



Town of Frederick Planning Commission Agenda

Frederick Town Hall
401 Locust Street
Thursday, October 3, 2024

6:30 PM

Meeting Information

- A. In order to promote social distancing and to protect the health and safety of our Commission members, staff, and community this meeting will be hybrid and conducted via Teams and in person. Interested parties are encouraged to access the meeting via Teams or in person at Town Hall.

The meeting information is as follows:

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 229 286 565 79

Passcode: GXuhzM

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Please contact Deputy Town Clerk Emily Nitcher with questions regarding the meeting. 720-382-5582 or enitcher@frederickco.gov

Call to Order – Roll Call

Pledge of Allegiance

Approval of Agenda

Consent Agenda

Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless a Board member so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Consent Agenda.

B. Approval of Minutes August 28, 2024 and September 5, 2024

Action Agenda

C. Land Use Code Amendments to Section 1.15, Definitions; Section 3.4, General Commercial Uses; and Article 9, Oil and Gas Drilling and Production

-

Ali van Deutekom, Planning Manager

Bailey Arvizu, Planning Technician

Other Business

Adjournment



Town of Frederick Planning Commission

Commission Meeting Minutes

Meeting Conducted in Person and Via Microsoft Teams

Frederick Town Hall, 401 Locust Street

August 28, 2024

Call to Order: At 6:37 p.m., Vice Chair Conroy called the meeting to order and requested roll call.

Roll Call: Present were Vice Chair Conroy, Commissioner Scott, Commissioner Sammartino, and Commissioner Kelley.

Also Present were Planning Manager Ali van Deutekom, Deputy Town Attorney Christine Francinceti, Water Conservation Specialist Kylie Couch, Senior Planner Audemn Gonzales, and Deputy Town Clerk Emily Nitcher.

Pledge of Allegiance:

Approval of Agenda:

Consent Agenda:

July 25, 2024, Planning Commission Minutes

Motion by Commissioner Kelley and seconded by Commissioner Sammartino to approve the consent agenda.

Upon roll call vote, motion passed unanimously.

Action Agenda:

PCR-2024-05 A Resolution of the Planning Commission Recommending Approval of an Amendment to Town of Frederick Land Use Code Section 2.14 – Kylie Couch, Water Conservation Specialist presented.

Commissioner Kelley asked about use of non-functional turf in a commercial area. The proposed code does not allow turf in commercial areas.

Commissioner Scott asked if there is a triggering event that would make existing areas remove high hydrozone? There is no triggering event, they will be grandfathered in.

Commissioner Scott also asked if an HOA stop someone from installing water saving landscaping. The State prohibits HOA's from limiting people from installing water saving landscaping.

Commissioner Scott also asked if a garden would count as living material and go towards the percentage. Yes, the garden would count as living material.

Motion by Commissioner Sammartino and seconded by Commissioner Kelley to approve 2024-PCR-04.

Upon roll call vote, motion passed unanimously.

Built on What Matters.

PCR-2024-06 A Resolution of the Planning Commission Recommending Approval of an Amendments to Town of Frederick Land Use Code Amending Section 1.15, Definitions; Amending Section 2.11.9, Amount Of Open Space Required By Development; Amending Section 3.4.11, Agricultural Uses; Amending Section 3.4.12, Residential Protection Standards, Amending Section 3.4.13, Accessory Uses And Accessory Buildings; Removing Section 3.4.15, Accessory Dwelling Units; Amending Section 3.4.21, Backyard Chickens; Amending Section 3.4.22, Apiaries/Beekeeping; Creating Section 3.4.22, Agricultural Animals; Amending Section 4.7.5, Preliminary Development Plan; Amending Section 4.9.2, Final Development Plan; Amending Section 4.9.3, Minor Subdivision; and Creating Article 16, Planned Unit Development – Audem Gonzales, Senior Planner presented.

Commissioner Kelley asked about minor subdivisions and asked if it meant that staff could approve minor subdivisions without public hearings, if so, he does not approve of that and thinks that it would be too nice to the Developer. The minor subdivision would still go to the Planning Commission and to the Board of Trustees. The right of way was not allowing the minor subdivisions to qualify for subdivisions. Commissioner Kelley stated that he likes what is done with the PUD's, but he did ask what landscaping is not part of the PUD. Landscaping will be tied to the Subdivision, as the number of lots and density would be known.

Vice Chair Conroy mentioned that this process would be more efficient for staff and customers, as it would get rid of having to duplicate work.

Commissioner Sammartino asked if Frederick currently has any areas that are zoned residential that are in the 10-acre lot area? Yes, there are some.

Commissioner Scott mentioned that the 10-acre lot amount for chickens' approaches if not crosses the link of owning chickens, to having a chicken farm.

Commissioner Scott asked if this would be creating non-conformities within the community? No, it will not create non-conformities within the community. Deputy Town Attorney Christine Francinceti noted that historically speaking if there were any, they would be grandfathered in.

Commissioner Sammartino asked if there was any way for someone to petition, are there any flexibilities. Yes, there would be some flexibility for special cases, and the variance waver process in the code.

Vice Chair Conroy asked why Slaughter is not allowed on someone's property, if they are allowed to own the animals, why can't they do their own slaughtering?

Vice Chair Conroy also pointed out that if a residential lot were large enough, they could own a lot of animals.

The commissioners asked if there was a way to limit the total number of animals to a 3-acre maximum. Is the animal allotment too much?

Vice Chair Conroy commented that she is all for ADU's but asked how they make sure that they are not exceeding their water allowance. She questioned if they should address water usage with ADU's, especially if they are limiting landscaping.

Commissioner Scott asked if Bison should be allowed on a 0.5 acre residential lot and asked about safety issues.

The Commissioner's discussed only allowing bison to be on a 3 acre or more lot.

Motion by Commissioner Kelley and Seconded by Commissioner Sammartino to approve 2024-PCR-06 with the following conditions: 1. In the RE zone district, limit total number of animal units by using the proposed 3-acre calculation as the maximum for parcels 3-acres or more in size. 2. For RE parcels 10-acres or more in size, additional animal units or the Commercial Agricultural use may be requested through the Conditional Use Process. 3. In the RE zone district, bison shall only be permitted on parcels with a minimum size of 3 acres.

Upon roll call vote, motion passed unanimously.

Discussion Item:

Commissioner Reports:

Other Business:

Upcoming Meeting

Regular Meeting Thursday September 5, 2024

Adjournment:

There being no further business of the Planning Commission, Chairperson Moe adjourned the meeting at 8:14 p.m.

Approved by the Planning Commission:

Tracy Moe, Chairperson

ATTEST:

Emily Nitcher, Secretary to Planning Commission



Town of Frederick Planning Commission

Commission Meeting Minutes

Meeting Conducted in Person and Via Microsoft Teams

Frederick Town Hall, 401 Locust Street

September 5, 2024

Call to Order: At 6:37 p.m., Chairperson Moe called the meeting to order and requested roll call.

Roll Call: Present were Chairperson Moe, Vice Chair Conroy, Commissioner Scott and Commissioner Kelley.

Also Present were Planning Manager Ali van Deutekom, Deputy Town Attorney Christine Francinceti, Senior Planner Audem Gonzales, Special Counsel Britt Palmberg, and Deputy Town Clerk Emily Nitcher.

Pledge of Allegiance:

Approval of Agenda:

Consent Agenda:

Action Agenda:

PCR-2024-04 Consideration of the Adoption of Frederick Forward a Comprehensive Plan and Adopting the Future Land Use Map as the 3-mile Plan and Public Hearing– Ali van Deutekom, Planning Manager presented.

Commissioner Kelley pointed out that he did not see anything for senior housing or an assisted living facility and asked if that has been discussed or if it is going to be there. He would like to see that added.

Vice Chair Conroy commented that this would refer to the Land Use Code as it should have senior/ assisted and multifamily separate.

Vice Chair Conroy commented that Erin Fosdick from the Steering Committee was very thorough, and her concerns were addressed in the joint Steering Committee and Planning Commission Work Session.

At 7:12 pm Chairperson Moe opened the Public Hearing.

With no members of the public present, Chairperson Moe closed the Public Hearing at 7:17pm.

Motion by Commissioner Kelley and seconded by Vice Chair Conroy to approve PCR-2024-04 with the following conditions: 1. Add the conceptual map of the Frederick Loop Trail in Chapter 6. 2. Add Senior Housing to the desired housing mix in Neighborhood Villages and Community HUB.

Upon roll call vote, motion passed unanimously.

Discussion Item:

Built on What Matters.

Commissioner Reports:

Other Business:

Upcoming Meeting

Regular Meeting Thursday October 03, 2024

Regular Meeting Thursday October 17, 2024

Adjournment:

There being no further business of the Planning Commission, Chairperson Moe adjourned the meeting at 7:15 p.m.

Approved by the Planning Commission:

Tracy Moe, Chairperson

ATTEST:

Emily Nitcher, Secretary to Planning Commission



Built On What Matters

TOWN OF FREDERICK

Planning Commission

Staff Report

Chairperson Moe

Vice Chair Conroy
Commissioner Scott

Commissioner Kelley
Commissioner Sammartino

Land Use Code Amendments to Section 1.15, Definitions; Section 3.4, General Commercial Uses; and Article 9, Oil and Gas Drilling and Production

Agenda Date: October 03, 2024 Planning Commission Agenda

Attachments:

1. Memo on Code Revisions 9.24.24
2. Exhibit A - Comparison with COGCC Rule and Local Gov regs - expanded
3. Frederick Oil and Gas Revisions Ordinance 9-23-24
4. DRAFT FREDERICK Oil and Gas Standards document 8-7-24
5. Public Comments
6. b. PCR-2024-07
7. Ordinance for Natural Medicine

Reviewed By:

Action Type

1) Legislative: Actions that relate to subjects of a long term and general applicability; such as the passing of ordinances/resolutions/policies/etc.

Strategic Plan Alignment:



COMMUNITY AND ECONOMIC VITALITY– Frederick is a community that fosters economic, recreational, cultural, and environmental vitality and builds upon and enhances a variety of economic opportunities.

Summary Statement:

Land Use Code Amendments related to natural healing centers and oil and gas production.

Detail of Issue/Request:

The Land Use Code Amendments are related to two subjects; Oil and Gas Production and Natural Healing Centers.

Sections 1.15 and 3.4 related to Natural Healing Centers:

In 2022, Colorado voters approved Proposition 122: Access to Natural Psychedelic Substances. Then, in 2023, the Colorado legislature enacted Senate Bill 23-290: Natural Medicine Regulation and Legalization. These changes legalized the personal possession, growing, sharing, and use of natural psychedelic substances for individuals 21 and older. Local governments are now tasked with regulating the time, place, and manner of operation of licensed facilities; however, local governments are prohibited from banning licensed facilities, services, and the use of natural psychedelic substances.

This legislative change has created two new land uses that must now be reflected in our land use tables. By researching other local government regulations and coordinating with multiple Town departments, we have developed thoughtful and comprehensive standards to regulate the time, place, and manner of natural medicine-related uses.

Article 9 Amendments related to Oil and Gas Production:

On April 3, 2019, the Colorado State Senate passed SB 19-181, which was signed into law by the Governor on April 16, 2019. This legislation amended the Colorado Oil and Gas Conservation Act (COGCA), shifting the Colorado Oil and Gas Conservation Commission's (COGCC) mission from "fostering" the oil and gas industry to "regulating" it to protect public health, safety, welfare, the environment, and wildlife. Additionally, SB 19-181 revised the Local Government Land Use Enabling Act, clarifying the scope of municipal and county authority over land use for oil and gas operations within their jurisdictions.

Since 2022, Town staff has collaborated with Matt Sura, our outside counsel on Oil and Gas, to update the Town of Frederick's Land Use Code.

In October 2023, the Board of Trustees adopted interim changes to Article 9 to clarify and address several ambiguous or missing requirements.

During the Spring of 2024, the Town enacted a temporary moratorium on processing requests for oil and gas facilities within Frederick. Since then, staff and Matt Sura have researched other municipalities dealing with similar oil and gas issues. In addition, the Board of Trustees was surveyed and asked to identify the top priorities for the new code. The five most important topics were:

1. Public Notice
2. Meeting with Neighbors
3. Setbacks from Homes
4. Alternative Location Analysis
5. Noise Standards

Staff attended the August 13th, 2024 Board of Trustees work session to gather additional feedback on a draft of oil and gas regulations and made adjustments to the final ordinance presented this evening.

Matt Sura has provided additional information within the memo attached.

The Town has received several e-mails regarding these proposed code amendments, the comments have been attached.

Legal Comments:

The Town's Oil and Gas Attorney, Matt Sura, created the draft oil and gas code. The natural healing center's code was created by the staff. The Town Attorney's office, has reviewed all the proposed changes. All legal comments have been addressed.

Alternatives/Options

Approval: I move to approve PCR-24-07A, which approves the Land Use Code amendment package.

Approval with Conditions: I move to approve PCR-24-07B, which approves the Land Use Code amendment package with the following conditions; 1. (list conditions)

Denial: I move to approve PCR-24-07C, which denies the Land Use Code amendment package.

Financial Considerations

Not Applicable.

Staff Recommendation

Staff recommends approval of the Land Use Code Amendments as presented.

Community Impact

LAW OFFICE OF MATTHEW SURA

Matthew Sura LLC • 7354 Cardinal Lane, Longmont, CO 80503 • Phone: 720-563-1866 • mattsura.law@gmail.com

Planning Commission, Town of Frederick
c/o Jason Meyers, Town Attorney
Town of Frederick
jmeyers@frederickco.gov

RE: MEMO ON OIL AND GAS CODE REVISIONS

09/24/2024

Dear Planning Commission,

In preparation for meeting next Thursday October 3, this memo gives you some background on state oil and gas regulations and their relationship to local government regulations. It also will outline the various provisions of the oil and gas regulations as well as the proposed companion Oil and Gas Standards Document.

Local government authority is limited by a requirement that local oil and gas regulations be “reasonable and necessary” to protect public health, safety, welfare and the environment.

BACKGROUND

The Colorado Energy and Carbon Management Commission (ECMC) regulates oil and gas development in the State. Over the past five years we have witnessed many changes to the commission and to its mission and rules. Prior to 2019, the mission of the oil and gas commission (the Colorado Oil and Gas Conservation Commission at the time) was to “foster” oil and gas while it also protects public health, safety, welfare, and the environment. The agency’s dual mandate to “foster” the industry while protecting the public often brought the state into conflict with local governments.

In 1994, the Town of Frederick made it illegal to drill within the Town limits without a local oil and gas permit. The ordinance required a \$1,000 permit fee, noise and visual mitigation measures, and a 350-foot setback from homes. In 1999, North American Resources Co., challenged the law by drilling within the Town without first obtaining a permit. Three years later, the Colorado Court of Appeals upheld a lower court decision to strike down the 350-foot setback and the visual and noise mitigation requirements, finding them in conflict with state regulations and therefore preempted by the state.¹ The Town’s current regulations were written after it lost the appeal.

In 2019, the state legislature passed Senate Bill 19-181 which changed the mission from “fostering” the industry to regulating the industry. A significant result of Senate Bill 19-181 was

¹ *Town of Frederick v. North American Resources Co.*, 60 P.3d 758, 765 (Colo. App. 2002)

removal of preemption requirements allowing local governments to exceed rules and standards adopted by the state. In the past five years numerous local governments have passed new regulations; from small municipalities like the Town of Lochbuie, to large counties including Weld County, Larimer County, Adams County, and Arapahoe County.

Another important result of the new regulations was comprehensive new rules at the state oil and gas commission. On November 23, 2020, the COGCC unanimously adopted rules addressing its new Mission Change including requirements for Alternative Location Analysis, and increased setbacks from homes and schools. These regulations took effect on January 15, 2021, and modified series 200-600 of the State regulations. While the overall modifications to the state regulations are fairly broad and comprehensive, a highlighted summary of major changes are listed below:

- **Setbacks** - In Rule 604, the COGCC adopted a “hard setback” that prevents the oil and gas “working pad surface” from being located less than 500 feet from homes or 2,000 feet from school facilities (school property lines). There is also a “soft setback” of 2,000 feet from a building unit (homes or businesses). This 2,000-foot setback can be overcome if, after a hearing, the COGCC Commission finds the proposed operations will provide “substantially equivalent” protections.
- **Alternate Location Analysis** - The purpose of the alternative location analysis is to create a tool to use to identify the best location to avoid adverse impacts to public health, safety, welfare, the environment, and wildlife resources. If no locations that an Operator proposes in an alternative location analysis are appropriate, Rule 304.b.(2).A.ii authorizes the Commission and Director to request that an Operator analyze additional locations or the Commission may deny the proposed oil and gas location pursuant to Rule 307.
- **Proximate Local Governments** - Operators must give Relevant and Proximate Local Governments (within 2,000 feet) at least 30 days’ notice prior to submission of an Oil and Gas Development Plan (OGDP). Upon request of Relevant Local Government, the Operator and COGCC Director will participate in Formal Consultation Process prior to submission of OGDP. The COGCC will participate as a referral agency to identify any potential conflicts with COGCC rules. In an OGDP, the Operator must state the disposition of the Relevant Local Government. Director will defer to local government unless location is within 2,000 feet of a local government boundary, a home, or other sensitive areas listed in Rule 304.b.(2)B. The Operator can choose to first file with local government, COGCC, or simultaneous permitting. (Rule 303a.(6)).
- **Cumulative Impacts** – The COGCC created a new Form 2B to collect data about cumulative impacts from each newly proposed oil and gas development plan. This information will populate a database that can be used to evaluate cumulative impacts. Additionally, Operators must submit a cumulative impacts plan as an attachment to a Form 2A pursuant to Rule 304.c.(19), in which Operators must demonstrate their plans to address cumulative impacts of each proposed oil and gas location by avoiding, minimizing, and mitigating those impacts. Cumulative Impacts rules are being updated this month.

- **Public Water Supply Protection** – minimum 1,000’ setback from groundwater intakes from groundwater under the direct influence of surface water supply wells (“GUDI Wells”) and PWS supply wells completed in Type III aquifers (“Type III Wells”).
- **Financial Assurance** – ECMC 700 Series Rules. For the lowest producing operators, the state requires a maximum of \$100,000 / location for reclamation and \$20,000-\$40,000 per well for plugging. Higher producing operators post far less per well and may post a blanket bond for all their wells. The highest blanket bond is \$40 million.

PROPOSED FREDERICK OIL AND GAS CODE REVISIONS

The Town has requested proposed regulations to better protect public health, safety, welfare and the environment. In working on these draft code revisions we considered existing state law, the regulations of neighboring local governments, and the specific needs of the Town of Frederick. A side-by-side evaluation of the oil and gas regulations for some of the local governments in the area is attached as Exhibit A.

Sec. 9.4 Location Restrictions. This new section restricts oil and gas facilities to the following zoning districts without obtaining a variance under Section 8.15: Agricultural District (A), Estate District (R-E), Residential Low-Density District (R-1) Business Light Industrial District (BLI), Industrial District (I), and Planned Unit Development Overlay District (PUD-O) - where oil and gas development is a specified use. These zoning changes are also reflected in Article 3.4 and Table 3-7. This section also specifies setbacks for new oil and gas facilities from occupied buildings such as schools and Building Units, Public Water Supplies, parks and open space, and surface water. Oil and gas facilities are also prohibited within the 100-year floodplain.

Sec. 9.5 Prohibited Facilities. Include: Gas storage wells; Injection wells for disposal of oil and gas exploration or production wastes; Drilling pits, waste storage pits, and disposal pits.

Sec. 9.6 Oil and Gas Standards. Oil and Gas Standards Document is a list of required permit conditions to reduce or eliminate impacts to public health, safety, welfare or the environment.

Sec. 9.7 Oil and Gas Access Roads. This section details the requirements for new access roads necessary to access oil and gas locations.

Sec. 9.8 Pipelines. – requirements for Pipelines within the Town.

Sec. 9.9 Emergency Response. This section requires the submittal of an Emergency Response Plan that is described in detail.

Sec. 9.10 Required Operator Submittals. Fees and costs required to be paid by applicant and the requirement for an Annual Operator Registration.

Sec. 9.11 Permits Required. Permits are required for new oil and gas operators in Town as well as for substantial modifications of existing facilities.

- Sec. 9.12 Application Process.** Includes typical review process in Section 4.6 with differences described.
- Sec. 9.13 Review Standards.** Conditional Use Standards of Section 4.9.4 and additional requirements are described.
- Sec. 9.14 Notice to proceed.** Once a Conditional Use is granted, “Notice to Proceed” is granted after the Operators as presented of all other necessary permits, including state permits.
- Sec. 9.15 Transfer of Permits.** Requirements for the transfer or sale of oil and gas facilities is described
- Sec. 9.16 Expiration of Permits.** Permits expire after two to three years but may be extended one year.
- Sec. 9.17 Violation and enforcement.** Right to enforce code violations is described.
- Sec. 9.18 Development setbacks from wells and facilities.** Distance new homes must be from existing oil and gas facilities is described.

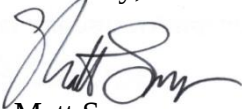
THE TOWN OF FREDERICK OIL AND GAS STANDARDS DOCUMENT

Rather than populate the Land Use Code with pages of regulations we are proposing to have an “Oil and Gas Standards Document” that may be adopted with the Code but updated administratively to reflect changes in technologies or state rules. The Town Trustees may by resolution update the Standards Document as necessary to reflect major changes in required industry standards and practices.

The proposed standards document will provide up-to-date protections for air quality; water quality and quantity; safety; noise; visual standards; community outreach; reclamation; transportation; wildlife; and seismic surveys.

I look forward to our discussion.

Sincerely,



Matt Sura

Special Counsel for the Town of Frederick

LAW OFFICE OF MATTHEW SURA

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PROPOSED Town of Frederick Oil and Gas Provisions Compared with ECMC Rules and Other Local Jurisdictions

September 24, 2024

The purpose of this memo is to compare the existing and proposed oil and gas regulations in the Town of Frederick Land Use Code (LUC) to those of other local governments and to the rules of the Energy and Carbon Management Commission (ECMC). Boulder County, Commerce City, Fort Collins, Greeley, Larimer County, Longmont, and Weld County were used for this comparison because they have passed strong land use regulations since the ECMC adopted new “Mission Change” rules.

The ECMC Mission Change rulemaking was required by Senate Bill 19-181. Prior to Senate Bill 19-181, the mission of the ECMC was to “foster” (or promote) oil and gas development and protect public health safety and welfare but only after considering cost effectiveness. The new ECMC mission no longer requires promoting the industry. The new mission is to protect public health and safety— without consideration of cost effectiveness.

Incorporating the new mission of the ECMC required a top to bottom rewrite of the ECMC rules. After nearly a year of work, the ECMC passed the mission change rules on November 23, 2020. The new rules took effect on January 15, 2021 but new financial assurance rules were adopted as recently as March 1, 2022.

The documents relied upon for this study include:

- [ECMC Rules](#), last revised in 2023.
- [Boulder County Land Use Code](#), Article 12, adopted on December 15, 2020
- [Commerce City Land Development Code](#), adopted on March 15, 2021.
- [Fort Collins Land Use Code](#), Articles 4 and 5, adopted May 17, 2024.
- [Greeley Development Code](#), Section 24-1102, adopted September 21, 2021.
- [Larimer County Land Use Code](#), Articles 2.9.4 and 11, adopted on July 29, 2021.
- [Longmont Land Development Code](#), Section 15.05.090, adopted in 2012.
- [Weld County 1041 Permit Program](#), Article V, Home Rule Charter, adopted August 3, 2020.

