lines and not permitting injection pr EPM waste produced outside the county. Ms. Cherry stating that was related to how the properties are held, there often is a single owner that owns the property but it is under different names. Commissioner Teague stated that if there is an injection well and an operating has 8 wells in an area it is better to use single ownership injection well to dispose of the waste, what if the parcels are owned by different owners, Ms. Cherry explained that there can be one oil company that is operating under different names this injection well can they all use the well for waste that is where the concern was coming from. Further discussion continued to the use of injection wells.

Commissioner Zwetzig stated that the industry is not in favor of the neighborhood meetings but he is in favor of them, he asked if they feel strongly about that. With Ms. Cherry stated yes they do they felt they should to able to be aware of what a neighbor is doing and when it is happening. Ms. Sellers explained that the concept for the meetings to put notice on the operator to meet and talk with the neighbors so it can hopefully be worked out prior to the Planning Commission and Board of Commission Meetings. This is to allow the public to ask questions and get the information they need, that is the intent and learn to work with each other. Commissioner Teague stated that the original regulations stated that it could be, not shall be, Commissioner Zwetzig stated it was up to the Planning and Zoning Administrator with Ms. Sellers stating they both are correct.

Commissioner Zwetzig asked Ms. Sellers when taking out exception to an agency requirement upon showing that the agency has review the application through other state agencies permit approval process, what is showing. With Ms. Sellers stating that they have the application they would have to show the comments that the agencies gave them pertaining to the application.

Commissioner Teague stated several of the associations wanted to be sure that a floodplain development permit is accessible, you can operate oil and gas in a floodplain with Ms. Cherry stating yes you can with a permit. Ms Sellers explained that the current regulations have language in them that flammable material cannot be in the floodplain, so COGA has made the comment before that, that it could be used to prohibit the use in the floodplain. With the new floodplain regulations if they are adopted that language is not in them.

Commissioner Zwetzig the outside county generated EPM it is still Ms. Sellers opinion that is a difficult task with Ms. Sellers stating that it will present risk to the County that they will be challenged on it. It is also a concern for Planning Commission as well.

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Commissioner Zwetzig stated that they are trying to locate the injection wells as close to the site as possible due to the cost of getting it there. Ms. Sellers stated they have heard that it is very costly whether you are trucking or piping EPM waste.

Chairman Arndt stated that the moratorium was very helpful for the board to be educated not to become anti oil and gas, it brought to light that it is heavily regulated and the underground is a worry of the State of Colorado.

Chairman Arndt stated that it was discussed what is the right of the County and do you regulate land uses land use as to what is on top of the ground and underground is the responsibility of the Colorado Oil and Gas Commission. Commissioner Zwetzig the only time those cross is during the sighting of wells and facilities. Ms. Sellers explained that the county does not have setback control as to where those oil and gas operations are located that is the Commission controlled issue.

Commissioner Teague there is the question of whether it is the center of the operation to the edge of the facility according to COGCC is the edge of the facility or the center of the sighting of the operation with Mr. Casper stating he believes it the edge but he will have to look into that. Ms. Sellers believes there has been discussion on this topic and he believes it to be the edge of the site.

Commissioner Zwetzig asked how they go about procedurally leaving in the neighborhood meeting at the discretion of the Planning and Zoning Administrator with Ms. Sellers stating is how it was previously written with Commissioner Zwetzig stating that it can be added back in with Ms. Sellers saying that is correct. Ms. Sellers stated that there can be factors added for the Planning and Zoning Administrator to consider that can be changed at any time.

Commissioner Zwetzig asked what the duty of the board is with Chairman Arndt stating it is to adopt regulations with the suggested changes, and the fact the board also has the ability to table them for a clean copy or deny and leave the old regulations in place. With Ms. Sellers stating that will be the last suggestion they would need to repeal the regulations that are not in compliance with the law.

Commissioner Zwetzig what would need to be done to have a clean copy prepared would there need to be a continuance of the hearing. Ms. Sellers explained that you can continue the public hearing to the intent to open it again at a later date to consider a clean copy or you can say there is enough public comment and have it as an action item and be discussion amongst the board at a later date.

Chairman Arndt and Commissioner Zwetzig both stated they would like to see a clean copy, there is no further testimony needed. Chairman Arndt stated that he would like to see the guidance document for the neighborhood meetings for the Planning Department. Chairman Arndt as far as not permitting the injection of EMP waste outside of the County they have been advised that it not a good way for the county to go. Commissioner Teague stated also update the electrical requirement in the clean copy.

Commissioner Teague to consider a clean copy just a business item there needs to be a date certain, with Ms. Sellers stating yes continue with date certain.

Commissioner Zwetzig asked if the regulations that define when a conditional use and when a use by right have been adopted, with Ms. Sellers stating the first round use categorizations there was a concern brought up by Harvey Greenwell at a previous meeting that gas injection wells as opposed to EMP waste and the decision was to those to be treated as a blanket injection well then it would except out commercial disposal wells and keep those as a use by right. Ms. Sellers explained that the resolution covers that.

Ms. Sellers explained that sections 1-10 of the resolution revise the commercial disposal injection wells versus other types of injection wells, 11 does not allow a building to be erected over an abandoned oil and gas well, 12 amends the appendix B the setbacks adds a footnote for the oil and gas regulations and 13 in the adoption of the actual regulations.

Commissioner Teague would like to clarify and define when staff can go onto the operating facility on the clean copy.

Don Jones, addressed the Board, indicating his address as being, 6 Marion Court Fort Morgan, stated he feels the board needs to be very careful as the oil and gas industry is integral in all this. He deals with property all over in NE Colorado and he negotiates pipelines in oil and gas sites for years. It is a real touchy situation where there have been issues on the other hand people with mineral rights need to have their interest protected as well. He advises the board not to go into the regulations lightly for them to think them through carefully so they are doing the best they can to protect the people they represent, also provide opportunity for the oil and gas business to operate. Commissioner Zwetzig asked how the oil and gas industry treats the landowners, with Mr. Jones stating that he has negotiated 15 or 20 pipeline easements for the most part they are reasonable people. He believes they spend a large amount of money to put sound barriers for the lighting and noise. In his 40 years he has dealt with pretty good people.

At this time, a motion was made by Commissioner Teague to close the public hearing and consider a clean resolution copy on July 24, 2018 with the revisions to the resolution with Commissioner Zwetzig seconding the motion. Ms. Sellers went over the items that need to be put into or changed in the clean copy as being adding back the neighborhood meetings discretionary to the planning administrator also add factors to guide the decision take out commercial power requirement out and add the language of the presence of the operator for any site inspections and address the limitation of the operator to allow access to the site. At this time the motion carried 3-0.

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Being no further business the meeting was then adjourned at 11:04 a.m...

Respectfully Submitted,  
Ranee Aleman  
Deputy Clerk to the Board

(Minutes ratified July 17, 2018)

**THE BOARD OF COUNTY COMMISSIONERS  
MORGAN COUNTY, COLORADO**

\_\_\_\_\_  
s/Mark A. Arndt  
Mark A. Arndt, Chairman

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s/Laura D. Teague  
Laura D. Teague, Commissioner

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s/James P. Zwetzig  
James P. Zwetzig, Commissioner

(SEAL)

**ATTEST:**

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s/ Susan L. Bailey  
Susan L. Bailey