Current and PROPOSED Town of Frederick regulations compared to other jurisdictions

Except for the minor amendments the Town made last year, the Town of Frederick’s oil and gas regulations were written before Senate Bill 19-181 was passed by the legislature and signed by the Governor. As you will see in the following analysis, Frederick’s regulations do not provide very comprehensive or stringent regulations of the oil and gas industry.

Oil and gas operators need to comply with both local and state regulations. On most subjects, the ECMC rules provide a floor for regulations. Senate Bill 19-181 specifically allowed local governments’ land use

regulations to be “stricter” than those of the ECMC.¹ Even if a local government has regulations that are less strict than those of the ECMC, the operator will still be required to comply with state regulations.

The chart below uses the terms “most strict,” “stricter,” “less strict,” “state equivalent,” and “no requirements” to describe regulations. As used in the chart, these terms are imprecise and based on a reading of the regulation as a whole. It did not consider how the regulations are actually administered.

The proposed regulations in this comparison document are, for the most part, modeled from Larimer County’s requirements. There are several areas where we are proposing somewhat stricter requirements. The issues that are proposed to be stricter are the nuisance issues of noise and dust as well as air quality issues. Since any development within the Town of Fredrick will have access to electric utility lines, we have proposed to require use of electricity during drilling within the town whereas that option would not always be practical in a less urban setting.

The comparison below is intentionally cursory and incomplete. This comparison is only meant to identify some of the high-level areas where the Town may want to focus attention during the update of its Land Use Code. When drafted, Frederick’s regulations could cover far more topics than described below.

¹ § 34-60-131 C.R.S.

Comparison of Oil and Gas Regulations

<u>TOPIC</u>	<u>STATE</u>	<u>Boulder County</u>	<u>Commerce City</u>	<u>Ft. Collins</u>	<u>Greeley</u>	<u>Larimer County</u>	<u>Longmont</u>	<u>Weld County</u>	<u>EXISTING</u> <u>Town of Frederick</u> <u>LUC</u>	<u>PROPOSED</u> <u>Town of</u> <u>Frederick LUC</u>
Public Notice	Rule 303.e	Most strict	State equivalent	Most strict	Less Strict	Stricter	Less strict	State equivalent	Less strict	Stricter
Meeting with Neighbors	Rule 304.c(20)	Most strict	Less strict	Most strict	Less strict	Stricter	Less strict	No requirement	Less strict	Stricter
Setbacks from Homes	ECMC Rule 604	Most strict	Stricter	Most strict	Less strict	Stricter	State equivalent	Less strict	No requirements	Stricter
Alternative Loc. Analysis	ECMC Rule 304.b(2)	No requirements	State equivalent	Stricter	No requirement	Stricter	No requirement	Stricter	No requirements	Stricter
Noise Standard	ECMC Rule 423	Stricter	Stricter	Less strict	State equivalent	Stricter	Stricter	Less strict	No requirements	Stricter
Planning Documents	ECMC Rule 304.c	Less strict	Stricter	Less strict	Less strict	Stricter	Less strict	Less strict	Less strict	Stricter
Baseline Water Monitoring	ECMC Rule 609; 318A	Stricter	Stricter	No requirement	No requirement	Stricter	State equivalent	No requirement	No requirements	Stricter
Electric Equipment	No requirements	Stricter	Stricter	No requirement	No requirement	Stricter	State equivalent	No requirement	Stricter	Stricter
Air Quality Mitigation	5 CCR 1001-9 (Reg. 7)	Stricter	Stricter	No requirement	State equivalent	Stricter	State equivalent	State equivalent	No requirements	Stricter
Fencing	ECMC Rule 604.c(2)M	State equivalent	Most strict	Most strict	Stricter	Stricter	Stricter	State equivalent	State equivalent	Stricter
Local Gov. Inspections	No requirements	State equivalent	Stricter	Stricter	Less strict	Stricter	State equivalent	Stricter	Stricter	Stricter
Traffic Management	ECMC Rule 303.c(6)	Stricter	Stricter	No requirement	Less strict	Stricter	State equivalent	Stricter	Stricter	Stricter
Liquid Pipeline req.	No requirements	Most strict	Stricter	No requirement	No requirement	Stricter	No requirement	No requirement	No requirements	Stricter
Dust Mitigation	ECMC Rule 304.c(5)	State equivalent	Stricter	No requirement	No requirement	Stricter	State equivalent	State equivalent	Less strict	Stricter
Visual Mit. / Landscaping	ECMC Rule 424, 425	Stricter	Stricter	Stricter	Less strict	Stricter	No requirement	Less strict	Stricter	Stricter
Wildlife Protection	ECMC 1200 rules	Stricter	State equivalent	Stricter	Less strict	Stricter	Stricter	State equivalent	Less strict	Stricter
Emergency Response	ECMC Rule 304.c(8); 602.j.	Stricter	Stricter	No requirement	Stricter	Stricter	Stricter	Stricter	Stricter	Stricter
Enforcement	ECMC Rules 523-525	State equivalent	Less strict	No requirement	Less strict	Most strict	Stricter	Less strict	Stricter	Stricter
Financial Assurance	ECMC 700 Series	State equivalent	Stricter	No requirement	Less strict	Most strict	Stricter	Less strict	No requirements	No Requirement
Reverse Setbacks	No requirements	No requirements	Most strict	Most strict		Stricter	Stricter	Stricter	Stricter	Stricter

Summary of Regulations

Public Notice:

- **ECMC Requirement:** ECMC Rule 303.e – operator must notice “all Surface Owners, Building Unit owners, and residents, including tenants of both residential and commercial properties, within 2,000 feet of any Working Pad Surface included in the Oil and Gas Development Plan.”
- **Boulder County:** Must notice pending application to all landowners, local governments, physical addresses, surface and water well owners within one mile (5,280 feet).
- **Commerce City:** Requires notice of pending application to all landowners within 2,000 feet from the proposed site.
- **Fort Collins:** 1-mile notice requirement
- **Greeley:** 500-foot notice requirement. Director may extend to 1,000 ft.
- **Larimer County:** Requires written notice for *property owners and tenants* for ½ mile (2,640 feet).
- **Longmont:** Requires notice of adjacent property owners with 150 feet (administrative review) or 1,000 feet (conditional use review)
- **Weld County:** Requires written notice for all parties required by ECMC within 2,000 feet of proposed oil and gas location.
- **Town of Frederick LUC:** Requires notice of all property owners from 1,000 feet from boundary of property on which surface use will occur under permit. (Sec.4.5.6).
- **Proposed Town of Frederick:** Require notice of all property owners from 2,200 feet from boundary of property on which surface use will occur under permit.

Meeting with Neighbors:

- **ECMC Requirement:** ECMC Rule 304.c(20) requires operator have a “community outreach plan” if within 2,000 feet of disproportionately impacted community. Must “be available” to meet with building unit owners within 2,000 feet of proposed location *if requested*.
- **Boulder County:** Must notice required neighborhood meeting to all parties requiring notice (one mile) and also allow public to attend.
- **Commerce City:** Neighborhood meeting may be required at staff discretion.
- **Fort Collins:** 1-mile notice requirement for mandatory neighborhood meeting.
- **Greeley:** Neighborhood meetings only required at the option of planning director.
- **Larimer County:** Neighborhood meeting is required. Requires written notice for affected property owners and tenants for ½ mile (2,640 feet).
- **Longmont:** No neighborhood meeting required for administrative review. Neighborhood meeting required for conditional use review.
- **Weld County:** No neighborhood meeting required.
- **Town of Frederick LUC:** Requires notice for neighborhood meeting of all property owners from 1,000 feet boundary of property on which surface use will occur under permit. (Sec.4.5.2).
- **Proposed Town of Frederick:** Require notice for neighborhood meeting of all property owners from 2,200 feet boundary of property on which surface use will occur under permit.

Setbacks from Homes:

- **ECMC Requirement:** The ECMC Rule 604 requires a minimum 500-foot setback from homes and “building units” and 2,000-foot setback from school facilities. From 500 – 2,000 feet a hearing is required and operator may present “substantially equivalent protections” including BMPs, size of pad, results of alternative location analysis, etc..
- **Boulder County:** In all cases, a Well Pad at an oil and gas facility must be located a minimum of 2,000 feet from: an existing Dwelling and related residential uses; an Educational Facility or licensed

Child Care Center; and public trails and trailheads owned and maintained by the County or any municipality; and workplaces located in the LI, GI, C, B, and T zoning districts. Expectation is for greater than 2,500-foot setback.

- **Commerce City:** Minimum 1,000 feet from homes or residential platted property; minimum 1,500 feet from ten or more homes or “high occupancy building unit”; minimum 2,000 feet from schools and childcare centers.
- **Fort Collins:** Minimum 2,000 feet from wall of occupiable space, recreation trail, outdoor venues, or natural area.
- **Greeley:** Minimum 150-foot setback from homes. 200-foot setback from high density areas. Only allows oil and gas development in industrial zones.
- **Larimer County:** Requires a minimum setback of 1,000 feet from existing or platted residential building units; minimum 2,000 feet from the property line of any school facility, hospital, medical clinic, senior living or assisted living facility, multi-family dwelling, or state license daycare facility.
- **Longmont:** Recommended setback of 750-feet. (Default to ECMC setback).
- **Weld County:** Minimum 500-foot setback from homes with a process for variances to propose wells closer.
- **Town of Frederick LUC:** There are no setbacks for new oil and gas development from existing homes within Frederick.
- **Proposed Town of Frederick:** require a minimum setback of 1,000 feet from property line of existing or platted residential lot; minimum 2,000 feet from the property line of any school facility, hospital, medical clinic, senior living or assisted living facility, multi-family dwelling, or state license daycare facility.

Alternative Location Analysis:

- **ECMC Requirement:** The ECMC Rule 304.b(2) required whenever location is within: a city, 2,000 feet of a home, 2,000 feet of local government boundary, a floodplain, high priority wildlife habitat, 2,640 feet of a public water supply, etc...
- **Boulder County:** Not required.
- **Commerce City:** Alt. Location analysis is required unless proposed o&g location is greater than 2,000 feet from homes, schools, public parks, and outdoor venues.
- **Fort Collins:** Required in all cases.
- **Greeley:** No requirement.
- **Larimer County:** Code requires greater information requirements in alternative location analysis than ECMC
- **Longmont:** No requirement.
- **Weld County:** Requires site analysis that considers at least three alternatives.
- **Town of Frederick LUC:** No requirement.
- **Proposed Town of Frederick:** proposed revisions would require greater informational requirements than ECMC including evaluation of at least three alternative sites.

Noise Mitigation:

- **ECMC Requirement:** ECMC Rule 423 requires allows oil and gas drilling and completion operations at light industrial noise levels of up to 65 dB(A)s in residential areas. Sets limit of 65 dB(C) during drilling and completions. Requires continuous noise monitoring when within 2,000 feet of home.
- **Boulder County:** In no instance may an oil and gas operation produce noise exceeding 60 dB(C). All locations require continuous noise monitoring.

- **Commerce City:** Maximum permissible noise levels is the greater of “50 dB(A) in the hours between 7:00 p.m. to 7:00 a.m. and 55 dB(A) in the hours between 7:00 a.m. to 7:00p.m. or 4 dB(A) higher than baseline ambient sound measured.”
- **Fort Collins:** No specific requirements for oil and gas development. No regulation of c-scale noise.
- **Greeley:** ECMC requirements.
- **Larimer County:** Larimer County requires a strict Noise Mitigation Plan, increased protections near homes, and strict noise limits that are more restrictive than ECMC
- **Longmont:** Noise levels as prescribed by ECMC. City may require additional noise mitigations depending on location including screening, electric motors, and enclosed equipment.
- **Weld County:** Noise requirements are less strict than ECMC requirements for C-scale noise.
- **Town of Frederick LUC:** There is no set decibel limits for resource extraction (oil and gas). Resource extraction (minerals) has a 45dB(A) limit. Sec 4.9.4.c(6) requires that the “applicant shall satisfactorily address the following impacts:” including traffic, noise, odor, light, dust, etc...
- **Proposed Town of Frederick:** proposed revisions would utilize most of the same standards in Larimer County but requires a more extensive complaint response process that requires resolving complaints within 24 hours.

Planning Documents:

- **ECMC Requirement:** ECMC Rule 304.c lists 20 separate plans that are required including a cumulative impacts plan, community outreach plan, topsoil protection plan, operations safety management plan, flood shut-in plan, and interim reclamation plan.
- **Boulder County:** Requires fewer plans than required by ECMC.
- **Commerce City:** Requires 26 separate plans including a Risk Management Plan, Temporary Sanitary Facilities Plan, and an Emergency Resource Mobilization/Cache Plan,
- **Fort Collins:** Very few application requirements however, “development application submittal master list for oil and gas facilities” does not seem to have been created yet.
- **Greeley:** Fewer planning documents than state.
- **Larimer County:** Larimer County requires extensive plans, including all plans required by Commerce City.
- **Longmont:** Must include “specific information for oil and gas well operations and facilities contained in the administrative manual.”
- **Weld County:** Generally requires all of the same planning documents as required by ECMC.
- **Town of Frederick LUC:** Application elements listed in section 9.4 includes a: site plan, operating plan, weed control plan, and an emergency response plan and fire protection plan.
- **Proposed Town of Frederick:** proposed revisions would require all plans required by Commerce City and Larimer County.

Baseline Water Monitoring:

- **ECMC Requirement:** ECMC Rule 615 requires baseline testing of up to four nearby water wells and follow-up testing in six months and six years.
- **Boulder County:** Same requirements as ECMC except must offer to provide baseline testing of all wells within one-mile of the location.
- **Commerce City:** Requires water quality tests of all available sources within ½ mile (as opposed to four required by Rule 615) and requires testing of constituents beyond what is required by the state.
- **Fort Collins:** Not required.
- **Greeley:** No requirement.
- **Larimer County:** Requires water quality tests of all available sources within ½ mile (as opposed to four required by Rule 615) and requires testing of constituents beyond what is required by the state.

- **Longmont:** ECMC standards but City may request additional testing and monitoring and a “water quality monitoring plan.”
- **Weld County:** No requirements.
- **Proposed Town of Frederick:** No requirement.
- **Proposed Town of Frederick:** Require the operator to offer water quality tests of all available sources within ½ mile (as opposed to four required by Rule 615) and requires testing of constituents beyond what is required by the state.

Electric Equipment:

- **ECMC Requirement:** No state requirement to use grid power.
- **Boulder County:** Operations will be electrified to the highest degree possible. Renewable energy sources will be required unless the Applicant proves that they are not feasible in which case off-site renewable offsets may be substituted.
- **Commerce City:** Requires all permanent equipment to be electrified from the power grid. Requires drilling rigs to also use electric line power if within 2,000 feet of a home.
- **Fort Collins:** No requirement.
- **Greeley:** Electric motors may be required as a noise mitigation.
- **Larimer County:** O&GFs shall be equipped with electric-powered engines for motors, compressors, drilling and production equipment, and pumping systems unless no adequate electricity source is available, or it is technically infeasible.
- **Longmont:** Recommends use of electric production equipment. May require electric production equipment as noise mitigation.
- **Weld County:** No requirements.
- **Town of Frederick LUC:** Section 4.9.4.c(3) states: “The conditional use will be adequately served with public utilities, services and facilities (i.e., water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.”
- **Proposed Town of Frederick:** Require all permanent equipment to be electrified from the power grid. Requires drilling rigs to also use electric line power.

Air Quality Monitoring and Mitigation:

- **AQCC Requirement:** Reg. 7 requires control of emission sources of more than 3 tons of VOCs per year as well as regular leak detection inspections, continuous monitoring, and banning methane emissions from pneumatic controllers.
- **Boulder County:** Continuous air quality monitoring program. Requirement to use pipelines for both oil and produced water.
- **Commerce City:** Requires monthly inspections, prompt repair of leaks and public reporting of inspections and repairs for five years. Continuous monitoring program. Requirement to use pipelines for oil.
- **Fort Collins:** No requirements.
- **Greeley:** State requirements.
- **Larimer County:** Requires monthly inspections, prompt repair of leaks. Continuous monitoring program for three years.
- **Longmont:** State minimum requirements. Asks operators to make “reasonable efforts” to reduce pollution.
- **Weld County:** References state requirement for leak detection and repair.
- **Town of Frederick LUC:** No requirements other than dust and odor requirements in Section 4.9.4.c(6).

- **Proposed Town of Frederick:** Require all permanent equipment to be electrified from the power grid. Requires drilling rigs to also use electric line power. Requires use of pipelines for oil and gas (to eliminate nearly all truck traffic during production).

Fencing:

- **ECMC Requirement:** ECMC Rule 603.h requires fencing, subject to surface owner approval, if “determined necessary by director.” Pumps and pits require fencing.
- **Boulder County:** Site must be kept secure from trespassers but no specific fencing requirements.
- **Commerce City:** Above-ground Operations shall be fenced and gated as part of the Visual Mitigation Plan and Security Plan. Fencing shall be eight-foot (8') high, wrought iron fencing, Ameristar Impasse, Stronghold fencing, or an equivalent, or better, as approved in the Visual Mitigation Plan. Eight-foot (8') high masonry may be used as an alternate.
- **Fort Collins:** Fencing required in all cases.
- **Greeley:** Fences only required in high-density areas.
- **Larimer County:** “For all phases of site development, fencing shall be installed for security and visual aesthetics of the use.” As part of standards for all development, “If fencing is proposed around the perimeter of a development, any fencing adjacent to a county road or state or federal highway must be compatible with existing land uses, topography and landscaping in the immediate vicinity.”
- **Longmont:** Fencing required for security.
- **Weld County:** Fencing may be required for security at discretion of OGED Director.
- **Town of Frederick LUC:** Section 4.9.4.c(6) states, “Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, **screen walls**, landscaping, site arrangement or other methods.”
- **Proposed Town of Frederick:** Require permanent 6' high fencing for security and aesthetics. Gates must be locked but the Knox Box to allow for emergency entrance.

Local Government Inspections:

- **ECMC Requirement:** The state has its own (40+) inspectors but does not require local governments to inspect oil and gas facilities. State law does allow local governments to fund inspectors through fees, “to cover the reasonably foreseeable direct and indirect costs of permitting and regulation and the costs of any monitoring and inspection program necessary to address the impacts of development and to enforce local governmental requirements.” C.R.S. 29-20-104(2)(c).
- **Boulder County:** Boulder County retains the right to inspect but does not appear to charge for oil and gas inspections.
- **Commerce City:** Commerce City provides for inspections and requires City inspections to be paid for by the operator.
- **Fort Collins:** Inspections are allowed at anytime and must be paid for by operator (Sec. 6.26.3).
- **Greeley:** Must allow an inspection within ten days of request. May not charge for inspections.
- **Larimer County:** Larimer County allows for unannounced inspections and requires inspection invoices to be reimbursed by operator.
- **Longmont:** Inspections allowed upon notice to permittee. Inspection costs borne by operator.
- **Weld County:** OGED staff may inspect at any time. Not requirements for operator to pay for inspection.
- **Town of Frederick LUC:** Section 9.3.b allows for inspections and requires inspection fee (set by resolution) to be reimbursed by operator.
- **Proposed Town of Frederick:** Proposed rules allow for unannounced inspections and requires inspection invoices to be reimbursed by operator.

Traffic Management:

- **ECMC Requirement:** ECMC Rule 303.c(6) defers to local governments for transportation planning. Transportation is not regulated by the ECMC.
- **Boulder County:** Requires transportation planning and for operator to pay for “Required improvements to existing transportation system infrastructure to support the proposed oil and gas facilities or operations, as designed and performed by the County”
- **Commerce City:** Extensive transportation and or traffic management requirements including identifying transportation routes and standards for new access road development and transportation fees of up to \$21,172 per well to be paid by operator.
- **Fort Collins:** Traffic impact study may be required.
- **Greeley:** No requirements for traffic management.
- **Larimer County:** requires evaluation of routing alternatives and transportation infrastructure improvements proposed for the proposed O&GF to mitigate projected transportation impacts and demonstrate compliance with County road standards. Requires payment of Capital Transportation Impact fee. (LUC Section 17.3.J; 17.6)
- **Longmont:** Transportation impacts study may be required. Necessary traffic improvements are paid by operator.
- **Weld County:** Requires traffic study. May require a road maintenance agreement.
- **Town of Frederick LUC:** Section 4.9.4.c(6) lists “traffic” as one of the impacts to the addressed. transportation planning and for operator to pay for needed transportation improvements. Weld County requires that operators sign a “road maintenance agreement” to pay for damage from heavy truck traffic.
- **Proposed Town of Frederick:** Require transportation planning and for operator to pay for needed transportation improvements.

Liquid Pipeline Requirements:

- **ECMC Requirement:** No state requirements for pipelines for oil or produced water.
- **Boulder County:** Requires all fluids (produced water and oil) to be piped.
- **Commerce City:** Requires oil to be piped but not produced water.
- **Fort Collins:** Not required but used to the “maximum extent feasible.” (Sec. 4.3.4(f)(5)).
- **Greeley:** No requirements.
- **Larimer County:** Requires water and oil to be piped if feasible.
- **Longmont:** No requirement.
- **Weld County:** No requirements.
- **Town of Frederick LUC:** No requirements.
- **Proposed Town of Frederick:** Require use of pipelines for oil to eliminate most truck traffic from roads. Require use of pipelines for water if feasible.

Dust Mitigation:

- **ECMC Requirement:** ECMC Rule 304.c(5); 427 requires preparation of an extensive dust mitigation plan including evaluation of cumulative effects of dust.
- **Boulder County:** Requires a Dust Suppression Plan.
- **Commerce City:** Requires a dust mitigation plan and that dust be controlled to minimize dust is from roadways or operations. A list of BMPs to control dust are required.
- **Fort Collins:** Has a “Dust Control Manual” required in some cases.
- **Greeley:** No requirements.
- **Larimer County:** Requires a Fugitive Dust Control Plan to prevent or mitigate fugitive dust generated by the construction and operations of the proposed O&GF.

- **Longmont:** “Oil and gas facilities and equipment shall be operated in such a manner that odors and dust do not constitute a nuisance or hazard to public health, safety, welfare..”
- **Weld County:** Requires a dust mitigation plan. Must mitigate dust on roads.
- **Town of Frederick LUC:** Section 4.9.4.c(6) lists “dust” as one of the impacts to be addressed.
- **Proposed Town of Frederick:** **Require dust mitigation plan and response to dust complaints within 24 hours.**

Visual Mitigation / Landscaping:

- **ECMC Requirement:** ECMC Rule 424 contains extensive lighting standards. Rule 425 limited to painting of equipment to match surrounding landscape.
- **Boulder County:** Requires a Landscaping and Screening Plan, a Lighting Plan and Photometric Study.
- **Commerce City:** Requires a Visual Mitigation Plan, site-specific Landscaping Plan, and a Lighting Plan.
- **Fort Collins:** “Land Use Code Section 5.10.1 applies” in addition to other specific requirements for oil and gas facilities.
- **Greeley:** Landscaping may be required to provide ground cover.
- **Larimer County:** Required to follow the aesthetic rules of ECMC and the Larimer County Land Use Code for landscaping, fencing and lighting set forth in Article 4.0.
- **Longmont:** “Applications for all oil and gas facilities may be required to include a visual impact analysis.” Landscaping is not required.
- **Weld County:** No requirements other than painting equipment neutral colors.
- **Town of Frederick LUC:** Section 4.9.4.c(6) lists “light” as one of the impacts to be addressed.
- **Proposed Town of Frederick:** **Require a Visual Mitigation Plan, site-specific Landscaping Plan, and a Lighting Plan.**

Wildlife Protection:

- **ECMC Requirement:** ECMC 1200 rules series contains extensive wildlife protection requirements.
- **Boulder County:** Requires operator to provide a map of critical wildlife habitat and wildlife migration corridors or routes as identified by the Boulder County Comprehensive Plan and the presence of: species listed in the Boulder County Wildlife; An independent expert’s report (i) identifying the presence and population numbers of: species listed in the Boulder County Wildlife Species of Concern listing; Tier 1 and Tier 2 species as identified by CPW; and federally-designated threatened or endangered species, (ii) identifying the anticipated impacts of the proposed oil and gas facilities and operations on wildlife and wildlife habitat, and (iii) recommending measures for avoiding or minimizing such impacts within one mile of proposed location.
- **Commerce City:** Requires Wildlife Mitigation Plan when within ½ mile of sensitive wildlife habitat.
- **Fort Collins:** Requires “buffer zones” around wildlife habitat and studies involving CPW in some cases.
- **Greeley:** Requires consultation with CPW for wells within “sensitive areas.”
- **Larimer County:** Has extensive wildlife requirements, including required consultation with CPW, in General Development Standards (LUC Section 8.4)
- **Longmont:** Longmont has wildlife regulations in Section 15.05.030 that are applicable to oil and gas development.
- **Weld County:** Lists specific wildlife requirements for high priority habitats.
- **Town of Frederick LUC:** Section 9.12 states, “Wildlife. When a well site or production site is located within a designated moderate (blue) or high impact zone (red) on the 1987 Cumulative Impact Maps prepared by the Colorado Division of Wildlife, the applicant shall consult with the Colorado Division of Wildlife to obtain recommendations for appropriate site specific and cumulative

impact mitigation procedures. The operator shall implement such mitigation procedures as are recommended by Colorado Division of Wildlife after consultation with the Town.”

- **Proposed Town of Frederick:** Require wildlife protection plan and consultation with Colorado Parks and Wildlife.

Emergency Response:

- **ECMC Requirement:** ECMC Rule 304.c(8) requires an emergency response plan. ECMC Rule 602.j requires emergency response plan has been coordinated with, reviewed by, and approved by the local emergency response agency, and updated as necessary.
- **Boulder County:** Requires both an Emergency Response Plan as well as an Emergency Preparedness Plan.
- **Commerce City:** Requires detailed emergency response plans including plans for notification and evacuation if necessary as well as a risk management plan. Emergency Response Plan to be written through consultation with emergency response agencies and to include a Resource Mobilization/Cache Plan to ensure emergency responders have available the equipment necessary to respond to any emergency identified in the emergency response plan, which shall provide that the equipment be stationed in locations as to be readily available for any emergency for any oil and gas facility covered by the plan.
- **Fort Collins:** No oil and gas specific emergency response requirements in code.
- **Greeley:** Requires and emergency response plan acceptable to Greeley Fire Department.
- **Larimer County:** Requires detailed emergency response plans including plans for notification and evacuation if necessary as well as a risk management plan. Emergency Response Plan to be written through consultation with emergency response agencies and to include a Resource Mobilization/Cache Plan to ensure emergency responders have available the equipment necessary to respond to any emergency identified in the emergency response plan, which shall provide that the equipment be stationed in locations as to be readily available for any emergency for any oil and gas facility covered by the plan.
- **Longmont:** Requires an “acceptable written emergency response plan.”
- **Weld County:** Requires an Emergency Action Plan (EAP) and Tactical Response Plan (TRP).
- **Town of Frederick LUC:** Section 9.4.3 requires that “Prior to application to the Town, a proposed fire protection plan and emergency response plan shall be submitted to and reviewed by the fire district.” Section 9.13 requires emergency response costs incurred by responders to be paid by the operator.
- **Proposed Town of Frederick:** Require detailed emergency response plans including plans for notification and evacuation if necessary. Emergency Response Plan to be written through consultation with emergency response agencies and to include a Resource Mobilization/Cache Plan to ensure emergency responders have available the equipment necessary to respond to any emergency identified in the emergency response plan, which shall provide that the equipment be stationed in locations as to be readily available for any emergency for any oil and gas facility covered by the plan.

Enforcement:

- **ECMC Requirement:** Rules 523-525. The ECMC has more than 40 inspectors, enforcement officers, and environmental specialists. Penalties may be as high as \$15,000 / day.
- **Boulder County:** “The Director has discretion to assess a civil penalty between \$300 and \$15,000 per violation per day, depending on the nature and severity of the violation, statutory authority, and application of the additional factors...” The county currently has one full time inspector.

- **Commerce City:** For the fourth violation, the city may assess up the maximum fine for a municipality - \$3,084 and may suspend or revoke the oil and gas permit. The city currently has no active oil and gas wells and no inspectors.
- **Fort Collins:** Fort Collins has general code enforcement provisions but not specific to oil and gas.
- **Greeley:** Greeley may enforce regulation by a \$500 fine, or suspend or revoke a permit.
- **Larimer County:** has the ability to require an operator to cease and desist from the Board of County Commissioners, issue fines according to a penalty schedule, or file a civil action.
- **Longmont:** has the ability to require an operator to cease and desist, revoke city oil and gas permit, issue penalties, or file a civil action.
- **Weld County:** Can set a suspension or revocation hearing for violations of development standards.
- **Town of Frederick LUC:** Section 9.14 allows for a penalty of up to \$1,000 / day. The Board of Trustees may revoke an oil and gas conditional use permit if the operator gives false or inaccurate information which they knew to be false.
- **Proposed Town of Frederick:** enforcement can include civil actions, criminal penalties, and suspension or revocation of permit by the Planning Manager or Town Manager.

Financial Assurance:

- **ECMC Requirement:** ECMC 700 Series Rules. For the lowest producing operators, the state requires a maximum of \$100,000 / location for reclamation and \$20,000-\$40,000 per well for plugging. Higher producing operators post far less per well and may post a blanket bond for all their wells. The highest blanket bond is \$40 million.
- **Boulder County:** requires operators provide adequate financial assurances to guarantee performance of all conditions of approval until final reclamation obligations are completed. The type and amount of financial assurances provided will be determined by the County.
- **Commerce City:** requires financial assurance of \$90,000 / well in the form of a surety bond or irrevocable standby letter of credit, or approved combination of the two. Amount will automatically increase with rate of inflation.
- **Fort Collins:** No financial assurance provisions.
- **Greeley:** \$500,000 insurance. No other additional financial assurance requirements.
- **Larimer County:** Requires \$93,000 per well (or the amount required by ECMC if higher).
- **Longmont:** has the ability to require performance security in an amount to cover any damage to public infrastructure.
- **Weld County:** \$2,000 per well financial assurance for surface damages but only if they do not have a surface use agreement.
- **Town of Frederick LUC:** No requirements.
- **Proposed Town of Frederick:** No requirements. Proposing to rely on state rules.

Reverse Setbacks:

- **ECMC Requirement:** ECMC regulates the oil and gas industry. Setbacks of new homes to existing wells is local government jurisdiction.
- **Boulder County:** requires pre-existing facilities to register with the County but does not require a building setback from those facilities.
- **Commerce City:** Commerce City enacted a 1,000-foot setback of new homes from existing working pad surfaces.
- **Fort Collins:** There must be a 2,000-foot buffer from a new occupiable building and a producing oil and gas facilities. Plugged wells have a 500-foot buffer until reclaimed then buffer shrinks to 150 ft. Sec 5.10.3
- **Greeley:** 350-foot setback from wells; 500-foot setback from production equipment. 50-foot setback from plugged well.

- **Larimer County:** Has a 1,000-foot setback during preproduction and early production (first three years), tiered setback for production phase of 200 to 500 feet depending on the number of wells on the oil and gas location, and a post-production phase of 200 feet unless developer can demonstrate well is safely plugged and is not a threat to leak can be reduced to 50 by 100 feet.
- **Longmont:** “Platted residential lots, sports fields and playgrounds shall be 750 feet or more, or the maximum distance practicable, as determined by the city, from existing oil and gas wells and production facilities.” Setbacks from plugged wells is a minimum of 150 feet.
- **Weld County:** No building units shall be closer than 250 feet from any oil and gas facility in any zone district. Minimum 50-foot setback from plugged wells. Sec. 23-4-700.
- **Town of Frederick LUC:** Section 9.8 requires a minimum 200-foot setbacks from a well to the side of a building. Schools or another building used as a place of assembly must be at least 350 feet from a well. There is no reverse setback from plugged wells. Lots must be platted at least 150 feet from an existing oil and gas well or facilities. Weld County requires “Building Units” to be at least 250 feet from wells OR facilities. Buildings must be at least 50 feet from plugged wells. *Weld County Code Section 23-4-700.*
- **Proposed Town of Frederick: Modeled from Larimer County’s regulations. Proposed a 1,000 foot setback during preproduction and early production (first three years), tiered setback for production phase of 200 to 500 feet depending on the number of wells on the oil and gas location, and a post-production phase of 200 feet unless developer can demonstrate well is safely plugged and is not a threat to leak can be reduced to 50 by 100 feet.**

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. _____**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO,
AMENDING ARTICLE 9, OIL AND GAS DRILLING AND PRODUCTION,
TOWN OF FREDERICK LAND USE CODE, SECTIONS 9.1, 9.2, 9.3, 9.4,
AND 9.14 TO CREATE GREATER OVERSIGHT OF OIL AND GAS
DRILLING AND PRODUCTION WITHIN THE TOWN IN ACCORDANCE
WITH THE AUTHORIZATIONS PROVIDED IN SENATE BILL 19-181,
PROVIDING FOR REPEALER, PROVIDING FOR EFFECTIVE DATE.**

WHEREAS, SB 19-181 expanded the authority of local governments to regulate oil and gas drilling and production; and

WHEREAS, the Board of Trustees desires to exercise its expanded authority to protect the health, safety, and welfare of the residents of the Town; and

WHEREAS, the Town of Frederick Board of Trustees passed a small number of amendments at a public hearing on September 21, 2023 with the expectation that a full overhaul of the oil and gas section of the Code would be needed in 2024; and

WHEREAS, much of the Town's current oil and gas regulations were developed prior to the passage of Senate Bill 19-181, and while the code has been updated in part; additional changes are needed to fully implement the Town's authority authorized in Senate Bill 19-181 to ensure the health and safety issues presented by the exploration for and extraction of liquid and gaseous hydrocarbon resources and related activities are adequately addressed in the Town's zoning and land use regulations; and,

WHEREAS, the Town of Frederick Board of Trustees passed a 6-month oil and gas moratorium on April 23, 2024 to preserve the status quo while they made additional changes to the Code; and....

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF
FREDERICK, COLORADO, AS FOLLOWS:**

Section 1. Section 1.15 *Definitions*.

1. Terms used in this Code are defined as follows:

Oil and Gas Facility means equipment or improvements used or installed at an oil and gas location for the exploration, production, withdrawal, treatment, or processing of crude oil, condensate, E&P waste, or gas. A properly plugged and abandoned well is not an Oil and Gas Facility.

~~*Special use* means a use which follows the process of an administrative application, but that has special requirements that must be met in order for consideration of approval. Article 9 outlines the specifications for a special use.~~

Section 2. Section 3.3 *Zoning Districts*. Town of Frederick Land Use Code, is hereby amended as follows (strikeout represents deleted text, *** represents large blocks of text that are unchanged by this amendment):

4. Special and Overlay Zoning Districts

c. *H-O Hazard Overlay District*.***

(3) Conditional uses. Uses requiring conditional use review shall be as follows:

(a) Golf courses.

(b) Limited outdoor recreation facilities.

(c) Resource extraction, processes, and sales establishment.

(d) Gas, oil, and other hydrocarbon well drilling and production (as permitted by state and local regulations).

~~(4) Special uses. Uses requiring special use review shall be as follows:~~

~~(a) Gas, oil, and other hydrocarbon well drilling and production (as permitted by state and local regulations).~~

Section 3. Section 3.4 *Permitted, Conditional, Special, and Limited Uses by Zoning District – Use-Specific Standards – Residential Protection Standards – Accessory Use and Structure Standards (Including ADUs and Home Occupations)*. Town of Frederick Land Use Code, is hereby amended as follows (strikeout represents deleted text, *** represents large blocks of text that are unchanged by this amendment):

1. *Interpretation of Use Tables – Multiple Uses of a Lot*. ***

b. *Legend*. The following symbols are used in the matrices in this Division:

~~(iii) “S” means “special use.” Special uses are subject to administrative review for compliance with use-specific standards, and for compliance with general standards for all limited uses, and the general requirements of this Code, which include the standards set out in subsections 2 through 11 of this section, inclusive, as may be applicable. Special uses do not require a public hearing, but have additional notice and public comment requirements compared to limited uses. Special uses are not “as-of-right” uses.~~

Table 3-7. Industrial, Processing, Recycling, Storage, and Disposal Uses

Land Use	Zoning District															
	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P
Resource Extraction (Oil and Gas)	S <u>C</u>	S <u>C</u>	S <u>C</u>	S	S	S	S	S	S	S	S	S	S	S <u>C</u>	S <u>C</u>	S

Section 4. Section 4.4 *Types of applications*. Town of Frederick Land Use Code, is hereby amended as follows (strikeout represents deleted text, *** represents large blocks of text that are unchanged by this amendment):

3. *Administrative applications*. ***

b. The following applications are administrative applications.

- (1) Site plan
- (2) Subdivision amendment
- (3) Plot plan
- (4) Minor modification
- ~~(5) Special use~~
- ~~(6) Temporary use~~

Section 4. Section 4.11 *Specific Requirements and Review Standards for Administrative Applications*. Subsection “5. Special use.” Town of Frederick Land Use Code, is hereby deleted entirely and the Section renumbered accordingly:

Section 5. Sec. 7.5, *Applicability and exceptions*. Town of Frederick Land Use Code, is hereby amended as follows (strikeout represents deleted text, *** represents large blocks of text that are unchanged by this amendment):

3. Partially exempt signs. The following signs are subject only to Sections 7.7, 7.8, and 7.10, and are exempt from the application of this Article:***

b. Required signs. Signs that are required by law or regulation: ***

- (4) To comply with other laws or regulations ~~(e.g., Colorado Oil and Gas Conservation Commission Rule 210).~~

Section 6. **Article. 9 Oil and Gas Drilling and Production** is hereby stricken and restated as follows.

Article 9.

Oil and Gas Drilling and Production

- Sec. 9.1 Purpose.**
- Sec. 9.2 Definitions.**
- Sec. 9.3. Applicability.**
- Sec. 9.4. Location Restrictions.**
- Sec. 9.5 Prohibited Facilities.**
- Sec. 9.6 Oil and Gas Standards.**
- Sec. 9.7 Oil and Gas Access Roads.**
- Sec. 9.8 Pipelines.**
- Sec. 9.9 Emergency Response.**
- Sec. 9.10 Required Operator Submittals.**

Sec. 9.11	Permits Required.
Sec. 9.12	Application Process.
Sec. 9.13	Review Standards.
Sec. 9.14	Notice to proceed.
Sec. 9.15	Transfer of Permits
Sec. 9.16	Expiration of Permits
Sec. 9.17	Violation and enforcement.
Sec. 9.18	Development setbacks from wells and facilities.
Sec. 9.19	Easements, Plats and Development Plans.

Sec. 9.1. Purpose.

These regulations are enacted to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the present and future residents of the Town.

“Municipal” governments have a recognized, traditional authority and responsibility to regulate land use within their jurisdiction. These regulations are intended as an exercise of this land use authority. (Ord. 1389 § 1, 2023)

Sec. 9.2. Definitions.

1. All terms used in this Article that are defined in the Act or in Commission regulations, and not otherwise defined in this Section, are defined as provided in the Act or in such regulations as of the effective date of the ordinance codified in this Article. All other words used in this Article are given their usual customary and accepted meaning; and all words of a technical nature, or peculiar to the oil and gas industry, shall be given that meaning which is generally accepted in said oil and gas industry. When not clearly otherwise indicated by the context, the following words and phrases used in this Article have the following meanings:

ECMC Permit means a permit issued by the Colorado Energy and Carbon Management Commission (“ECMC”) to drill, deepen, re-enter or recompleat and conduct any other oil and gas operation as allowed under the ECMC regulations.

Future School Facility means a school facility that is not yet constructed, but that the school or school governing body plans to build and use for students and staff within four (4) years of the date of the preapplication conference.

Oil and Gas Operations (“*Operations*”) means exploring for oil and gas, including conducting seismic operations and the drilling of test bores; siting, drilling, deepening, recompleting, reworking, or abandoning a well; producing operations related to any well, including installing flowlines; the generating, transporting, storing, treating, or disposing exploration and production wastes; and any constructing, site preparing, or reclaiming activities associated with such operations.

Public Water Supply Well means a well or system of wells that provide water via piping or other constructed conveyances for human consumption to at least fifteen (15) service connections or serves an average of at least twenty-five (25) people for at least sixty (60) days each year.

School Facility means any discrete facility or area, whether indoor or outdoor, associated with a school, that students use commonly as part of their curriculum or extracurricular activities. A school facility is either adjacent to or owned by the school or school governing body, and the school or school governing body has the legal right to use the school facility at its discretion.

Town Manager means the Town of Fredrick’s Town Manger or designee.

Working Pad Surface means the portion of an Oil and Gas Location that has an improved surface upon which Oil and Gas Operations take place.

Sec. 9.3. Applicability.

1. *Generally.* Except as otherwise provided in this section, the provisions of this Article shall apply to all surface oil and gas operations occurring within the Town’s boundaries, which shall include, without limitation, any oil and gas operation requiring the commission’s issuance or re-issuance of a drilling permit or any other permit under the ECMC regulations that the Town Manager determines would result in a substantial modification of the oil and gas operations or facilities. Prior to any person commencing any such operations within the Town, that person shall apply for and receive a conditional use permit from the Town in accordance with the standards set out in this Article.

2. *Standards Document.* The Oil and Gas Standards Document ("Standards Document") is hereby adopted by reference. The Standards Document will be on file with the Town Manager. The Town Manager may administratively update the Standards Document to reflect changes in technologies or state rules. The Town Trustees may by resolution update the Standards Document as necessary to reflect major changes in required industry standards and practices.

3. *Existing Oil and Gas Operations.* Except as noted, this Article does not apply to “existing oil and gas operations” which are those surface oil and gas operations for which a drilling permit

was issued under the ECMC regulations prior to the effective date of this Article, and under which permit the oil and gas operations were commenced before the effective date. “Existing oil and gas operations” also includes any surface oil and gas operations occurring on real property annexed into the Town on or after the effective date of this Article, provided those operations are occurring as of the effective date of the Annexation pursuant to a drilling permit issued under the ECMC regulations.

4. *Other Applicable Land Use Code Provisions.* In addition to the standards of this Article, all existing and permitted oil and gas operations conducted within the Town shall comply with the following provisions of this Code:

- a. Provisions for geologic hazards, floodplains or floodway required in Section 9.10.
- b. Provisions for wildlife mitigation procedures required in Section 9.12.
- c. Fencing Requirements in Section 2.16.
- d. Landscaping requirements in Section 2.14.
- e. Building permits must be obtained for all aboveground structures to which the International Building Code applies - Chapter 18 of the Municipal Code.
- f. International Fire Code of Chapter 18 of the Municipal Code.

5. *Federal and State Regulations.* The operator shall comply with all applicable federal and state regulations including, without limitation, the OGC act and the ECMC regulations. Where, in any specific case, the requirements of any other Title within the Land Use Code or the regulations of any state or federal agency are in conflict with this Article, the more restrictive requirements shall be imposed.

Sec. 9.4. Location Restrictions.

1. Oil and Gas Locations shall only be located within the following zoning districts without obtaining a variance under Section 8.15: Agricultural District (A), Estate District (R-E), Residential Low-Density District (R-1) Business Light Industrial District (BLI), Industrial District (I), and Planned Unit Development Overlay District (PUD-O) - where oil and gas development is a specified use.

2. Oil and Gas Locations shall be at least two thousand (2,000) feet from the property line of any existing or platted school facilities, future school facilities, day care centers, hospitals, nursing home, memory care, Alzheimer’s care, senior housing, or assisted living facilities unless a variance is obtained.

3. Oil and Gas Locations shall be at least one thousand (1,000) feet from the following:

- a. The property line of any existing dwelling units or platted residential lots less than 2.5 acres in size;

- b. The nearest edge of any existing dwelling units on lots greater than 2.5 acres in size;
 - c. The nearest edge of any commercial building requiring a certificate of occupancy;
 - d. Parks (active and passive), open space or common open space;
 - e. Community facility;
 - f. Public water supply surface intakes, aquifer recharge area, or public water supply wells; and
 - g. Existing reservoirs and approved future reservoirs.
4. Oil and Gas Locations may not be located between one thousand (1,000) feet and two thousand (2,000) feet of any existing or platted residence, unless one or more of the following conditions are satisfied:
- a. All existing residential owners or tenants of any of the affected properties within 2,000' of the relevant point of measurement explicitly agree with informed consent to the proposed Oil and Gas Location; or
 - b. Any wells, tanks, separation equipment, or compressors proposed on the oil and gas location will be located more than 2,000' from the relevant point of measurement; or
 - c. The Town decision-making body finds, as part of its review of an application pursuant to section 9.12 and 9.13, that the proposed oil and gas location and conditions of approval will provide substantially equivalent protections for public health, safety, welfare, the environment, and wildlife resources. The Town decision-making body will consider, without limitation:
 - (1) The extent to which the oil and gas location design and any planned practices, preferred control technologies, and conditions of approval avoid, minimize, and mitigate adverse impacts, considering:
 - (a) Geology, technology, and topography;
 - (b) The location of receptors and proximity to those receptors; and
 - (c) The anticipated size, duration, and intensity of all phases of the proposed oil and gas operations at the proposed oil and gas location.
 - (2) The Operator's alternative location analysis conducted pursuant to section 9.12.1.c;
 - (3) The results of the Town Manager suitability analysis pursuant to section 9.12.1.c(3).
 - (4) Related oil and gas location siting and infrastructure proposed;
 - (5) How oil and gas facilities associated with the proposed oil and gas location are designed to avoid, minimize, and mitigate impacts on the affected properties; and
 - (6) The operator's actual and planned engagement with nearby residents, property owners, and businesses to consult with them about the planned oil and gas operations.

5. Working pad surfaces proposed within Town limits shall be at least five hundred (500) feet from the following:
 - a. Rivers and streams; and
 - b. Ditches that transport water used by, or to augment, a public water supply system.
6. The working pad surface shall be located outside of a Federal Emergency Management Agency (FEMA) designated 100-year floodplain.

Sec. 9.5. Prohibited Facilities

The following facilities are prohibited within the Town:

1. Gas storage wells;
2. Injection wells for disposal of oil and gas exploration or production wastes;
3. Drilling pits, waste storage pits, and disposal pits;
4. Centralized exploration and production waste management facilities;
5. Glycol dehydrators or desiccant gas processing dehydrators.

Sec. 9.6. Oil and Gas Standards.

Provisions listed in the Standards Document are required permit conditions to reduce or eliminate impacts to public health, safety, welfare or the environment. Depending on site specific conditions, exceptions to the requirements in the Standards Document may be permitted. The Standards Document addresses: Air quality protection, water quality protection, safety, visual and noise mitigation, community outreach, reclamation, transportation, and wildlife protection. When noted, the minimum health and safety standards in the Standards Document apply to existing oil and gas operations as well as new permits.

Sec. 9.7. Oil and Gas Access Roads

1. *Generally.* All private roads used to access the tank battery or the wellhead shall meet or exceed the standards of this Section.
2. *Construction Standards.* The operator shall install a roadway at least 20 feet wide with a minimum unobstructed overhead clearance of 14 feet. The access road shall have a prepared subgrade and an aggregate base course surface a minimum of six (6) inches thick compacted to a minimum density of 95 percent of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures approved by the Director of the Engineering & Utilities Department. The aggregate material, at a minimum, shall meet the requirements for a Class 6, Aggregate Base Course as specified in the Colorado Department of Highways Standard Specifications for Road and Bridge Construction, latest edition.

3. *Grades.* Grades shall be established to provide drainage from the roadway surface and shall be constructed to allow for cross-drainage to waterway (*i.e.*, roadside swales, gulches, rivers, creeks, etc.) by means of an adequate culvert pipe. Adequacy of culvert pipes shall be subject to approval by the Director of the Engineering & Utilities Department.
4. All access roads shall be maintained so as to remain free of weeds and to provide a passable roadway free of ruts and dust at all times.
5. All access roads must be improved as a hard surface (concrete or asphalt) for the first 100 feet from the public right-of-way, unless public right-of-way is not already a hard surface, in which case, operator shall meet the current standards of the public right-of-way.
6. A mud and debris tracking pad shall be located at the end of the access road before entering onto a public right-of-way.
7. The access drive entrance shall include returns with a thirty-foot (30') foot radius.
8. If an access road intersects with a pedestrian trail or walk, the operator shall pave the access road as a hard surface (concrete or asphalt) a distance of 100 feet either side of the trail or walk, unless the trail or walk is not already a hard surface, in which case, operator shall meet the current standards of the trail or walk. If necessary, operator shall replace the trail or walk to address the weight load requirements of the vehicles accessing the well and production sites.
9. Temporary access roads associated with the operations will be reclaimed and reseeded with Town's preferred seed mix within 60 days after discontinued use of the temporary access roads. An exception to temporary access road construction standards and specifications may be made upon agreement of the parties where circumstances warrant a departure given future development needs.
10. *Use of public right-of-ways.* An extra-legal vehicle or load permit shall be required for all extra-legal vehicles or loads as defined in Sections [42-4-401](#) through [42-4-411](#), C.R.S., which use Town streets. Said permit, if required, shall be obtained from the Town Manager prior to such use. The applicant shall comply with all Town and state regulations regarding weight limitations on streets within the Town, and the applicant shall minimize extra-legal truck traffic on streets within the Town.

Sec. 9.8. Pipelines

Any newly constructed or substantially modified pipelines shall meet the following requirements:

1. Flowlines, gathering lines, and transmission lines shall be sited at a minimum of 25 feet away from residential buildings. This distance shall be measured from the nearest edge of the pipeline. Increased setbacks shall be evaluated and required on a case-by-case basis, with the determining locational factor being the size, pressure, and type of pipeline being proposed.
2. Flowlines, gathering lines and transmission lines that pass within 150 feet of residential or non-residential building or the high-water mark of any surface water body shall incorporate leak detection, secondary containment, or other mitigation, as appropriate.
3. Pursuant to ECMC Rules, existing and permitted oil and gas operations must conduct leak detection inspections and pressure testing and monitoring in order to identify flowline leaks or integrity issues. Leaks, spills, or integrity issues will be reported to the Town as soon as practicable but no later than 24 hours after discovery. Spills that have contaminated surface water within 15 miles upstream of a Public Water System must notify the Town and the Public Water System immediately upon discovery.
4. To the maximum extent feasible, pipelines shall be aligned with established roads in order to minimize surface impacts and reduce habitat fragmentation and disturbance.
5. To the maximum extent feasible, operators shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize surface impacts.
6. Coordinates of all flow lines, gathering lines, and transmission lines shall be provided to the Development Services Department in a format suitable for input into the Town's GIS system depicting the locations and type of above and below ground facilities.
7. Operators shall use boring technology when crossing streams, rivers, irrigation ditches or wetlands with a pipeline to minimize negative impacts to the channel, bank, and riparian areas, except that open cuts may be used across irrigation ditches if the affected ditch company approves the technique.

Sec. 9.9. Emergency Response

1. *Generally.* Operators agree to take all reasonable measures to assure that oil and gas operations shall not cause an unreasonable risk of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, hazardous material vehicle accidents or spills.
2. *Emergency Response Plan.*

- a. Each operator with an existing or proposed oil and gas operation in the Town is required to provide to the Town its Emergency Response Plan for operations within the Town, which shall be in compliance with the applicable provisions of the International Fire Code as adopted in the Town Code. Such plan shall be approved by Frederick's Emergency Manager and the Frederick Firestone Fire Protection District.
- b. The Emergency Response Plan shall be filed with the Town and the Frederick Firestone Fire Protection District and updated on an annual basis. If no updates to the Plan are made, operator shall provide notice of "No Change" in its annual registration submitted to the Town.
- c. The Emergency Response Plan shall contain, at a minimum, all of the following information:
- (1) Name, address and phone number, including 24-hour numbers for at least two (2) persons responsible for field operations at the subject oil and gas facility or location, as well as the contact information for any subcontractor of operator engaged for well-control emergencies on the subject oil and gas facility or location;
 - (2) A process by which the operator notifies neighboring residents and businesses within one-half (½) mile (2,640') of the subject oil and gas facility or location to inform them about the on-site operations and emergencies, and to provide sufficient contact information for surrounding neighbors to communicate with operator;
 - (3) Detailed information addressing each category of emergency that has a reasonable potential to occur at the subject oil and gas facility or location severe enough to present an immediate danger to public health, safety, or welfare, including without limitation: explosions; fires; gas; oil or water pipeline leaks or ruptures; hydrogen sulfide or other toxic gas emissions; hazardous material accidents or spills; and natural disasters. Examples of the most likely and worst-case scenarios should be provided, including information on the potential response scenarios;
 - (4) An Emergency Evacuation Plan for the working pad surface of the subject oil and gas facility or location and a plan to evacuate any person(s) residing and/or working within up to one-half (½) mile (2,640') of the same;
 - (5) A provision that any spill outside of the containment area that has the potential to leave the facility or to threaten waters of the state and that is required to be reported to the ECMC or the ECMC's director shall be immediately reported to the Frederick Firestone Fire Protection District emergency dispatch at 911 and to the Manager and the Engineering & Utilities Department Stormwater Division promptly thereafter.

- (6) The operator shall have current Safety Data Sheets (SDS) for all chemicals used or stored on an oil and gas location. The SDS sheets shall be provided immediately upon request to Town officials, a public safety officer, or a health professional.
- (7) Detailed information identifying emergency access, and health care facilities anticipated to be used, in connection with emergencies at the subject oil and gas facility or location;
- (8) An oil and gas facility or location-specific plan for any oil and gas facility or location that involves drilling or penetrating through known zones of hydrogen sulfide gas;
- (9) A statement, and detailed information, indicating that operator has adequate personnel, supplies, and training on hand to implement the Emergency Response Plan immediately at all times during construction and operations at the subject oil and gas facility or location; and
- (10) Emergency shutdown protocols and procedures to promptly notify the Town of any shutdowns that would have an impact to any area beyond the confines of the working pad surface of the subject oil and gas facility or location.

3. *As-Built Facilities Map.* Within 60 days of the start of production, operator will provide an as-built facilities map in a format suitable for input into the Town's GIS system depicting the locations and type of above and below ground facilities, including sizes and depths below grade of all oil and gas flow lines and associated equipment, isolation valves, surface operations and their functions, as well as transportation routes to and from exploration and development sites, for response and management purposes. The information concerning flowlines and isolation valves shall be marked and treated as confidential by the Frederick Firestone Fire Protection District and shall only be disclosed in the event of an emergency or to emergency responders or for the training of emergency responders or as otherwise required by law.

4. *Emergency Response Costs.* The operator shall reimburse any applicable governmental agency or emergency responders for all expenses incurred in connection to any emergency related to an oil and gas facility or location.

5. *Will-Serve Letter.* The operator will receive a will-serve letter from the Frederick Firestone Fire Protection District stating that the operator has agreed to provide adequate emergency response equipment, any necessary training, or fee-in-lieu satisfactory to the district, to adequately respond to potential events that may result from operations.

6. *Resource Mobilization/Cache Plan.* Operator will organize, produce, and maintain a Resource Mobilization/Cache Plan, to ensure that emergency responders associated with a subject oil and gas location have available the equipment necessary (including adequate firefighting foam)

to respond to any emergency identified in the Emergency Response Plan ("Resources Mobilization/Cache Plan"), which shall provide that the equipment be stationed in locations as to be readily available for any emergency occurring at any oil and gas facility or location covered by the subject Emergency Response Plan.

Sec. 9.10. Required Operator Submittals

1. *Generally.* Applications shall be submitted on a form approved by the Manager.
2. *Fees and Financial Assurances.* Every applicant shall provide the following fees and financial assurances:
 - a. *Application Fee.* Every application shall include a required fee in the amount set by resolution. Other fees, including but not limited to, capital expansion fees and building fees may also be required.
 - b. *Cost Reimbursement Agreement.* Every applicant shall submit a signed cost reimbursement agreement provided by the Town. Costs to be covered include review of the application, review of report or notices submitted to the Town during oil and gas operations, and review of any application to transfer or plug and abandon operations. The application fee and required cost reimbursement agreement must be received by the Planning Department to process the application.
 - c. *Inspection Fees.* Operator shall reimburse the Town for all inspection costs reasonably incurred to inspect the oil and gas location to determine compliance with this Agreement and any permits issued by the Town. Such fees shall include actual costs incurred by the Town, including employee time, employee supervision, necessary equipment rental, and overhead. Where a well is plugged and abandoned, no Town fees will be imposed thereafter.
 - d. *Road Improvements and Maintenance Agreement.* Operator must sign an agreement to pay for ongoing road repair and maintenance costs attributable to its operations. The Town will conduct periodic impact assessments with the operator to determine the extent of any damage accruing to the road caused by the operator's activities. Operator may conduct baseline road condition assessments with a third-party contractor to define existing road conditions. Operator will pay the Town for the cost of the actual repairs for the assessed damage or else arrange and pay the cost of such repairs itself with a contractor acceptable to the Town.
4. *Annual Operator Registration.* All operators with existing or permitted oil and gas operations within the Town shall be responsible for supplying the following Annual Operator Registration information. Operators applying for oil and gas facilities within the

Town shall supply this information as part of their application; operators with existing or permitted oil and gas facilities in the Town prior to the effective date of this Article will submit the Annual Operator Registration submittal requirements within 90 days after the effective date of this article; operators who have been annexed into the Town or have received wells from another operator shall file Annual Operator Registration within 60 days after annexation or assuming responsibility for operating existing oil and gas facilities. Annual Operator Registration must be updated and renewed annually by July 1.

Annual Operator Registration submittal requirements shall include:

- a. New or updated Emergency Response Plans as required by section 9.9.2;
- b. Updated leak detection and repair plan as required by Standards Document;
- c. List of any reportable safety events over the past three (3) years as defined by ECMC Rule 602(g) as may be amended. Operator shall also list any root cause analyses conducted and corrective actions taken in response to the incidents, including internal changes to corporate practices or procedures;
- d. List of any spills or releases over the past three (3) years; and
- e. List of any notices of alleged violations issued by the ECMC or CDPHE over the past three (3) years.

Sec. 9.11. Permits Required.

1. *New Oil and Gas Facilities.*

- a. It shall be unlawful for any person to drill a new well, construct a new facility or install new accessory equipment or structure within the corporate limits of the Town, unless a conditional use permit has been obtained pursuant to this Article. A separate conditional use permit shall be required for each well or production site that has not been previously permitted under this Article.
- b. It shall be unlawful for any person to operate a well, facility or accessory equipment or structure within the corporate limits of the Town, except in compliance with the terms and conditions of the conditional use permit.
- c. If more than one well or production site is proposed at the same time, the applicant may submit one application for multiple wells and facilities; however, a separate fee shall be required for each well production site included in the application.
- d. Any such permit issued pursuant to this Article shall encompass within its authorization the right for the operator, his or her agent, employee, subcontractor or independent contractor or any other persons to perform that work necessary in the drilling, completion or maintenance operations.
- e. For the purpose of this Article, the installation of tanks, heaters, separators and other accessory equipment shall be construed as extensions to oil and gas wells and shall

accordingly be subject to the same applications, review, permit, regulations, and standards. The application for these accessories when intended to be installed at the same time as the oil or gas well may be merged with an application for an oil or gas permit and shall not require an additional permit fee.

2. *Legacy Oil and Gas Facilities.* By enactment of this Article, the Town hereby approves any well, equipment or facility drilled or constructed prior to the enactment of this Article or that occurred prior to annexation of additional acreage within the Town.

3. *Modification of Existing Oil and Gas Facilities.*

Any proposed change made to an oil and gas facility or operations shall be reviewed by the Planning Department and is subject to one of the following.

a. *New Permit for Substantial Modifications.* A change to a legacy oil gas facility or operations deemed by the Town Manager to be a “substantial modification” is required to obtain a new conditional use permit. As used within this section, a “substantial modification” means addition, removal, replacement, or modification of equipment or other changes to a well site, production site, or operations that increases the site’s footprint, harmful emissions, traffic, noise, or odor, or could negatively impact public health, safety, welfare, or the environment or wildlife. This includes, without limitation, redrilling, sidetracking, twinning, or recompleting a well, or change of use to an injection well, carbon sequestration well, or geothermal well. Maintenance activities, installation of emission control equipment, and the addition of equipment necessary to fulfill mandated regulatory requirements are not substantial modifications. Prior to any person making such changes to facilities or operations, that person shall apply for and receive a conditional use permit from the Town in accordance with the standards set out in this Article.

b. *Change of Operations Permit.* Modifications to a legacy oil and gas facility that are not deemed “substantial modifications” must receive a change of operations permit. Such change of operations application will be administratively reviewed and granted so long as the location comes into substantial compliance with all regulations required to protect public health, safety, welfare and the environment.

c. *Amendment of Permit.* Each permit is limited to the facilities as shown in the approved permit plans. To the extent the applicant desires, after initial completion of a well, to substantially change operations or to place additional equipment on a tank battery or wellhead location, which was not shown in the approved plan, the applicant must, except in a situation where additional temporary equipment is necessary for a period of 14 days or less, submit a revised site and operating plan to the Town depicting any changes from the approved conditional use permit. If the staff concludes that the proposed change will not cause additional adverse impacts to public health, safety or welfare or the environment, the amendment can be approved administratively. Upon receipt of the amended site plan

and operating plan, the Town shall issue a revised conditional use permit as provided in this Article. In the event the staff concludes the proposed change would cause an additional adverse impact to public health, safety, welfare or the environment, the proposed amendment will trigger new notice and require a new conditional use permitting process.

d. *Plugging and Abandonment Permit.* The plugging and abandoning of a well or pipeline requires a Plugging and Abandonment Permit. The Permit will be issued administratively and will not require a public hearing.

(1) *Recordation of Well Location.* The plugged and abandoned well shall be permanently marked by a brass plaque and recorded with County Clerk and Recorder as described in the Standards Document.

(2) *Recordation of Pipeline Locations; Notice of Abandonment.* The legal description of all flowlines, including transmission and gathering systems, shall be filed with the Manager and recorded with the Weld County Clerk and Recorder within 30 days after completion of construction. Notice of abandonment of any flowlines shall be filed with the Manager and recorded with the Weld County Clerk and Recorder within 30 days after abandonment. All flowlines, gathering, and transmission lines must be physically removed unless a surface owner agreement executed by an existing surface owner allows abandonment in place or the Manager finds that removal could cause significant damage other infrastructure (such as roads or other utilities) or to the environment.

4. *Seismic Operations.* Seismic survey operations within the Town limits are permitted through right of way permit or other permits as deemed necessary by the Manager. The seismic survey operations must comply with requirements in the Standards Document.

5. *Oil and Gas Pipeline Permit.*

a. Pipelines shall meet the requirements in Section 9.8 as well as site specific conditions deemed necessary to protect public health, safety, welfare and the environment.

b. Pipelines related to oil and gas development (that carry gas, oil, or produced water) that are off a working pad surface are allowed in all zoning districts through a Conditional Use Permit.

c. Pipelines that enter Town property or public right-of-way in the Town must also obtain a public right-of-way permit from the Engineering & Utilities Department.

Sec. 9.12. Conditional Use Application Process

The application process will follow the requirements in section 4.6 except as modified below.

1. **Step 1: Pre-Application Conference**

a. *Concept Review.* The applicant shall attend a pre-application conference with the Town. The purpose of the meeting is to discuss the permit submittal requirements, the review process, and the list of oil and gas standards that are required to reduce or eliminate impacts to public health, safety, welfare or the environment. If not already provided by the Applicant, the Town may require an Alternative Location Analysis that must be completed prior to submittal of the permit application.

b. *Preliminary Site Analysis.* The applicant shall prepare and submit a Preliminary Site Analysis to the Town for review at the pre-application conference. The Preliminary Site Analysis shall include the following information:

- (1) All drilling and spacing units proposed by the applicant within one (1) mile of the Town's boundaries;
- (2) The proposed location for the oil and gas location and all features defined below, completely contained within, or within ¼ mile of all drilling and spacing units proposed by the applicant;
- (3) Any existing residential, platted residential, or property currently entitled for residential use, not including properties zoned for agricultural use over five (5) acres in size;
- (4) Properties designated for future residential use in the Town's adopted Comprehensive Plan, including mixed use;
- (5) Any school, nursing facility as defined in § 25.5-4-103(14), C.R.S., hospital, life care institutions as defined in § 12-13-101, C.R.S., or correctional facility as defined in § 17-1-102(1.7), C.R.S.;
- (6) Any operating Child Care Center as defined in § 26-6-102(1.5), C.R.S. Any public or private recreation facilities;
- (7) Outdoor place of assembly areas;
- (8) Public or private parks, including trails;
- (9) Senior living, assisted living facilities, or group homes;
- (10) Areas within the FEMA 100-Year Floodplain boundary;
- (11) The centerline of all USGS perennial and intermittent streams;
- (12) All public water system facilities including but not limited to treatment plants, raw water reservoirs, intake structures, storage tanks, and pump stations;
- (13) Wetlands; and
- (14) Sensitive wildlife areas.

c. *Alternative Location Analysis.* All applicants must submit an alternative location analysis. The alternative location analysis will include, at a minimum, the following information:

- (1) A map depicting the following elements within three (3) miles of the proposed surface location. (This requirement may be limited to one (1) mile for a proposed single vertical or directional well):
 - (a) All drilling and spacing units proposed by the applicant;
 - (b) All existing or platted school facilities, future school facilities, day care centers, hospitals, nursing home, memory care, Alzheimer's care, senior housing, or assisted living facilities;
 - (c) All platted residential subdivisions;
 - (d) 100-year floodplain;
 - (e) Current or planned future identified public drinking water supply areas;
 - (f) Designated Outdoor Activity Areas or recreational open spaces;
- (2) The analysis shall evaluate a minimum of three potential sites that can reasonably access the mineral resources within the proposed drilling and spacing unit(s), including the following information for each site:
 - (a) General narrative description of each site;
 - (b) Any factors listed in the location criteria that the site does not satisfy;
 - (c) Off-site impacts that may be associated with each site;
 - (d) Proposed truck traffic routes and access roads for each site; and
 - (e) Any information pertinent to the applicable review criteria that will assist the Town Manager in evaluating the sites.
- (3) *Location Suitability Criteria.* The following suitability criteria will be used in the Town Manager's consideration of the suitability of the proposed sites:
 - (a) The proposed site's conformance with all Town regulations;
 - (b) The absence of any significant impacts the proposed site may have on adjacent properties;
 - (c) Adequate surface acreage and suitable topography for safe and efficient operations;
 - (d) The ability to adequately mitigate negative impacts from the proposed site;
 - (e) The ability to consolidate facilities with other planned drilling and spacing units;
 - (f) The ability to reconfigure proposed drilling and spacing unit applications to provide more suitable surface use locations; and
 - (g) Any other relevant considerations impacting public health, welfare, safety, and the environment.
- (4) *Suitability Analysis.* The Town Manager will determine suitability of all proposed sites based on the suitability criteria above. The Town Manager may

also recommend analysis of additional sites if no locations appear to meet the suitability criteria or if there are additional locations that appear to meet the minimum suitability criteria that have been suggested by planning staff.

2. Step 2: Neighborhood Meetings.

All Oil and Gas Conditional Use applications shall be required to notify property owners and tenants of the Neighborhood Meeting a minimum of ½ mile (2,640 feet) from the parcel containing proposed Oil and Gas Location.

3. Step 3: Application Submittal.

Upon receipt of a complete application, the Town shall forward the application to the appropriate referral agencies. The referral information shall include the time and place of the public hearing (if any), the nature of the hearing, the location of the subject property and the applicant's name. At minimum, the application shall be referred to Weld County, the Police Department, the ECMC, and the appropriate Fire District. Referral agencies shall be provided thirty (30) days to respond with any comments. After such period, the Town may proceed on the Application whether or not the Town has received comments from the notified referral agencies.

4. Step 4: Notice of Application and posting of property.

The area of notification for notice of application is ½ mile (2,640 feet) from the parcel containing proposed Oil and Gas Location.

5. Step 7: Final Staff Review and Staff Report

a. Town staff will complete a final review of the resubmitted materials and then prepare a final staff report explaining how the application is or is not consistent with the review criteria and applicable Town ordinances, regulations and standards.

b. *Conditions of approval.* Staff will propose a list of conditions of approval, including requiring the use of Oil and Gas Standards, to reduce or eliminate impacts to public health, safety, welfare, or the environment. In proposing conditions of approval, the staff shall consider the following factors, among other considerations:

- (1) Site-specific factors of the proposed new oil and gas location;
- (2) The extent the conditions are necessary to prevent significant degradation of the health, safety, and welfare of Town and area residents;
- (3) The extent to which conditions of approval will promote the use of existing facilities and reduction of new surface disturbance;
- (4) The extent to which legally accessible and technologically feasible alternative sites exist for the proposed new oil and gas location; and

- (5) The extent to which the proposed oil and gas location is within land used for residential, industrial, commercial, agricultural, or other purposes.

6. Step 8: Notice of public hearing and posting of the property.

The area of notification for the notice of public hearing is ½ mile (2,640 feet) from the parcel containing proposed Oil and Gas Location.

Sec. 9.13. Review Standards.

Town decision-making body shall review the conditional use permit application and any evidence presented at public hearing for compliance and will explain how the application is or is not consistent with these review standards as well as Town ordinances, regulations, any recommendations of staff and the criteria for a variance, if applicable.

1. All standards for conditional use review pursuant to Section **4.9.4** are met.
2. The application complies with the location restrictions provided in Section **9.4** unless a variance is obtained.
3. The application substantially complies with the provisions and practices in the Standards Document;
4. There are no outstanding violations of ECMC rules or Town of Frederick code provisions at any well site or production site owned or operated by the applicant within the Town limits.
5. The proposal will, to the extent necessary and reasonable, avoid adverse impacts on public health, safety, welfare, and the environment, including wildlife resources, or will adequately minimize and mitigate potential adverse impacts.

Sec. 9.14. Notice to proceed.

Prior to commencement of operations for which a use permitted by conditional review has been approved, a "Notice to Proceed" shall be obtained from the Town Manager. The Town Manager shall issue the "Notice to Proceed" upon receipt of the following:

1. A copy of the resolution approving a use permitted by conditional review for a well or wells.
2. A copy of the approved site plan.
3. A copy of recorded easements that will prevent the prohibited land uses within the buffers listed in **9.18.1** above until the location has been properly plugged and abandoned.
4. A copy of an approved extra legal vehicle or load permit issued by the Town Manager pursuant to this Code, if applicable.
5. Proof of compliance with any conditions placed in the approved conditional use permit;
6. A copy of any other necessary permits, such as building permits and grading permits, if applicable;

7. Copies of any necessary county, state or federal permits issued for the operation if not previously submitted;
8. Copies of all necessary ECMC permits; and
9. Copies of all necessary Air Pollution Control Division permits.

Sec. 9.15. Transfer of Permits

Conditional use permits may be assigned to another operator only with the prior written consent of the Manager and upon a showing to the Manager that the new operator can and will comply with all conditions of the transferred permit and with all of the applicable provisions of this Land Use Code. The existing operator shall assign the permit to the new operator on a form provided by the Town and the new operator shall also sign the form agreeing to comply with all of the conditions of the permit and all applicable provisions of this Land Use Code. Such modification will be approved so long as the new operator complies with the following:

1. The new operator must certify that it will comply with all aspects of the existing conditional use permit.
2. The new operator has filed an Annual Operator Registration.
3. The location is in compliance with all applicable local and state regulations and permits.

Sec. 9.16. Expiration of Permits

1. A conditional use permit shall expire and be null and void if drilling and completion operations on all of the permitted wells are not completed and producing within three years after the date the permit is issued. If necessary to avoid conflicts with new residential development within 2,000 feet, the permit may be limited to two years. In either event, the applicant may request in writing that the Manager approve an extension of such permit not to exceed one year. To approve any such extension, the Manager must find that the applicant has an existing and valid permit from ECMC for the subject oil and gas operations, the extension will not conflict with planned residential development in the area, and that the conditional use permit is in compliance with Town standards as of the date of the extension request.

2. The conditional use permit shall automatically expire with the abandonment and reclamation of all associated wells.

Sec. 9.17. Violation and enforcement.

1. *Unlawful to construct or install unapproved oil and gas facilities.* Except as otherwise provided in this Article, it is unlawful to construct, install or cause to be constructed or installed

any oil and gas facility within the Town unless approval has been granted by the Board of Trustees. The unlawful drilling or redrilling of any well or the production therefrom is a violation of this Article.

2. *Penalty.* Any person, firm, corporation or legal entity which constructs, installs or uses or causes to be constructed, installed or used, any oil, gas or injection well, well site or production site, or commits any act or omission in violation of any provision of this Article or of the conditions and requirements of the oil and gas conditional use permit, may be punished by a fine located in Section 1-73 of the Municipal Code. Each day of such unlawful operation constitutes a separate violation.

3. *Civil action.* In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or used, or any land is or is proposed to be used, in violation of any provision of this Article or the conditions and requirements of the oil and gas conditional use permit, the Town Attorney, in addition to the other remedies provided by law, ordinance or resolution, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration or use.

4. *False or inaccurate information.* The Board of Trustees may revoke an oil and gas conditional use permit if it is determined after an administrative hearing held on at least ten (10) days' notice to the applicant that the applicant provided information and/or documentation upon which approval was based, which the applicant, its agents, servants or employees knew, or reasonably should have known, was materially false, misleading, deceptive or inaccurate.

5. *Prospective application.* Unless specifically provided otherwise, this Article shall apply only to wells which are drilled or substantially modified in the Town on and after the date that the ordinance codified in this Article is adopted.

6. *Suspension and Revocation of Conditional Use Permit.*

a. *Generally.* If at any time the Manager has reasonable grounds to believe that an operator is in violation of any enforceable provision of this Land Use Code with respect to oil and gas operations, the Manager may suspend the operator's permit. The Manager shall give the operator's designated agent written notice of the suspension and, upon receiving such notice, the operator shall immediately cease all operations under the permit, except those reasonably required to protect the public's health and safety.

b. *Written Notice of Suspension.* The written notice of suspension shall state with specificity the alleged violation(s). The suspension shall continue in effect until the Manager determines that the violation(s) has been satisfactorily corrected. At any time during the suspension, the operator may appeal the Manager's action to the Municipal Court Judge by filing with the Town Clerk a written notice of appeal stating with specificity the operator's grounds for appeal.

c. *Appeal.*

(1) Within 30 days of the Town Clerk's receipt of that notice, a public hearing shall be held before the Municipal Court Judge. The hearing shall be conducted

as a quasi-judicial proceeding with the operator having the burden of proof, and with the Manager.

- (2) After hearing and receiving evidence and testimony from the operator, from the Manager, and from other Town Staff and consultants, and after receiving public comment, the Municipal Court Judge may revoke the permit, terminate the suspension of the permit, or take such other action as it deems appropriate under the circumstances, taking into consideration and balancing the protection of the public's health, safety and welfare and the operator's rights under this Land Use Code, the conditional use permit, and state law to conduct its oil and gas operations.
- (3) Within 25 days after the hearing, the Municipal Court Judge shall adopt its written findings and conclusion supporting its decision. The Municipal Court Judge's written findings and conclusions shall constitute the Municipal Court Judge's final decision.

7. *Recovery of fees.* Should the Town prevail in any action for legal or equitable relief for a violation of the provisions of this Article, in addition to any other penalties or remedies which may be available, the Town shall be entitled to recover any damages, costs of action, expert witness fees and reasonable attorney's fees incurred. (Ord. 735 §§3-8, 2004; Ord. 1389 § 6, 2023)

Sec. 9.18. Development setbacks from wells and facilities.

The purpose of this section is to allow land uses in the vicinity of oil and gas locations that are compatible with the industrial nature of oil and gas operations and disallow those land uses that are incompatible in order to protect public health, safety, and welfare.

1. Minimum setbacks from permitted working pad surfaces:

- a. No new residential, commercial, or mixed uses, school facilities, day care centers, hospitals, nursing home, memory care, Alzheimer's care, senior housing, or assisted living facilities may be constructed within the following minimum setbacks:

Oil and Gas Working Pad Surface	Buffer from Lot line	Buffer from Facility
Oil and gas production facility without wells	150'	200'
1 - 4 wells	150'	200'

5 - 14 wells	150'	350'
15 or more wells	150'	500'

b. Measurements shall be taken from the closest edge of the closest oil and gas facility to the lot line or side of the building.

c. The setback from a flowline or gathering line shall be a minimum of 25 feet. Increased setbacks shall be evaluated on a case-by-case basis, with the determining locational factor being the size, pressure, and type of pipeline being proposed.

2. *Pre-Production Phase Occupancy Restrictions:* For permitted or existing oil and gas locations where all permitted wells have not entered production, no new residential, or mixed-use building units shall be permitted to be occupied within 1,000 feet of such oil and gas location. This includes, but is not limited to, school facilities, hospitals, medical clinics, senior living or assisted living facilities, or state licensed daycares. This section does not apply to industrial, commercial, agricultural, or open space uses. Measurements shall be taken from the edge of the oil and gas location.

3. *Early Production Phase Occupancy Restrictions:* No new residential or mixed-use buildings shall be allowed to be occupied within 1,000 feet of permitted or existing working pad surfaces for three years after the final well permitted for the location has been put into production. This includes, but is not limited to, school facilities, hospitals, medical clinics, senior living or assisted living facilities, or state licensed daycares. This section does not apply to industrial, agricultural, commercial, or open space uses. Measurements shall be taken from the edge of the working pad surface. This three-year prohibition may be limited to one year under the following conditions:

- a. Surface owner has requested a waiver of this requirement after one full year of production;
- b. Surface owner has provided any residents or new lot owners with a copy of the waiver request as well as the noticing requirements in “Plat Requirements” in 9.19.2; and
- c. After reviewing the safety, accident, and compliance records of the oil and gas operations, Manager has approved the requested waiver.

4. *Post-Production Phase:* For oil and gas wells that have been abandoned, no building may be placed within 200 feet of the well-bore. There shall be access for ingress and egress to the buffer of a width of not less than 26 feet. An applicant may be granted an “alternative compliance buffer” as described below.

- a. Alternative compliance buffer reduction from plugged and abandoned wells. Upon applicant request, the Manager may approve a reduced buffer distance from a plugged and abandoned well in lieu of the minimum 200-foot buffer distance provided that the approved reduced buffer is not less than 50 feet in width and 100 feet in length. The plugged and abandoned well shall be located in the center of the buffer. There shall be access for ingress and egress to the buffer of a width of not less than 26 feet.
- b. An alternative compliance buffer reduction plan shall be prepared and submitted in accordance with the submittal requirements established by the Manager. At a minimum, the plan must:
- (1) Clearly identify and discuss the proposed buffer reduction and the ways in which the plan eliminates or minimizes the potential adverse effects to the level achieved by the 100-foot buffer.
 - (2) Include information regarding environmental testing and monitoring for the site. Engineering review, site investigation, sampling, and/or monitoring shall be conducted to demonstrate that the well has been properly abandoned and that soil, air and water quality have not been, and will not be, adversely impacted by oil and gas operations or facilities or other sources of contamination. Such sampling and monitoring shall be conducted by a qualified environmental engineering or consulting firm with experience in oil and gas investigations. Manager approval that the sampling and monitoring plan contains the information required pursuant to this subsection is required prior to sampling occurring.
 - (3) Include a site survey, historical research, and/or physical locating techniques to determine exact location and extent of oil and gas operations and facilities.
 - (4) The plugged and abandoned well shall be permanently marked by a brass plaque and recorded with County Clerk and Recorder as described below.
 - (5) Include documentation of plugging activities, abandonment and any subsequent inspections.
 - (6) Include the results of soil sampling, including soil gas testing.
 - (7) Include the results of groundwater sampling.
 - (8) Include a written report verifying that the soil and groundwater samples meet applicable EPA and State residential regulations and that a reduced buffer would not pose a greater health or safety risk for future residents or users of the site.
- c. Review Criteria. To approve an alternative compliance buffer reduction plan, the Manager must first find that the proposed alternative plan eliminates or minimizes the adverse effects referenced in the purpose of this Section equally well or better than would a plan which complies with the separation and spacing standards of this Section.

- d. The Manager may require conditions of approval which may specify an appropriate buffer distance or require that the following actions be completed by a qualified professional before development may occur, including but not limited to:
 - (1) Remediation of environmental contamination to background levels.
 - (2) Re-plugging of a previously abandoned well.

Sec. 9.19. Easements, Plats and Development Plans.

1. *New Oil and Gas Locations.* Prior to the issuance of a conditional use permit, an operator must obtain easements that will prevent the prohibited land uses within the buffers listed in Sec 9.18.1 above until the location has been properly plugged and abandoned. The easements must be recorded prior to receiving a Notice to Proceed pursuant to Section 9.14.

2. *Plat Requirements for Existing Oil and Gas Locations.* Every final plat and site-specific development plan which falls within a buffer described in this section shall submit a location diagram of the location of the well or production site and depict the buffer and the restriction on the final plat or site-specific development plan. The following information shall be denoted on all preliminary and final plats:

- a. The reception number, date, and recording location of all relevant surface use agreements;
- b. The location of all oil and gas production facilities, access roads, and any associated easements;
- c. The location of any flowlines and gathering lines that are still in service; and
- d. A plat designation surrounding such flowlines and gathering lines, and a note expressly prohibiting any habitable building or structure within the designated setback from those facilities.
- e. No final plat shall be submitted to the Town for approval if such plat includes any lot, upon which a dwelling unit or public or private school could be built, within 1,000 feet from an existing or proposed oil or gas well unless the subdivider records against title to such lots the following notice, in at least 14-point font: "As required by Section 9.19 of the Town of Frederick Land Use Code, notice is hereby given that [insert description of lot] contains, or in the future could contain, a dwelling unit or public or private school within 1,000 feet of a producing or proposed oil or gas well. For more information contact the Town of Frederick Planning Department or the Energy and Carbon Management Commission." Such written notice may only be amended or terminated by the owner of such lot to correct typographical errors or to reflect the plugging and abandonment of wells. When any lot subject to the above written notice is first sold after plat approval to a purchaser intending to occupy the dwelling unit, the seller must provide the above written notice, in at least 14-point font, to the purchaser.

3. *Plugged and Abandoned Wells.*

a. Prior to submittal of a final plat or site-specific development plan, each plugged and abandoned well shall be located and surveyed. The plugged and abandoned well shall be permanently marked by a brass plaque set in concrete similar to a permanent benchmark to monument its existence and location. Such plaque shall contain all information required on a dry hole marker by the Energy and Carbon Management Commission. The exact location will be recorded at the Weld County Clerk and Recorder.

b. On every final plat or site-specific development plan which contains a plugged and abandoned well, there shall be dedicated a well maintenance and workover setback depicted on the plat, the dimensions of which shall provide a 100-foot buffer unless Manager has granted an alternative compliance buffer of not less than 50 feet in width and 75 feet in length. No structures shall be located within this setback. The plugged and abandoned well shall be located in the center of the setback. There shall be public access for ingress and egress to the setback of a width of not less than 26 feet.

4. *Vacation of Existing Easements.* No easement may be vacated for a previous or existing well, flowline, or gathering line, unless documentation is provided to the Town demonstrating such well, flowline, or gathering line has been vacated in compliance with all applicable Colorado Energy and Carbon Management Commission regulations.

Section 7. Effective Date.

This Ordinance shall become effective 30 days after publication as provided in C.R.S. § 31-16-105.

Section 8. Repealer.

All ordinances, resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance or resolution nor revive any ordinance or resolution thereby.

Section 9. Certification.

The Town Clerk shall certify to the passage of this Ordinance and make not less than one copy of the adopted Ordinance available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

ATTEST:

TOWN OF FREDERICK

By _____
Tricia David, Town Clerk

By _____
Tracie Crites, Mayor

**TOWN OF FREDERICK
OIL AND GAS STANDARDS
("Standards Document")**

A. INTRODUCTION.

1. This Oil and Gas Standards Document ("Standards Document"), is adopted and enacted by the Board of Trustees of the Town of Frederick ("Town") pursuant to the authority established in Section 9.3.2 of the Frederick Land Use Code ("Code") and any enabling and amending ordinance and shall be enforced as set forth in the Code. This Standards Document and each individual provision is reasonable and necessary to achieve the purposes stated herein.
2. This Standards Document, and each provision herein, is enacted to protect public health, safety, and welfare and the environment by regulating specific areas of Oil and Gas Operations ("Operations") within the Town. This document establishes **minimum** standards and may be exceeded voluntarily or as determined by the Town in the processing of an Oil and Gas Permit, depending on the nature of the proposed Operations and location.
3. Where used in this Standards Document, the term "practicable" shall mean, in the Town Manager's ("Manager's") opinion, that: (a) there is no technology reasonably available to conduct the proposed Operations in compliance with the standard and waiver of the provision will not have a significant adverse effect on public health, safety, welfare, or the environment; (b) an alternative approach not contemplated by the standard is demonstrated to provide a level of protection of public health, safety, welfare, and the environment that would be at least equivalent to the standard; or (c) application of the standard would create an undue hardship because of unique physical circumstances or conditions existing on or near the site of the Oil and Gas Facility, which may include without limitation topographical conditions, shape or dimension of the site, or inadequate public infrastructure, provided adequate protection of public health, safety, welfare, and the environment will be ensured through other means. Except where the term "practicable" is used, modifications of these standards shall not be permitted except through a variance.
4. All terms used herein shall have the meaning set forth in the Code, unless a different definition is stated in this document; otherwise, terms and abbreviations shall have their generally accepted meaning as determined by reference to industry and regulatory standards.
5. Each provision is an integral part of this Standards Document and the Town's regulations of oil and gas development. Notwithstanding the foregoing, if any provision or a part thereof (or any application thereof) is found to be invalid by a court, such invalidity shall not affect the remaining parts of the provision or of this Standards Document which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determining by the court to be inoperable. To this end, each provision within this Standards Document are declared to be severable.

B. SUMMARY OF REVISIONS. [RESERVED]

C. AIR QUALITY PROTECTION.

Operator's Oil and Gas Operations, Facilities and Locations shall comply with the air quality standards (collectively, "Air Quality Standards") set forth in this Section C, the purpose of which is to protect human health and safety; prevent injury to plant and animal life; prevent damage to property; prevent unreasonable interference with the public welfare; preserve visibility; and protect scenic values in the Town. The Air Quality Standards are established to prevent or mitigate the degradation of the Town's air and visibility resources; prevent odors and other air pollution problems; and to improve the quality of life and the general welfare in the Town.

1. *Air Emissions Mitigation Plan.* An air emissions mitigation plan shall be submitted by Operator with the Application filed with the Town, demonstrating how the development and operation of the subject Oil and Gas Facility or Location will minimize and mitigate adverse impacts to air quality, and demonstrating compliance with and implementation of the Air Quality Standards in this Section C ("Air Emissions Mitigation Plan").
 - a. Operator shall, through a manufacture-test or other recognized data analysis method, demonstrate hydrocarbon destruction or control efficiency that complies with a design destruction efficiency of 98% or better.
 - b. Operator shall use no-bleed continuous and intermittent pneumatic devices.
 - c. Operators shall not use glycol dehydrators or desiccant gas processing dehydrators.
 - d. Operator shall use current best management practices during liquids unloading (i.e. maintenance activities to remove liquids from existing wells that are inhibiting production), designed to minimize hydrocarbon emissions to the greatest extent practicable.
 - e. Operator shall reduce emissions from oil and gas pipeline maintenance activities such as pigging or blowdowns. Any maintenance activity involving the intentional venting of gas from a well tank, compressor or pipeline, beyond routine pipeline maintenance activity and pigging, requires forty-eight (48) hour advance written notice to the Town of such proposed venting. Such notice shall identify the duration and nature of the venting event, a description as to why venting is necessary, a description of what vapors will likely be vented, what steps will be taken to limit the duration of venting, and what steps Operator proposes to undertake to minimize similar events in the future. If venting is required, or if accidental venting occurs, Operator shall provide such notice to the Town of such event as soon as possible, but in no event longer than 24 hours from the beginning of the event, including without limitation the information listed above, an explanation as to the cause, and how the event will be avoided in the future; notices shall be supplemented as additional information becomes available.
 - f. Operator shall use telemetric control and monitoring systems, including surveillance monitors, to detect when pilot lights on control devices are extinguished.
 - g. Operator shall construct oil and gas pipeline infrastructure prior to the Production Phase.
2. *Ambient Air Monitoring Plan.* The Air Emissions Mitigation Plan will include an ambient air monitoring plan, describing how Operator will conduct baseline monitoring prior to construction of the subject Oil and Gas Facility or Location ("Ambient Air Monitoring Plan"). The Ambient Air Monitoring Plan shall also describe how Operator will conduct high-frequency monitoring and collect periodic canister samples (or equivalent method capable of speciating air samples) during the drilling, completion, and production phases of Operator's Oil and Gas Operations. Air pollutants monitored shall include methane and total VOCs (including BTEX).
 - a. Baseline, pre-drilling monitoring shall be conducted within five hundred feet (500') of the Oil and Gas Facility or Location over a thirty (30)-day period. Baseline monitoring shall track levels and changes in monitored air pollutant concentrations. Baseline monitoring data shall be provided as part of Operator's Oil and Gas Application submitted to the Town.
 - b. High-frequency monitoring for hydrocarbons shall occur at frequencies of no less than once per hour during drilling and completion phases of Oil and Gas Operations. Each hydrocarbon monitor shall include a sampling device to automatically collect a speciated air sample when the monitor levels reach a threshold concentration level as defined in the Ambient Air Monitoring Plan, or in response to a request by the LGD. Meteorological monitoring is also required during the time that air quality monitoring is conducted. High-frequency monitoring of production Oil and Gas Operations will continue until three (3) years have passed from the date the last Well drilled on the subject Oil and Gas Location entered its production phase of Oil and Gas Operations, unless a School, licensed childcare center, hospital, or residence is within one thousand feet (1,000') of the edge of the subject Oil and Gas Location. In such instances, high-frequency monitoring shall be required until all Wells

at such Oil and Gas Location are plugged and abandoned. Continuation of high-frequency monitoring may also be required at the discretion of the CDPHE Director if repeated emissions at threshold concentrations, as defined in the Ambient Air Monitoring Plan, are detected, or as a result of repeated odor violations.

- c. In the event a speciated sample is triggered, the Town shall be notified. Depending on the circumstances, expedited lab analysis may be required by the Town.
 - d. Operator's Air Quality Monitoring Plan shall meet the minimum requirements of the CDPHE's Air Quality Control Commission ("AQCC") Regulation 7, Section VI.C., and shall receive approval from the CDPHE prior to beginning air quality monitoring at the subject Oil and Gas Location.
 - e. When submitting an Air Quality Monitoring Plan to the CDPHE, Operator shall submit the same at least ninety (90) days in advance of the above-described pre-drilling monitoring, to account for the Town's thirty (30)-day pre-drilling air quality monitoring requirement.
 - f. The Air Quality Monitoring Plan submitted to CDPHE for review shall include the pollutants identified in this Section C.
 - g. The CDPHE will review the monthly reports of the Air Quality Monitoring Plan through the first six (6) months of hydrocarbon production from the subject Oil and Gas Location. After such period, Operator shall retain a third-party consultant to implement the approved plan to monitor air quality for the timelines identified in this Section C. Monthly reports would then be submitted to the Town, rather than to the CDPHE, by the last day of each month.
3. *Air Quality Action Advisory Days.* The Operator shall utilize the following "Action Advisory Days Provisions," to the extent reasonably practicable, to reduce emissions on Air Quality Action Advisory Days posted by the CDPHE for the Front Range area. The Action Advisory Days Provisions shall be described in the Air Emissions Mitigation Plan and shall include how air quality alerts are received, outline specific emission reduction measures, and include requirements for documenting the measures implemented, including the following:
- a. Minimizing vehicle traffic and engine idling;
 - b. Reducing truck and worker traffic;
 - c. Delaying vehicle refueling;
 - d. Suspending or delaying use of fossil fuel powered equipment;
 - e. Postponing construction and maintenance activities, unless repairing identified leaks or releases;
 - f. Postponing Well maintenance and liquid unloading that would result in emission releases to the atmosphere; and
 - g. Postponing or reducing Oil and Gas Operations with high potential to emit VOCs, NO_x and Particulate Matter, e.g. dust or smoke.
4. *Venting.* Venting is prohibited, except as allowed in ECMC Rules.
5. *Flaring.* Flaring is prohibited, except as allowed in ECMC Rules.
6. *Odor.* Operator's Oil and Gas Operations, Facilities and Locations shall comply with AQCC Regulation No. 2 Odor Emission, 5 CCR 1001-4; AQCC Regulation No. 3, 5 CCR 1001-5; and AQCC Regulation No. 7, 5 CCR 1001-9, Sections VII and VIII, and this Standards Document.
- a. If a resident within one-half (½) mile (2,640') of an Oil and Gas Location or Facility complains of odor (either directly to Operator, to the ECMC, or to the Town), Operator must determine whether the odor is caused by Operator's Oil and Gas Operations. Within twenty-four (24) hours of being notified of such odor complaint, Operator will provide the Town and complainant with a complete description of all Oil and Gas Operations occurring at the subject Oil and Gas Facility or Location at the time of the odor complaint. If Operator or Town determines that the odor which is the subject of the complaint

is caused by Operator's Oil and Gas Operations, Operator shall resolve such odor concern to the maximum extent practicable within twenty-four (24) hours. Within seventy-two (72) hours of the odor complaint, Operator shall report its conclusions, and the resolution of the odor complaint, to the Town and the complainant.

- b. If it is determined that Operator caused odors in violation of the Code, Operator may be required to cease or change its Oil and Gas Operations, notify affected residents, and/or temporarily relocate residents until the subject Oil and Gas Facility or Location is no longer causing an odor violation.
- c. If odor persists after Operator investigation and mitigation measures, and there are reasonable grounds to believe that the subject Oil and Gas Facility or Location is causing the odor, the Town may require Operator to conduct additional investigation, which may include audio, visual, and olfactory inspections or instrument based (e.g., infrared camera) leak inspections, and take appropriate corrective action based on the results of such investigation and the severity of odor.
- d. In response to odor complaints, the Town may require Operator to collect and analyze a speciated air sample to measure for volatile organic compounds or hazardous air pollutants known to cause potential health risks, and to have acute health guideline values identified by the Agency for Toxic Substances and Disease Registry and/or CDPHE to further evaluate the risk of the odor. Speciated air sample collection shall be done utilizing a third-party vendor approved by the Town.

7. *Fugitive Dust.* The fugitive dust requirements in ECMC Rule 427 shall apply to Operator's Oil and Gas Operations, Facilities and Locations. A dust mitigation plan shall be submitted by Operator with the Application filed with the Town, demonstrating how the development and operation of the subject Oil and Gas Facility or Location will minimize and mitigate adverse impacts to air quality ("Dust Mitigation Plan").

- a. If a resident (including business and agriculture) within one-half ($\frac{1}{2}$) mile (2,640') of an Oil and Gas Location or Facility complains of dust directly to Operator, to the ECMC, or to the Town, Operator must assist the Town to determine whether the complained of dust is caused by Operator's Oil and Gas Operations. Within twenty-four (24) hours of being notified of such dust complaint, Operator will provide the Town and complainant with a complete description of all Oil and Gas Operations occurring at the subject Oil and Gas Facility or Location at the time of the dust complaint. If the Town determines the complained of dust is caused by Operator's Oil and Gas Operations, Operator shall resolve the dust concern to the maximum extent practicable within twenty-four (24) hours. Within seventy-two (72) hours of such dust complaint, Operator shall report its conclusions, and the resolution of the dust complaint, to the Town and the complainant.
- b. If Operator's Oil and Gas Facilities or Locations are determined to be causing dust that constitutes a nuisance or hazard to public health, safety, welfare, or the environment, the Town may require additional dust mitigation efforts as necessary and reasonable at any point during Operator's Oil and Gas Operations.
- c. Silica dust must be contained to the maximum extent practicable during the hydraulic fracturing process at any Oil and Gas Facility or Location.

8. *Gas Leak Detection and Repair Plan.* A leak detection and repair plan shall be submitted with Operator's Application filed with the Town and updated as necessary ("Leak Detection and Repair Plan").

- a. A Leak Detection and Repair Plan shall describe a leak detection and repair ("LDAR") program acceptable to the CDPHE using modern leak detection technologies, such as infrared ("IR") cameras, for equipment used at an Oil and Gas Facility or Location.
- b. A Leak Detection and Repair Plan shall disclose techniques, methods and protocols that will be utilized at Operator's subject Oil and Gas Facilities and Locations to identify, prevent, contain, document, repair, and report leaks, and shall demonstrate how it will comply with and implement the standards in this Section A.

- c. Operator shall conduct leak detection and repair inspections at every Oil and Gas Facility and Location a minimum of once every year, or at greater frequencies as required by the CDPHE for the subject emission source, using modern leak detection technologies (infrared cameras, etc.) and equipment. The results of said inspections, including all corrective actions taken, shall be reported to the Weld County Health Department, and the LGD, upon request.
 - d. Repair of leaks shall occur within seventy-two (72) hours of detection. If a leak is not repaired within seventy-two (72) hours of detection, Operator must use other means to stop the leak, including but not limited to, isolating the component or shutting-in the subject Well, unless such other means will cause greater emissions. If it is anticipated that a repair will take longer than seventy-two (72) hours, Operator shall provide a written explanation to the Town and the LGD as to why more time is required and how the leak will be contained.
 - e. Equipment leaks that pose an imminent safety risk to persons, wildlife, or the environment require Operator to take the most appropriate safety response action, which may include shut down of the affected equipment or Oil and Gas Facility or Location, and a prohibition on the resumption of Oil and Gas Operations, until the Operator has provided evidence that the leak has been repaired.
 - f. Upon request, Operator will also provide the Town an opportunity to attend and observe a routine leak inspection.
9. *Electric Equipment.* Operator's Oil and Gas Operations, Facilities or Locations shall be subject to the following:
- a. All permanent production equipment, such as compressors, motors and artificial lift equipment at Operator's Oil and Gas Facilities or Locations shall utilize electric line power to mitigate noise and to reduce emissions.
 - b. Unless waived by United Power, all drilling rigs used to drill to target depth on Operator's Oil and Gas Locations shall utilize electric line power.
 - c. Operator shall use electric power for hydraulic fracturing Oil and Gas Operations on Operator's Oil and Gas Locations. If unavailable or waived by United Power, Operator shall use Tier IV hydraulic fracturing engines (or technology that achieves equivalent or better emission reductions.)
 - d. Operator will minimize use of diesel generators for temporary power, including the use of liquified or compressed natural gas for power generation, to further reduce emissions and noise on Operator's Oil and Gas Locations; provided however, that Operator shall be authorized to maintain back-up diesel generators for temporary power on its Oil and Gas Facilities and Locations, to protect public health, safety and welfare, and the environment, in the event of an unexpected electrical outage.
 - e. *Air Quality Conditions of Approval in ECMC Permit.* Unless specifically waived by United Power, Operator will propose the following language to be inserted as conditions of the ECMC's approval of an Oil and gas Development Plan, Form 2A, or Form 2:
 - i. "All drilling rigs on Operator's Oil and Gas Locations shall utilize electric line power."
 - ii. "Operator shall use electric power for hydraulic fracturing Oil and Gas Operations on Operator's Oil and Gas Locations." Or, if unavailable or waived by United Power, "Operator shall use Tier IV hydraulic fracturing engines (or technology that achieves equivalent or better emission reductions.)"
10. *Dehydrators.* Glycol dehydrators and desiccant gas processing dehydrators are prohibited on Operator's Oil and Gas Facilities and Locations.
11. *Compressor Engines.* Compressor engines are prohibited within Town limits, except for wellhead, gas lift, air, vapor recovery unit ("VRU"), and/or gas gathering compressors, which shall be located on Operator's Oil and Gas Facilities or Locations. Operator shall use enclosures of compressor engines where

necessary to provide visual and/or noise mitigation at Operator's Oil and Gas Facilities and Locations. VRU and gas gathering compressor engines will be installed with sound walls to buffer noise.

12. *Pilot Lights.* Operator shall use telemetric control and monitoring systems on Operator's Oil and Gas Facilities and Locations, including surveillance monitors, to detect when pilot lights on control devices are extinguished.
13. *STAR Program.* Operator shall participate in the Natural Gas STAR program, or other equivalent voluntary program(s), to encourage innovation in pollution control at each of Operator's Oil and Gas Facilities and Locations.
14. *Pipeline Infrastructure.* Operator shall construct Pipeline infrastructure to carry both oil and gas for any Oil and Gas Facilities and Locations prior to the beginning production Oil and Gas Operations.

D. WATER QUALITY AND QUANTITY.

Operator's Oil and Gas Operations, Facilities and Locations shall comply with the water quality standards (collectively, "Water Quality Standards") set forth in this Section D, the purpose of which is to: protect human health and safety; prevent injury to plant and animal life; prevent damage to property; prevent unreasonable interference with the public welfare; and to protect water quality. The Water Quality Standards are established to prevent or mitigate the degradation of the Town's water resources; prevent odors and other pollution problems; and to improve the quality of life and the general welfare in the Town.

1. *Water Quality Protection.* Operator's Oil and Gas Operations, Facilities and Locations shall not cause degradation to surface or ground water, or to wetlands, within the Town.
2. *Water Quality Report/Plan.* A water quality report/plan shall be submitted with all Oil and Gas Facility or Location Applications filed with the Town ("Water Quality Report/Plan"). The Water Quality Report/Plan shall demonstrate how the development and operations of the subject Oil and Gas Facility or Location will avoid adverse impacts to surface and ground waters in the Town, identify all private and community permitted water wells of public record within one-half (½) mile (2,640') of the subject Oil and Gas Facility or Location, and demonstrate compliance with and implementation of standards in the Code, ECMC Rules, and this Section D.
3. *Chemical Disclosure, Storage & Prohibitions.* Operator's Oil and Gas Operations, Facilities or Locations shall be subject to the following:
 - a. Prior to any hydraulic fracturing Oil and Gas Operations, Operator shall provide the Town with a copy of the Chemical Disclosure Registry form provided by Operator to the ECMC pursuant to the ECMC's "Hydraulic Fracturing Chemical Disclosure."
 - b. Use of PFAS chemicals is prohibited in drilling or hydraulic fracturing fluids, or in firefighting foam, used in or on Operator's Oil and Gas Operations, Facilities and Locations.
 - c. Drilling and completion chemicals shall be removed from Oil and Gas Facilities and Locations no less than sixty (60) days following the completion of drilling and completion Oil and Gas Operations.
 - d. Operator shall not permanently store flowback from hydraulic fracturing, or produced water, at any Oil and Gas Facility or Location.
 - e. Operator shall not use any substances that are prohibited by state or federal rules or regulations at any Oil and Gas Facility or Location.
4. *Spills.* Operator's Oil and Gas Operations, Facilities or Locations shall be subject to the following:

- a. Operator shall prepare, and provide to the Town, a fluid leak detection plan as described in the ECMC Rules (“Fluid Leak Detection Plan”).
 - b. Operator shall notify the Town and Weld County as soon as possible of spills on Oil and Gas Facilities or Locations that threaten the Town Public Water System water supplies or the water within a natural river or stream.
 - c. Operator shall provide the Town with a copy of any self-reporting submissions that Operator provides to the ECMC due to any spills at Oil and Gas Facilities or Locations.
5. *Stormwater.* Operator’s Oil and Gas Operations, Facilities or Locations shall comply and conform to the Town’s stormwater control regulations found in the Code, Chapter 13.
- a. Maintenance of Machinery.
 - i. Operator shall not conduct any vehicle maintenance at any Oil and Gas Facility or Location.
 - ii. Operator shall not conduct routine field maintenance of mobile machinery within three hundred feet (300’) of any water body as defined by the Code.
 - iii. All machinery fueling at Oil and Gas Facilities or Locations must occur over impervious material.
6. *Baseline and Monitoring Water Source Tests.* As required by and submitted to the ECMC and CDPHE, baseline and monitoring Water Source sampling/testing shall be provided to the LGD for the life of the subject Oil and Gas Facility or Location, and during any post-closure assessments of such Oil and Gas Facility or Location.
- a. Operator shall offer non-confidential baseline and monitoring Water Source sampling/testing, free of charge, to all well-owners of public record within one-half (½) mile (2,640’) of any of Operator’s Oil and Gas Facilities or Location.
 - b. Operators baseline and monitoring water testing will test for the analytes listed in Table 1 below, in addition to the analytes tested pursuant to ECMC Rules, at Oil and Gas Facilities and Locations.
 - c. Operator must attempt to collect initial baseline samples, and monitoring samples, from all available potable Water Sources within a one-half (½) mile radius of Oil and Gas Facilities or Locations. Potable Water Sources include registered water wells or permitted or adjudicated springs.
 - d. In conducting the foregoing baseline and monitoring water sampling/testing, Operator shall make reasonable efforts to obtain the consent of the owner of the Water Source. If Operator is unable to locate and obtain permission of the Water Source owner, Operator must advise the Town that Operator could not obtain access to the Water Source from the owner thereof.
 - e. Operator may rely on existing groundwater sampling data from any Water Source within the radii described above, provided that such sampling data: (i) was collected in accordance with accepted standards and (ii) was collected within the twelve (12) months preceding the commencement of the drilling phase of Operator’s Oil and Gas Operations for the subject Oil and Gas Location. Such data includes measurement of all of the constituents measured in Table 2 below, and confirmation that there has been no significant oil and gas activity within a one (1) mile radius in such time period between the original sampling and the commencement of the drilling phase of Operator’s Oil and Gas Operations for the subject Oil and Gas Facility or Location.
 - f. Operator shall follow standard industry procedures in collecting baseline and monitoring water samples, consistent with the ECMC’s model Sampling and Analysis Plan.
 - g. Operator shall report the location of any baseline or monitoring water sample Water Source using GPS with sub-meter resolution.
 - h. Operator shall report results of field observations made during the conduct of any baseline or monitoring water sampling, including reporting on damaged or unsanitary Well conditions, adjacent potential pollution sources, odor, water color, sediment, bubbles, and effervescence, to the Town.

- i. Operator shall provide copies of all baseline and monitoring water sampling/testing results to the Town, the ECMC, and the Water Source owner(s), if reasonably locatable, within thirty (30) days after Operator receives the same.
- j. *Subsequent Water Source Sampling.* If any baseline or monitoring water sampling shows water contamination, additional measures shall be required, including:
 - i. If free gas or a dissolved methane concentration level greater than one (1) milligram per liter (mg/l) is detected in a Water Source subject to Operator's baseline or monitoring water sampling, Operator shall determine the gas type using gas compositional analysis and stable isotope analysis of the methane (carbon and hydrogen).
 - ii. If such determination indicates thermogenic, or a mixture of thermogenic and biogenic, gas, an action plan to determine the source of such gas shall be prepared by Operator.
 - iii. Operator's immediate notification of the Town, the ECMC, and the owner of the subject Water Source shall be required if such methane concentration increases by more than five (5) mg/l between sampling periods, or increases to more than ten (10) mg/l.
 - iv. Operator's immediate notification of the Town, the ECMC, and the owner of the subject Water Source shall be required if BTEX and/or TPH are detected. Such detections may result in required subsequent sampling for additional analytes.
 - v. Operator's further Water Source sampling/testing in response to complaints from water source owners.
 - vi. Operator's timely production and distribution of water sampling/testing results, in electronic deliverable format, to the Town, the ECMC and the Water Source owners.
 - vii. *Qualified Independent Professional Consultant.* All baseline, monitoring and subsequent Water Source sampling/testing must be conducted by a qualified, independent professional consultant engaged by Operator.

TABLE 1

GENERAL WATER QUALITY
Alkalinity, Conductivity & TDS, pH, Dissolved Organic Carbon (or Total Organic Carbon), Bacteria, Perfluorinated Compounds (PFCs), and Hydrogen Sulfide
MAJOR IONS
Bromide, Chloride, Fluoride, Magnesium, Potassium, Sodium, Sulfate, and Nitrate + Nitrite as N
METALS
Arsenic, Barium, Boron, Chromium, Copper, Iron, Lead, Manganese, Selenium, Strontium, Mercury, Uranium, and Radium
DISSOLVED GASES and VOLATILE ORGANIC COMPOUNDS
Methane, Ethane, Propane, BTEX as Benzene, Toluene, Ethylbenzene and Xylenes, Total Petroleum, and Hydrocarbons (TPH)
OTHER
Water Level, Stable isotopes of water (Oxygen, Hydrogen, Carbon), Phosphorus.

9. *Waste and Wastewater Management.* Operator shall implement and submit a waste and wastewater management plan to the Town with the Application that complies with the following (“Waste and Wastewater Management Plan”):
 - a. No Class II injection Wells are to be located within Town limits.
 - b. No land treatment of oil-impacted or contaminated drill cuttings are permitted within the Town.
 - c. All fluids on Oil and Gas Facilities or Locations shall be contained, and there shall be no discharge of fluids.
 - d. Wastewater shall be stored in tanks, transported by tanker trucks and/or pipelines, and disposed of at licensed disposal or recycling sites in accordance with applicable law and the operator’s Waste and Wastewater Management Plan.
 - e. If requested, the amount of water disposed or recycled shall be reported to the Director of Engineering and Utilities Department.
 - f. The Waste and Wastewater Management Plan shall incorporate secondary containment and stormwater measures consistent with this Standards Document.
10. *Wetlands Protection Plan.* If applicable, Operator shall implement a *Wetlands Protection Plan* demonstrating the oil and gas operations shall, to the maximum extent practicable, avoid causing degradation to wetlands within the Town. Among other methods to achieve compliance with this standard, the proposed oil and gas operation shall not alter historic drainage patterns and/or flow rates or shall include acceptable mitigation measures to compensate for anticipated drainage impacts.
11. *Water Supply.* Operator’s Oil and Gas Operations, Facilities or Locations shall be subject to the following:
 - a. Operator shall comply with applicable State of Colorado, Department of Natural Resources and other applicable state regulations concerning the source(s) of water used in the drilling and completion phases of Operator’s Oil and Gas Operations.
 - b. The operator shall identify on the site plan its primary source(s) for water used in both the drilling and well completion phases of operation. In addition, if requested by the Town’s Director of Engineering and Utilities Department, the applicant’s source(s) and amounts of water used in the Town shall be documented and a record of it shall be provided to the Town.
 - c. All water volumes actually used by Operator during Operator’s Oil and Gas Operations shall be reported by Operator to the State of Colorado in accordance with its rules and regulations.
 - d. All fresh water used in Operator’s Oil and Gas Operations for hydraulic fracturing shall be transported to Oil and Gas Facilities or Locations by means other than by truck, unless Operator provides notice to the Town, therein demonstrating extenuating circumstances which will allow trucks to deliver water for no more than seven (7) days or less. If the transportation of water by means other than truck exceeds seven (7) days, Operator will seek any necessary amendments to this MOU.
 - e. Water will be reused to the greatest extent practicable during the drilling and hydraulic fracturing phase or oil and gas development.
 - f. Operator will assure that water suppliers transporting water to Operator’s Oil and Gas Facilities and Locations have acquired all necessary permitting, easements, etc. for such transportation. The water transportation route and Water Source will depend on which water supplier is chosen for a given Oil and Gas Operation; once confirmed, and in each case, Operator will provide the water transportation route and Water Source information to the Town. Where reasonably practicable, Operator may utilize Town Road Right-of-Way, and Town drainage culverts for the laying and operation of temporary water lines on the surface, upon prior notice to the Town of such intended use. If necessary, Operator will bury temporary water lines at existing driveway and gravel road crossings, or utilize existing culverts, if available.

12. *Closed-Loop Pitless Systems for the Containment and/or Recycling of Drilling Fluids.* Operator's Oil and Gas Operations, Facilities or Locations shall be subject to the following:
 - a. Wells shall be drilled, completed and operated using closed-loop systems for containment and/or recycling of all drilling, completion, flowback and produced fluids.
 - b. Operator shall recycle drilling and hydraulic fracturing fluids to the greatest extent practicable.
13. *Water Resources Map.* Operator shall prepare a topographic map ("Water Resources Map") showing the horizontal distance and approximate bearing from Oil and Gas Facilities and Locations to:
 - a. All surface Waters of the State within one-half (1/2) mile (2,640') of the subject Oil and Gas Facility or Location. Such map will indicate which surface water features are downgradient;
 - b. All Water Sources within one-half (1/2) mile (2,640') of the subject Oil and Gas Facility or Location;
 - c. Any Public Water System facilities, including intake structures, water wells, storage facilities, recharge areas, and treatments plants within one-half (1/2) mile (2,640') of the subject Oil and Gas Facility or Location;
 - d. ECMC Rule 411 buffer zones, as may be amended, within one-half (1/2) mile (2,640') of the subject Oil and Gas Facility or Location; and
 - e. Any surface waters within one-half (1/2) mile (2,640') of the subject Oil and Gas Facility or Location that are fifteen (15) stream miles upstream of a Public Water System intake.
14. *Containment Berms.* Operator's Oil and Gas Operations, Facilities or Locations shall be subject to the following:
 - a. Operator shall utilize steel-rim berms (or similar material of comparable durability, designed and installed to prevent leakage and resist degradation from erosion or routine operation) around all permanent separation and storage equipment at the subject Oil and Gas Facility or Location, with sufficient capacity to contain one and one-half (1.5) times the maximum volume of liquids that such equipment will contain at any given time plus sufficient freeboard to prevent overflow.
 - b. All berms and containment devices shall be inspected quarterly by Operator and maintained in good condition.
 - c. Secondary containment, such as duck ponds or lined earthen berms for temporary tanks, shall be used.
 - d. Secondary containment shall be constructed with a synthetic or engineered liner that contains all primary containment vessels and is mechanically connected to the steel ring to prevent leakage.
 - e. No potential ignition sources shall be installed inside the secondary containment area unless the containment area encloses a fired vessel, or such sources are rated in accordance with industry codes and standards.
 - f. For Oil and Gas Facilities or Locations within one thousand feet (1,000') and up-gradient of a surface water body, tertiary containment, such as an earthen berm, is required around such Oil and Gas Facilities or Locations.

E. SAFETY.

Operator's Oil and Gas Operations, Facilities and Locations shall comply with the safety standards (collectively, "Safety Standards") set forth in this Section E, the purpose of which is to: protect human health and safety; prevent injury to plant and animal life; prevent damage to property; and prevent unreasonable interference with the public welfare.

1. *Emergency Response Plan, Will-Serve Letter, and Resource Mobilization/Cache Plan.* Operators must comply with Code section 9.9 – Emergency Response.
2. *Discharge Valves.* Open-ended discharge valves on all storage tanks, Pipelines and other containers within the subject Oil and Gas Facility or Location shall be secured, and shall not be accessible to the

general public. Open-ended discharge valves within the subject Oil and Gas Facility or Location shall be placed within the interior of the secondary containment area.

3. *Flammable Material.* All ground within twenty-five feet (25') of any tank, or other structure containing flammable or combustible materials, located on the subject Oil and Gas Facility or Location shall be kept free of dry weeds, grass, or rubbish, and shall conform to ECMC Rules and the applicable fire code for such Oil and Gas Facility or Location. Landscaping is prohibited within twenty-five feet (25') of any tank, or other structure containing flammable or combustible materials, located on the subject Oil and Gas Facility or Location.
4. *Safety Management Plan.* Operator shall maintain a safety management plan for Operator's Oil and Gas Operations ("Safety Management Plan"), including: hazard review, operating procedures, safety training program, maintenance procedures, compliance audits, and design measures.
5. *General Maintenance.* Operator shall conduct Oil and Gas Operations, and maintain all equipment, pursuant to applicable manufacturer specifications, consistent with technological limitations and reasonable and customary maintenance practices.
6. *Use of Pipelines.* Operator's Oil and Gas Operations, Facilities and Locations shall comply with the following:
 - a. Operator shall use Pipelines for the transport of oil and gas from Oil and Gas Facilities and Locations. Where practicable, Operator will use Pipelines to transport produced water from the same as well.
 - b. Operator shall be permitted to utilize temporary tanks during drilling, flowback, workover, completion, hydraulic fracturing and maintenance Oil and Gas Operations at Oil and Gas Facilities and Locations.
 - c. Operator shall obtain all state and local government approvals necessary for the construction and use of Pipelines associated with Oil and Gas Facilities and Locations.
7. *Analysis of Plugged and Decommissioned Wells.* Operator's Oil and Gas Operations, Facilities and Locations shall comply with the following:
 - a. Before and after the hydraulic fracturing of any new Well(s), Operator shall assess the integrity of all Wells (Active, Dry & Abandoned, Injecting, Plugged & Abandoned, Producing, Shut-In, and Temporarily Abandoned) where the surface location of such Wells are both within Town limits and within one thousand five hundred feet (1500') of the completion interval of the projected track of the borehole of the proposed new Well(s), based upon examination of ECMC and other publicly available records ("Well Assessment"). Well Assessments shall include assessment of leaking gas, oil, or water into the ground surface or into subsurface Water Sources, taking into account plugging and cementing procedures described in any recompletion, or plugging and abandonment, reports filed with the ECMC. Well Assessments shall be provided to the Town.
 - b. Based on the results of a Well Assessment, the Town may require Operator to plug and abandon, in compliance with all ECMC Rules in relation to Well abandonment and plugging, any of the Operator's existing Wells or such Wells identified in the Well Assessment that are under Operator's ownership, control or authority. Additionally, the Town may request that Operator attempt to negotiate the plugging and abandonment of other Wells of concern identified in the Well Assessment that are not owned, controlled and/or within Operator's authority, but only to the extent that such Wells are within one thousand five hundred feet (1500') of the completion interval of the projected track of the borehole of the proposed new Well(s). If Wells of concern identified in the Well Assessment are not plugged and abandoned, Operator must supply a follow-up monitoring plan, which will be used to prevent or

detect any communication between the Well(s) of concern identified in the Well Assessment and the proposed new Well(s).

- c. Operator shall provide notification to the Town, and to applicable fire district(s) associated with the subject Oil and Gas Facility of Location not less than fourteen (14) days prior to commencing plugging and abandonment Oil and Gas Operations. Operator shall notify the Town and the ECMC of the results of such plugging and cementing procedures.
 - d. For each Well abandoned by Operator within Town limits, for which appropriate access and permission to perform tests is granted, a soil gas survey testing the soil within a ten foot (10') radius of the subject Well shall be completed prior to production from a proposed new Well(s), and again one (1) year after production has commenced on the new Well(s) ("Soil Gas Survey"). Every Well abandoned by Operator and for which Operator has obtained appropriate access and permission, shall also be subject to such Soil Gas Survey testing one (1) year after production has commenced on a new Well(s). Operator shall provide the results of such Soil Gas Survey to the Town and the ECMC within one (1) month of conducting the same, or advise the Town that access to the previously abandoned Well(s) could not be obtained.
8. *Surface Safety Valve and Automatic Safety Protective Systems.* Operator's Oil and Gas Operations, Facilities and Locations shall comply with the following:
- a. Operator will install an automated safety system, governed by safety devices and a programmable logic computer, at each Oil and Gas Facility and Location ("Auto Safety System").
 - b. Each Auto Safety System shall include a surface safety valve ("SSV") or wellhead master control valve installed for each new Well, before the commencement of the production phase, connected to the production tubing at the surface. The SSV or wellhead master control valve shall monitor multiple flowing pressures and rates having predetermined maximum and/or minimum threshold values programmed, and will remotely shut the Well down should certain upset conditions be detected. Additionally, the Auto Safety System shall provide the ability to remotely shut-in Wells on demand through operator remote intervention.
 - c. The SSV or wellhead master control valve will have documented, quarterly testing to ensure functionality per the same's manufacturer's specifications.
13. *Flowback Best Management Practices.* Operator's Oil and Gas Operations, Facilities and Locations shall comply with the following:
- a. Before Flowback, Operator shall:
 - i. Construct the subject Oil and Gas Facility or Location in a manner that is capable of remote emergency shut down consistent with this Attachment A;
 - ii. Tie Flowback equipment into combustors;
 - iii. Notify appropriate fire district associated with the subject Oil and Gas Facility or Location at least twenty-four (24) hours before production Flowback is scheduled to begin for the first time on the subject Oil and Gas Facility or Location; and
 - iv. Conduct a pre-startup safety review, which will review the subject Oil and Gas Facility or Location equipment spacing requirements and safety procedures.
 - b. During Flowback, Operator shall:
 - i. Utilize gas monitors that are capable of detecting lower explosive level and hydrogen sulfide, which gas monitors emit an audible tone linked to Operator representative mobile phones, in order to notify people on and off the subject Oil and Gas Facility or Location;
 - ii. Utilize automatic tank gauging to measure tank levels, and have twenty-four (24) hour manned Oil and Gas Operations;
 - iii. Transport Flowback gas to sales Pipelines, when possible.

F. NOISE MITIGATION STANDARDS

Operator's Oil and Gas Operations, Facilities and Locations shall comply with the noise mitigation standards (collectively, "Noise Mitigation Standards") set forth in this Section F, the purpose of which is to: protect human health and safety; prevent damage to property; prevent unreasonable interference with the public welfare; preserve visibility; and protect scenic, aesthetic, and historic values in the Town. The Noise Mitigation Standards are established to improve and prevent degradation to the quality of life and the general welfare of the Town. The following requirements are in addition to the noise requirements in Chapter 7.32, Sound Limitations, Frederick Municipal Code.

1. *Noise Requirements for Oil and Gas Facilities and Locations.* Operator's Oil and Gas Operations, Facilities and Locations shall comply with the following:
 - a. Noise generated from Oil and Gas Facilities and Locations shall comply with the following maximum permissible noise levels appropriate for the Zone Area Designation of the adjacent land uses as determined by the Town. Noise Abatement will be used as part of the Town's determination for land uses surrounding land surrounding the subject Oil and Gas Facility or Location, and may be different from the Town's zone districts.

Table 2: Maximum Permissible Noise Levels		
Zone Area Designations	7:00 am to next 7:00 pm	7:00 pm to next 7:00 am
Residential/Agricultural/Rural	55 db(A)	50 db(A)
Commercial	60 db(A)	55 db(A)
Light Industrial	70 db(A)	65 db(A)
Industrial	80 db(A)	75 db(A)
All Areas	60db(C)	60 db(C)

In the hours between 7:00 a.m. and 7:00 p.m., the noise levels permitted above may be increased by ten (10) db(A) for a single period of not to exceed fifteen (15) minutes in any one (1) hour period. In the hours between 7:00 p.m. and 7:00 a.m., the noise levels shall not be exceeded; therefore Oil and Gas Operations shall employ strategic planning for noise-inducing activities to be conducted between the hours between 7:00 a.m. and 7:00 p.m.

- b. Noise levels shall be measured at or within twenty-five feet (25') of the boundary line of the tract of land upon which the subject Oil and Gas Facility or Location is located. When evaluating a noise complaint, the Town shall measure sound at or within twenty-five feet (25') of the boundary line of the tract of land upon which the subject Oil and Gas Facility or Location and other property boundaries which are more representative of the noise impact.
- c. During construction, drilling, and completion phases of Oil and Gas Operations, the Town will require continuous noise monitoring for all Oil and Gas Facilities and Locations located within one-half ($\frac{1}{2}$) mile (2,640') of any existing Residential Building Unit(s), Schools, or state-licensed child care facilities. The Town may adjust this distance based on the location, nature, and size of the same. The Town may require continuous noise monitoring to be conducted by an approved third-party consultant.
- d. Oil and Gas Operations shall be conducted, and Oil and Gas Facilities and Locations shall be operated, so the ground vibration inherently and recurrently generated does not constitute a nuisance at any point along the boundary line of the tract of land upon which such Oil and Gas Operations are conducted and/or upon which the subject Oil and Gas Facility or Location is located.
- e. In situations where low-frequency noise from an Oil and Gas Facility or Location is reasonably

believed to exceed the standards in Table 2 above, a sound level measurement shall be taken twenty-five feet (25') from the exterior wall of the subject Building Unit(s) nearest to the noise source, using a noise meter calibrated to the db(C) scale. If such reading exceeds 60 db(C), the Town shall require Operator to obtain a low-frequency noise impact analysis, conducted by a qualified sound engineer, including identification of any reasonable control measure(s) available to mitigate such low-frequency noise impact ("Noise Impact Analysis"). Such Noise Impact Analysis shall be implemented at the subject Oil and Gas Facility or Location, and shall be provided to the Town for consideration and possible action.

2. *Noise Mitigation Plan.* A noise mitigation plan shall be required for the Application filed with the Town ("Noise Mitigation Plan"). The Noise Mitigation Plan shall demonstrate how Oil and Gas Operations at the subject Oil and Gas Facility or Location will mitigate noise and vibration impacts to comply with the Noise Mitigation Standards contained in this Attachment A and the Code. The Noise Mitigation Plan shall include the following:
 - a. The hours of maximum noise emissions, type, frequency, and level of noise to be emitted, and proposed mitigation measures.
 - b. A minimum five (5) day (two days being the weekend) baseline noise analysis.
 - c. Modeled maximum A- and C-weighted decibel levels for all phases of development shall be presented using contour maps from the subject Oil and Gas Facility or Location (combining noise sources) at three hundred fifty feet (350'), five hundred feet (500'), one thousand feet (1,000'), two thousand feet (2,000'), and to the property line of the adjacent properties. Such contour maps shall demonstrate both unmitigated and mitigated decibel levels.
 - d. A plan of proposed mitigation measures to be implemented by the subject Oil and Gas Facility or Location during each phase of development shall be provided to ensure compliance with the maximum permissible noise levels as listed in Table 2 above.
 - e. The Noise Mitigation Plan may be required to be updated periodically to address additional noise expected when artificial lift is added to the subject Oil and Gas Facility or Location as provided for below.
3. *Artificial Lift.* Artificial lift will not be accomplished through the use of traditional pump jacks.
 - a. Alternatives such as gas lift, linear rod pumps, or a hydraulic pumping unit may be used at Oil and Gas Facilities and Locations, and are to be as low profile as practicable, with a maximum height of thirty feet (30'). An alternative artificial lift system may be used if it causes less visible and auditory impacts, and is agreed to by both Operator and the Town.
 - b. When an artificial lift system is requested for an Oil and Gas Facility or Location, Operator will provide the Town with a proposed design for the same. Upon receipt and review of the same, the Town may require an updated Noise Mitigation Plan to address the additional noise created by the artificial lift system, and to protect other development that has occurred, or is anticipated to occur, that could be affected by the increased noise.
4. The Town may require Operator to implement additional noise mitigation measures if there is a Residential Building Unit, Public Park, or High Occupancy Structure within two thousand feet (2,000') of the subject Oil and Gas Facility or Location, based on any of the following additional site-specific characteristics:
 - a. Nature and proximity of adjacent development (design, location, use);
 - b. Prevailing weather patterns, including wind directions;
 - c. Type and intensity of the noise emitted; and
 - d. Vegetative cover on or adjacent to the site or topography.
 - e. Additional noise mitigation measures may include, but are not limited to:

- i. Continuous noise monitoring by a third-party contractor, at the expense of Operator, during construction, drilling, and completion phases, with instruments placed between the subject Oil and Gas Facility or Location and Residential Building Units within two thousand feet (2,000'). Continuous noise monitoring data shall be provided to the Town.
- ii. Sound walls around the subject Oil and Gas Facility or Location during drilling and completion phases to mitigate noise impacts;
- iii. Use of electric-powered motors and pumping systems on the subject Oil and Gas Facility or Location.
- iv. Construction of buildings or other enclosures where Oil and Gas Operations create noise and visual impacts that cannot otherwise be mitigated due to proximity, density or intensity of adjacent land use.
- v. Quiet design mufflers (*i.e.*, hospital grade or dual dissipative) equal to or better than noise mitigation technologies shall be utilized for non-electrically operated equipment at the subject Oil and Gas Facility or Location.
- vi. Motors, generators, and engines at the subject Oil and Gas Facility or Location shall be enclosed in acoustically insulated housings or covers.
- vii. Subject to Section C.9 of this Standards Document, obtaining all electric power from utility line power or renewable sources at the subject Oil and Gas Facility or Location;
- viii. Utilizing best practices to minimize noise impacts during drilling, completion, and all other phases of Oil and Gas Operations, including, where reasonably available at market costs and in agreement with Operator's Oil and Gas Operations schedule, the use of "quiet fleet" noise mitigation measures during the completion phase of Oil and Gas Operations;
- ix. Restrictions on the unloading of pipe or other tubular goods between 6:00 p.m. and 8:00 a.m. at the subject Oil and Gas Facility or Location;
- x. Subject to Section C.9 of this Standards Document, the use of electric drill rigs at the subject Oil and Gas Facility or Location; and
- xi. The use of Tier IV or better diesel engines, or electric line power, for hydraulic fracturing pumps at the subject Oil and Gas Facility or Location.

5. *Noise Complaints.* Noise complaints shall be responded to as soon as possible.

- a. If a resident (including business and agriculture) within one mile (5,280') of an Oil and Gas Location or Facility complains of noise directly to Operator, to the ECMC, or to the Town, Operator must assist the Town to determine whether the complained of noise is caused by Operator's Oil and Gas Operations. Within twenty-four (24) hours of being notified of such noise complaint, Operator will provide the Town and complainant with a complete description of all Oil and Gas Operations occurring at the subject Oil and Gas Facility or Location at the time of the noise complaint. If the Town determines the complained of noise is caused by Operator's Oil and Gas Operations, Operator shall resolve the noise concern to the maximum extent practicable within twenty-four (24) hours. Within seventy-two (72) hours of such noise complaint, Operator shall report its conclusions, and the resolution of the noise complaint, to the Town and the complainant.
- b. If Operator's Oil and Gas Facilities or Locations are determined to be causing noise that constitutes a nuisance or hazard to public health, safety, welfare, or the environment, the Town may require additional noise mitigation efforts as necessary and reasonable at any point during Operator's Oil and Gas Operations.
- c. At any time, the Town may require continuous noise monitoring, conducted by an approved third-party consultant, until noise concerns are abated.

G. VISUAL STANDARDS.

Operator's Oil and Gas Operations, Facilities and Locations shall comply with the visual standards (collectively, "Visual Standards") set forth in this Section G, the purpose of which is to: protect human health and safety; prevent damage to property; and prevent unreasonable interference with the public welfare. The Visual Standards are established to improve and to prevent degradation to the quality of life and the general welfare in the Town. The following requirements are in addition to the visual requirements in the Code, Section 2.14 – Landscaping.

1. *Visual Mitigation Plan.* Operator shall prepare and implement a visual mitigation plan and comply with applicable provisions of ECMC Rules and the steps identified in this Standards Document ("Visual Mitigation Plan").
2. *Visual Mitigation Methods.* The Town may require Operator to implement the following visual mitigation methods may be required on a site-specific basis:
 - a. Use of low-profile tanks less than 16 ft. in height;
 - b. Use of equipment with reduced height and profiles;
 - c. Facility painting, vegetative or structural screening, land berming, and landscaping;
 - d. Earthen berms around the perimeter of fencing with turf grass or ground cover generally recognized by landscape architects and horticulturalists for local area use for the purpose of general screening;
 - e. Establishment and proper maintenance of ground cover, trees and shrubs for screening and aesthetic purposes;
 - f. Designing an Oil and Gas Facility to utilize natural screens where possible; and
 - g. Construction of fences for use with or instead of landscaping or berming
3. *Fencing.* At the time of initial installation, pumps, wellheads, and production equipment at Oil and Gas Facilities and Locations shall be adequately fenced to restrict access by unauthorized persons. For security purposes, all Oil and Gas Facilities and Locations, and all equipment used in Oil and Gas Operations concerning a completed Well, shall be surrounded by a fence six feet (6') in height, and so long as the fence material is noncombustible and allows for adequate ventilation, the gates within such fences shall be locked. The following specific standards shall apply to all Oil and Gas Facilities and Locations. Fence enclosures shall meet Code standards in Section 2.16 and be constructed of materials reasonably suitable for the subject Oil and Gas Facility or Location, and the associated Oil and Gas Operations, which are technologically and operationally feasible, and which are compatible with the surrounding land uses, but shall not include solid masonry walls. All fences and walls shall be equipped with at least one (1) gate, provided that all such gate(s) shall meet the following specifications:
 - a. Gates shall be constructed in a manner that meets the applicable specifications or of such other approved material that, for safety reasons, provides adequate security;
 - b. Gates shall be provided with a combination catch and locking attachment device for a padlock, and shall be kept locked except when being used for access to the subject Oil and Gas Facility or Location; and
 - c. Operator must provide the fire protection district(s) associated with the subject Oil and Gas Facility or Location with a "Knox Padlock" or "Knox Box with a key" to access the subject Oil and Gas Facility or Location, to be used only in case of an emergency.
4. *Landscaping.* Operator shall prepare a *Landscaping Plan* that contains, at minimum, the following components:
 - a. Initial landscaping, if required by an approved Landscaping Plan, and any fencing will be installed within 6 months of finishing drilling and completion operations.

- b. The operator shall submit to the Town a temporary *Irrigation Plan* and implement said plan, once approved by the Town, for the first two years after the plant material has been planted. If it is practicable to provide a permanent irrigation system, the operator shall submit an *Irrigation Plan* for permanent watering and the operator shall provide a performance guarantee for such landscaping that is acceptable to the Manager. Produced water may not be used for landscaping purposes.
- c. The application shall include an analysis of the existing vegetation on the site to establish a baseline for re-vegetation upon temporary or final reclamation or abandonment of the operations. The analysis shall include a written description of the species, character and density of existing vegetation on the site and a summary of the potential impacts to vegetation as a result of the proposed operations. The application shall include any commission-required interim and final reclamation procedures and any measures developed from a consultation with the Manager regarding site specific re-vegetation plan recommendations.
- d. If water for irrigation use is unavailable at the location, the initial phase may utilize natural topography and fencing surrounding the location, as well as any trees already established near the property.
- e. Once water for irrigation use is available to the area, the Operator must implement any final landscaping as described in the Landscaping Plan. The Operator must consult with the Town as well as meet Code requirements at the time the final landscaping is installed.
- f. Existing significant trees (a deciduous tree with a caliper of greater than 4 inches or an evergreen tree that is 15 feet or greater in height) shall be preserved to the maximum extent practicable and may help satisfy the landscaping and visual mitigation requirements. All required landscape plans shall accurately identify the locations, species, size, and condition of all significant trees, each labeled showing Operator's intent to either remove, transplant, or protect. Trees that meet one or more of the following removal criteria shall be exempt from the requirements contained in this subsection:
 - i. Dead, diseased, or naturally fallen trees, or trees found to be a threat to public health, safety or welfare;
 - ii. Trees that are determined by the Town to substantially obstruct clear visibility at driveways and intersections; or
 - iii. Tree species that constitute a nuisance to the public such as cotton-bearing cottonwood, Siberian or Chinese elm, Russian olive and female box-elder. Native cotton-bearing cottonwood trees and female box-elder trees, when located in a natural area buffer zone, are not nuisance tree species.

5. *Lighting.*

- a. Exterior lighting shall be directed away from residential and other sensitive areas or shielded from said areas to eliminate glare. Light spillage beyond the perimeter of an Oil and Gas Location should be minimized.
- b. All permanent lighting or lighting higher than a perimeter wall must be downward facing.
- c. All bulbs must be fully shielded to prevent light emissions above a horizontal plane drawn from the bottom of the fixture.
- d. Prior to installation of permanent lighting on any Oil and Gas Location, Operator shall submit to the Town a *Lighting Plan* and the Town shall communicate with Operator any modifications to the plan that it deems appropriate. Operator shall make such modifications as reasonably required by the Town and as required by law.
- e. The *Lighting Plan* shall indicate the location of all outdoor lighting on the site and any structures, and include cut sheets (manufacturer's specifications with picture or diagram) of all proposed fixtures.
- f. During the Drilling and Completion Phases, consistent with applicable law, Operator will construct a minimum 32 ft. in height wall around as much of the perimeter of the well pads as operations allow to reduce light escaping from the site, unless taller, shorter, or no walls are mutually agreed to by Town and Operator on a site-specific basis.

6. *Trailers.* Operator's Oil and Gas Operations, Facilities and Locations shall comply with the following:
 - a. Construction trailers are permitted at Oil and Gas Facilities and Locations as an accessory use during active construction, drilling and completion phases or workover Oil and Gas Operations only.
 - b. Permanent residential trailers are prohibited at Oil and Gas Facilities and Locations.
 - c. Until ninety (90) days following the end of the completion phase of Oil and Gas Operations on any Oil and Gas Facility or Location, temporary residential and/or security trailers are permitted, as needed for on-site Oil and Gas Operations, for exclusive use by the Operator's personnel and the personnel of its subcontractors, on a temporary basis.

H. COMMUNITY OUTREACH, NOTIFICATION, REPORTING & OVERSIGHT STANDARDS

Operator's Oil and Gas Operations, Facilities and Locations shall comply with the community outreach, notification, reporting and oversight standards (collectively, "Community Standards") set forth in this Section H, the purpose of which is to: protect human health and safety; prevent damage to property; and prevent unreasonable interference with the public welfare. The Community Standards are established to improve and to prevent degradation to the quality of life and the general welfare in the Town.

1. *Operator Contact.* Operator shall supply a contact name, address and phone number, including twenty-four (24) hour numbers for at least two (2) persons responsible for Oil and Gas Operations on Oil and Gas Facilities and Locations, as well as the contact information for any subcontractor of Operator engaged for well-control emergencies. Such contact information will be updated as necessary, and in the annual review of the Emergency Management Plan for the subject Oil and Gas Facility or Location.
2. *Outreach to Affected Residents.* Operator's Oil and Gas Operations, Facilities and Locations shall comply with the following:
 - a. Operator shall maintain a list, updated annually, of the residents and business owners within one-half (1/2) mile (2,640') of an Oil and Gas Location ("Affected Residents").
 - b. Operator shall create a community outreach plan for Oil and Gas Facilities and Locations proposed within one-half (1/2) mile (2,640') of any Residential Building Unit ("Community Outreach Plan"). The Community Outreach Plan shall provide for consultation, outreach, and engagement that includes a description of any measures taken to directly mitigate adverse impacts to the Affected Residents;
 - c. Provide at least thirty (30) days advanced written notice to Affected Residents of mobilization and rigging up for Oil and Gas Operations;
 - d. Notify Affected Residents in writing within ten (10) days of any reportable events that could have impacts beyond the subject Oil and Gas Facility or Location, including fires, explosions, blow-outs, venting, or large spills (over 100 barrels); and
 - e. Provide such notices to the local fire district(s) associated with the subject Oil and gas Facilities or Locations.
 - f. Operator may satisfy the foregoing notification requirements through a website, email, direct correspondence, or through direct mail to Affected Residents.
3. *Complaint Response.* Operator's Oil and Gas Operations, Facilities and Locations shall comply with the following:
 - a. Operator shall maintain a dedicated phone line to receive complaints that is open twenty-four (24) hours per day, seven (7) days a week. Such phone number shall be posted at all Oil and Gas Facilities and Locations and provided to the ECMC Director.

- b. Operator shall document and review all complaints, and provide the complainant with an initial, written response within twenty-four (24) hours. Responses to complaints shall also be provided to the ECMC Director and, if appropriate, other interested state officials.
 - c. Any additional complaint responses and/or corrective actions will be communicated to the complainant, the landowner(s), the ECMC Director and, if appropriate, other interested state officials.
4. *Risk Management.* Operator shall create and implement a risk management plan for all new and substantially modified Oil and Gas Facilities and Locations (“Risk Management Plan”). The Risk Management Plan shall include risk identification, responsibilities, assessment, response, planning mitigation and, methods of risk avoidance and control that implement techniques to prevent accident/loss and reduce the impact after an accident/loss occurs. Operators shall periodically update and revise the Risk Management Plan, but shall ensure that the same occurs at least every three (3) years, and after any incident.
- a. Operator shall develop a risk identification in a risk table which will identify the subject Oil and Gas Facility or Location by name; describe the risk; identify any health, safety, or environmental impact; identify any impact to Operator’s development schedule; provide a description of the risk area and associated factors; and indicate whether it is an unmitigated or mitigated risk.
 - b. Operator shall assign persons or entities under its control or direction to have responsibility for managing risks identified, and Operator’s plan to support the risk mitigation. Such assignment shall not limit Operator’s responsibility.
 - c. Operator shall identify any planned mitigation response (including emergency response, tactical response, and notifications) for certain identified risks.
 - d. Operator will implement a compliance and audit program. Operator shall determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected. If Operator utilizes a self-reporting mechanism to any governmental agency, that self-reporting mechanism will be described in the Risk Management Plan. If Operator self-reports, any findings included in the self-reporting to any other governmental agency will be provided to the Town.
 - e. The Town may retain outside consultants, at Operator’s cost, to review any Risk Management Plan, and may require modifications to such Risk Management Plan based on its review.
5. *Bi-Annual Updates to Town.*
- a. Operator biannually shall provide a formal written Progress Report update to the local government designee, to be shared publicly, as to the progress of Operations, including but not limited to:
 - i. Any reportable spills or reportable accidents at locations;
 - ii. Any notice of alleged violations from the Town or ECMC; and
 - iii. A summary of complaints to the Operator and ECMC.
 - b. Updates shall begin at the beginning of construction and continue throughout drilling and completion operations and cease once the final well approved for an Oil and Gas Location has been drilled and has been in production for one full year.
6. *Incident and accident reporting.* Operator’s Oil and Gas Operations, Facilities and Locations shall comply with the following:
- a. Within twenty-four (24) hours of any reportable safety event, as defined in the ECMC Rules, as may be amended, or any accident or natural event involving a fire, explosion, or detonation requiring emergency services or completion of a ECMC Form 22, Operator shall submit a report to the Town that includes the following, to the extent available: fuel source; location; proximity to residences and other occupied buildings; cause; duration; intensity; volume; specifics and degree of damage to properties, if any, beyond the subject Oil and Gas Facility or Location; injuries to persons; emergency

response; and remedial and preventative measures to be taken within a specified amount of time. Additional reporting shall be provided after the conclusion of the event if the event lasts longer than twenty-four (24) hours.

- b. The Town may require Operator to conduct a root cause analysis of any reportable safety events or Grade 1 gas leaks, each as defined by ECMC Rules.
- c. Any spill or release that is reportable to the ECMC shall be simultaneously reported to the Town's Manager and the applicable fire district.

7. *Signs and Markers.* Operator shall mark each and every Well in a conspicuous place, from the time of initial drilling until final abandonment, as follows:

- a. General Sign Requirements.
 - i. No sign required under this Standards Document shall be installed at a height exceeding six feet (6').
 - ii. Operator shall maintain all signs in a legible condition, and shall replace damaged or vandalized signs within sixty (60) days.
- b. Drilling and Recompletion Operations.
 - i. Operator shall provide directional signs, no less than three (3) square feet and no more than six (6) square feet in size, during all drilling and recompletion Oil and Gas Operations.
 - ii. All signs shall be at locations sufficient to advise emergency crews where drilling or recompletion Oil and Gas Operations are taking place.
 - iii. All sign locations shall include the first point of intersection of a public road and the access road to the subject Oil and Gas Facility or Location, and thereafter at each intersection of the access route access road to the subject Oil and Gas Facility or Location, except where the same is clearly obvious to uninformed third parties in any weather or condition.
 - iv. Signs not needed to meet other obligations under this Attachment A shall be removed as soon as practical after drilling and recompletion Oil and Gas Operations are complete.
- c. Permanent Designations.
 - i. Oil and Gas Wells. Within sixty (60) days after the completion phase of a Well, a permanent sign shall be located at both the wellhead and near the surface equipment (if not at the wellhead), which shall identify the subject Well, the name and contact information of the Operator, and the legal description, including the subject governmental quarter section.
 - ii. Surface Equipment. Within sixty (60) days after the installation of a Tank battery at an Oil and Gas Facility or Location, a permanent sign shall be located at the Tank battery. At the option of Operator, or at the request of the Town, such sign may be placed at the intersection of the access road to the subject Oil and Gas Facility or Location with a public road nearest the subject Tank battery, if the same is readily apparent from such location. Such sign shall provide: the name of the Operator; a phone number at which Operator may be reached at all times; a phone number for local emergency services; the lease name or Well name(s) associated with the subject Tank battery; the public road used to access the subject Oil and Gas Facility or Location; and the legal description, including the governmental quarter section.
 - iii. Tanks and Containers. All Tanks with a capacity of ten (10) barrels or greater shall be labeled or posted with the following information:
 - a) Name of Operator;
 - b) Operator's emergency contact telephone number;
 - c) Tank capacity;
 - d) Tank contents; and
 - e) National Fire Protection Association Label.

8. *Complaint Response.*

- a. Operator shall maintain a dedicated phone line to receive complaints that is open 24 hours per day, 7 days a week. The phone number shall be posted at all Oil and Gas Locations and provided to the Manager.
 - b. Operator shall document and review all complaints and provide the complainant with an initial response within twenty-four (24) hours. Responses to complaints shall also be provided to the Manager and, if appropriate, state officials.
 - c. Any additional responses or corrective actions will be communicated to the complainant, landowner, Manager and, if appropriate, state officials.
9. *Risk Management.* Operator shall create and implement a *Risk Management Plan* for Oil and Gas Locations and Oil and Gas Facilities that are part of an Oil and Gas Permit. The plan shall include risk identification, responsibilities, assessment, response, planning mitigation and, methods of risk avoidance and control that implement techniques to prevent the accident/loss and reduce the impact after an accident/loss occurs. Operators shall periodically update and revise the plan, but at least every three years and after any incident.
- a. Operator shall develop a risk identification in a risk table which will identify the particular site by name, describe the risk, identify any health, safety, or environmental impact, identify any impact to Operator's development schedule, provide a description of the risk area and associated factors, and whether it is an unmitigated or mitigated risk.
 - b. Operator shall assign persons or entities under its control or direction to have responsibility for the managing risk identified and plans support the risk mitigation. Such assignment shall not limit the Operator's responsibility.
 - c. Operator shall identify any planned mitigation response (including emergency response, tactical response, and notifications) for certain identified risks.
 - d. Operator will implement a compliance and audit program. The Operator shall determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected. If Operator utilizes a self-reporting mechanism to any respective agency, that self-reporting mechanism will be described in the *Risk Management Plan*. If Operator self-reports, any findings included in the self-reporting to any other respective agency will be provided to the Town.
 - e. The Town may retain outside consultants, at Operator's cost, to review *Risk Management Plan* and may require modifications to *Risk Management Plan* based on its review.
10. *Incident and accident reporting.*
- a. Within 24 hours of any reportable safety event, as defined in the ECMC rules, as may be amended, or any accident or natural event involving a fire, explosion or detonation requiring emergency services or completion of a ECMC Form 22, Operator shall submit a report to the Town that includes the following, to the extent available: fuel source, location, proximity to residences and other occupied buildings, cause, duration, intensity, volume, specifics and degree of damage to properties, if any beyond the Oil and Gas Location, injuries to persons, emergency response, and remedial and preventative measures to be taken within a specified amount of time. Additional reporting shall be provided after the conclusion of the event, if the event lasts longer than 24 hours.
 - b. The Town may require Operator to conduct a root cause analysis of any reportable safety events or Grade 1 gas leaks, each as defined by the ECMC.
 - c. Any spill or release that is reportable to the ECMC shall be simultaneously reported to the Manager and the applicable fire district.
11. *Signs and Markers.* Operator shall mark each and every well in a conspicuous place, from the time of initial drilling until final abandonment, as follows:
- a. General Sign Requirements.

- i. No sign required under this provision shall be installed at a height exceeding 6’.
 - ii. Operator shall maintain signs in a legible condition and shall replace damaged or vandalized signs within sixty (60) days.
- b. Drilling and Recompletion Operations.
 - i. Operator shall provide directional signs, no less than three (3) and no more than six (6) sq. ft. in size, during all drilling and recompletion operations.
 - ii. Such signs shall be at locations sufficient to advise emergency crews where drilling or recompletion is taking place.
 - iii. Such sign locations shall include the first point of intersection of a public road and the rig access road and thereafter at each intersection of the rig access route, except where the route to the well is clearly obvious to uninformed third parties in any weather or condition.
 - iv. Such signs not needed to meet other obligations under these rules shall be removed as soon as practical after drilling and recompletion operations are complete.
- c. Permanent Designations.
 - i. Oil and Gas Wells. Within sixty (60) days after the Completion Phase of an Oil and Gas Well, a permanent sign shall be located at both the wellhead and surface equipment (if not at the wellhead), which shall identify the Oil and Gas Well, the name and contact information of the Operator and the legal location, including the quarter section.
 - ii. Surface Equipment. Within sixty (60) days after the installation of a tank battery, a permanent sign shall be located at the tank battery. At the option of the Operator, or at the request of the Town, the sign may be placed at the intersection of the lease access road with a public road nearest the tank battery, if the tank battery is readily apparent from such location. Such sign, which shall be no less than three (3) sq. ft. and no more than six (6) sq. ft., shall provide: the name of the Operator; a phone number at which the Operator may be reached at all times; a phone number for local emergency services; the lease name or Oil and Gas Well name(s) associated with the tank battery; the public road used to access the site; and the legal location, including the quarter section.
 - iii. Tanks and Containers. All tanks with a capacity of ten (10) barrels or greater shall be labeled or posted with the following information:
 - a) Name of Operator;
 - b) Operator’s emergency contact telephone number;
 - c) Tank capacity;
 - d) Tank contents; and
 - e) National Fire Protection Association (NFPA) Label.

I. RECLAMATION.

Operator shall comply with these reclamation standards to: protect human health and safety; prevent injury to plant and animal life; prevent damage to property; and prevent unreasonable interference with the public welfare. These standards are established to restore the Town’s resources and to improve the quality of life and the general welfare in the Town.

1. *Interim Reclamation Plan.* Operator shall implement an interim reclamation plan (“Interim Reclamation Plan”), including:
 - a. A plan and diagram to reduce the size of the subject Oil and Gas Facility or Location to a Working Pad Surface.
 - b. Operator shall prepare, and provide to the Town, a Topsoil Protection Plan, as required by ECOM Rules.
 - c. *Removal of Debris.* All construction-related debris shall be removed from the subject Oil and Gas Facility or Location for proper disposal in a timely manner. All Oil and Gas Facilities or Locations

shall be maintained free of debris and excess materials at all times during Oil and Gas Operations. Operator shall not burn or bury debris at any time at any Oil and Gas Facility or Location.

- d. *Removal of Equipment.* All equipment used for drilling, re-completion and maintenance of the subject Oil and Gas Facility or Location shall be removed from the same within thirty (30) days of completion of such work, weather conditions permitting, unless otherwise agreed to by the Surface Owner. Permanent storage of removable equipment at any Oil and Gas Facility or Location is prohibited.
2. *Final Reclamation Plan.* Operator must submit an Oil and Gas Facility or Location Final Reclamation Plan, and reclaim an Oil and Gas Facility or Location, not later than six (6) months after plugging and abandoning the last Well at such Oil and Gas Facility or Location, weather and planting season permitting. In addition to any ECMC Rule reclamation requirements, Operator shall:
 - a. Notify the LGD of the commencement and completion of such activity;
 - b. Remove all equipment from the subject Oil and Gas Facility or Location;
 - c. Remove all Pipelines, Gathering Lines and Flowlines after one (1) year of non-use, calculated from the date when the last Well utilizing the same is plugged and abandoned, unless this requirement is waived in writing by the ECMC Director; and
 - d. Reclaim and revegetate, to the satisfaction of the Town and in consultation with the Surface Owner, all temporary access roads associated with Oil and Gas Operations at the subject Oil and Gas Facility or Location within three (3) years after seeding, or as directed by the Surface Owner in a Surface Use Agreement, and subject to applicable ECMC Rule variances.
 - e. Coordinates for the location of the decommissioned Well(s), and any associated Gathering Lines or Flowlines, shall be provided with the notice of the completion of Well plugging and abandonment. This information will also be provided in a format suitable for input into the Town's GIS system.
3. *Marking and recording of plugged and abandoned wells.*
 - a. The ECMC Well Abandonment Report must be accurately completed and filed with the Town and the ECMC.
 - b. The location of all plugged and abandoned Wells must be recorded with the Weld County Clerk and Recorder.
 - c. Operator shall permanently mark all plugged and abandoned Wells, by a brass plaque set in concrete, similar to a permanent benchmark, to monument the same's existence and location. Such plaque shall contain the information required by the ECMC to properly identify the subject plugged and abandoned Well.

J. TRANSPORTATION AND CIRCULATION.

Operator's Oil and Gas Operations, Facilities and Locations shall comply with the transportation and circulation standards (collectively, "Transportation Standards") set forth in this Section J, the purpose of which is to: protect human health and safety; prevent injury to plant and animal life; prevent damage to property; and prevent unreasonable interference with the public welfare. The Transportation Standards are established to restore the Town's resources and to improve the quality of life and the general welfare in the Town.

1. *Transportation Management Plan.* Operator shall establish a transportation management plan ("Transportation Management Plan") for each Oil and Gas Facility or Location, including the following:
 - a. Estimated weights of vehicles when loaded, a description of the vehicles, including the number of wheels and axles of such vehicles and trips per day;
 - b. Details regarding access locations for each Oil and Gas Facility or Location, including sight distance, turning radius of vehicles, and a template indicating this is feasible, sight distance, turning volumes,

in and out from each Oil and Gas Facility or Location for an average day, and what to expect during the peak hours;

- c. A truck routing map and truck turning radius templates will be used to determine if improvements are necessary at intersections along the route to the subject Oil and Gas Facility or Location;
 - d. Restriction of non-essential traffic to and from any Oil and Gas Facility or Location to periods outside of peak am and pm traffic periods and during school hours (generally 7-8 am and 3-6 pm) if the subject Oil and Gas Facility or Location, or the access road(s) to the same are within one thousand feet (1,000') of a School.
 - e. Identification of need for any additional traffic lanes, and any other recommendations from traffic study, which would be subject to the final approval of the Town's Director of Engineering and Utilities Department or designee.
2. *Access Roads.* Designs for private access roads to Oil and Gas Facilities and Locations shall be pursuant to Section 9.7 of the Code.
 3. *Public Improvements.* Necessary transportation system improvements, as determined by Town staff, will be paid for by the Operator. If public road improvements are necessary to accommodate Oil and Gas Operations at any Oil and Gas Facility or Location, and before work will be permitted within any Town right-of-way, Operator shall draft engineered drawings, to be prepared by a Colorado licensed civil engineer, in conformance with Town standards, for review and approval by the Town.
 4. Operator will comply with all Transportation and Circulation requirements as contained in the Land Use Code, in any approved plans, and as may be reasonably required by the Town's Traffic Engineer.
 5. Operator will comply with all applicable hazardous material regulations at all Oil and Gas Facilities and Locations.
 6. Operator will obtain necessary access permits for all Oil and Gas Facilities and Locations, which the Town will not unreasonably withhold.
 7. *Mud Tracking.*
 - a. Operator shall take all practicable measures to ensure that vehicles do not track mud or debris onto public streets from any Oil and Gas Facility or Location.
 - b. Operator shall immediately clean any mud or debris deposited on public streets adjacent to any Oil and Gas Facility or Location.
 8. *Chains.* Traction chains from heavy equipment shall be removed before entering a public street from any Oil and Gas Facility or Location.

K. WILDLIFE

Operator's Oil and Gas Operations, Facilities and Locations shall comply with the wildlife standards (collectively, "Wildlife Standards") set forth in this Section K, the purpose of which is to protect, preserve and prevent injury to plant/animal life and the environment.

1. *Wildlife Protection Plan.* Operator's Application filed with the Town for any Oil and Gas Facility or Location must contain a wildlife protection plan ("Wildlife Protection Plan"), containing: a map of ecologically important areas, including critical wildlife habitat areas, riparian areas, rivers, water bodies, wetlands, potential conservation areas as identified by the Colorado Natural Heritage Program, Species of

Concern listing, Tier 1 and Tier 2 species as identified by Colorado Department of Parks and Wildlife, and of federally-designated threatened or endangered species, as mapped by other applicable federal and state governmental agencies or discovered upon inspection, on and within one (1) mile of the parcel(s) on which the Oil and Gas Facilities and Locations are proposed to be located.

2. *Consultation with CPW.* Consultation with the Colorado Department of Parks and Wildlife must occur when required by ECMC Rules, or as requested by the LGD, due to known or suspected wildlife resources in the area. If so required, the LGD will be invited to the consultation.
3. *Endangered Species.* The Operator shall not engage in activities which, in the opinion of the Colorado Parks and Wildlife, threaten endangered species.

L. SEISMIC SURVEYS

1. As a part of the administrative review process, applicants will provide to the Town:
 - a. Timeline for work to be accomplished;
 - b. A map of any existing mines underlying the project area, and within 2,000-feet of the project boundary;
 - c. An assessment by a certified engineer demonstrating that the proposed vibrations will not damage any of these mines or other historic infrastructure;
 - d. A map of the seismic study area showing planned source and receiving locations;
 - e. A map showing the route that vibroseis trucks will follow;
 - f. An assessment by a certified engineer demonstrating that the roads to be utilized in the project are able to endure the vibrations generated by the project;
 - g. Financial assurance in a form and amount acceptable to the Town;
 - h. A traffic control plan; and
 - i. Other information as the Town deems necessary.
2. During the seismic testing, the Permittee shall survey and monitor the testing so as to keep source points a minimum distance from critical infrastructure identified by the Town so as to cause no damage thereto. Critical infrastructure includes, but is not limited to:

Private water wells	300'
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3. *Traffic Control.* When seismic testing, including the source or receiving, is performed within the public right-of-way, Permittee shall at its expense provide adequate traffic control. A *Traffic Control Plan* acceptable to the Town shall be approved prior to the start of any work. Traffic control shall be in general compliance with the then current *Manual on Uniform Traffic Control Devices for Streets and Highways*.
4. *Public Notice*
 - a. No less than seven (7) calendar days in advance of the use of vibroseis trucks within the Seismic Study Area, Permittee shall cause to be mailed notice of the planned activity to all residents or businesses located on the roads that will be used by vibroseis trucks within the entire seismic study area. In addition, notice shall be given to all homeowners' associations, special districts, and Town franchisees which have facilities or infrastructure within the study area. The notice shall include, at a minimum, an explanation of the planned operations, the dates when the activities will occur, 24/7 source and contact names and numbers for additional information, and explanation as to what may be expected

or experienced during the seismic testing in the way of noise, duration of vibration, etc. In addition, the Permittee shall utilize public outreach vehicles such as social media and the internet to provide additional information to the public. Social media and internet notifications shall be coordinated with the Town of Frederick.

- b. No more than 96 hours in advance of and no less than 24 hours in advance of seismic testing, notice shall be given to all residents or businesses located on the roads that will be used by vibroseis trucks within the entire seismic study area. The notice shall consist of a door hanger type pamphlet acceptable to the Town that clearly indicates when the vibratory activity will occur and advises the occupant of the nature of the vibration activity. The notice shall also include 24/7 contact information for occupants to report problems or ask questions.
5. *Hours of Operation.* The seismic testing, in residential areas, shall not commence prior to 9 a.m. and shall end by 5 p.m., Monday through Friday.
 6. Vibration and peak particle velocity monitoring shall be undertaken at all source locations in urban areas within 500ft of structures or buildings within the seismic study area, and at no time shall the peak particle velocity exceed 0.2 inches per second at the location of those structures.

[END OF OIL AND GAS STANDARDS DOCUMENT]

ORDINANCE NO. ____

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING THE TOWN'S
LAND USE CODE REGARDING NATURAL MEDICINE**

WHEREAS, the People of the State of Colorado approved the citizens' initiative known as "Proposition 122: Access to Natural Psychedelic Substances," which is now codified in Colo. Rev. Stat. §§ 12-170-101 through 115 (the "Enabling Act");

WHEREAS, the Enabling Act decriminalizes the personal possession, growing, sharing, and use, but not the sale, of psilocybin, psilocin, dimethyltryptamine, ibogaine, and mescaline, now defined as "natural medicines";

WHEREAS, the Enabling Act allows the supervised use of psychedelic mushrooms by individuals aged 21 and over at licensed facilities and requires the state to create a regulatory structure for the operation of these licensed facilities;

WHEREAS, the Enabling Act prohibits local governments from banning licensed facilities, services, and use of natural psychedelic substances permitted by the Enabling Act, while allowing local governments to regulate the time, place, and manner of operation of these facilities;

WHEREAS, in 2023 the State Legislature enacted Senate Bill 23-290, which is codified in Colo. Rev. Stat. §§ 44-50-101 through 904 (the "Regulatory Act"), to create a regulatory structure for the operation of these licensed facilities, which includes the licensing and registration of facilities and related businesses that provide for the use, cultivation, manufacture, and testing of these substances;

WHEREAS, the Regulatory Act also allows for local jurisdictions to adopt regulations governing the time, place, and manner of the operation of licensed facilities within their boundaries;

WHEREAS, the Regulatory Act provides that the "state licensing authority" as defined by the Regulatory Act, will "not receive or act upon an application for the issuance of a natural medicine business license" ... "[f]or a location in an area where the cultivation, manufacturing, testing, storage, distribution, transfer, and dispensation of natural medicine or natural medicine product as contemplated is not permitted under the applicable zoning laws of the local jurisdiction;"

WHEREAS, the Regulatory Act further provides that the state licensing authority will not receive or act upon an application for the issuance of a Natural Medicine Business License "[i]f the building where natural medicine services are provided within one thousand feet of a child care center; preschool; elementary, middle, junior or high school; or a residential child care facility . . .;"

WHEREAS, the Regulatory Act further provides that “the governing body of a municipality, by ordinance; . . . may vary the distance restrictions imposed by [the Regulatory Act] . . . for a License or may eliminate one or more types of schools or facilities from the application of a distance restriction established by or pursuant to [the Regulatory Act] . . .;” and

WHEREAS, the Town of Frederick Board of Trustees desires to enact this ordinance to regulate the time, place, and manner of the operation of licenses issued pursuant to the Regulatory Act; to establish the appropriate zoning districts for the operation of licenses issued pursuant to the Regulatory Act; and to establish distance restrictions for buildings where natural medicine services are provided within the vicinity of a child care center; preschool; elementary, middle, junior or high school; a residential child care facility; or residential dwellings pursuant to the Regulatory Act.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, AS FOLLOWS:

Section 1. Strikethrough represents deleted text, underline means added text, and * * * means large blocks of unmodified text.

Section 2. Section 1.15, Town of Frederick Land Use Code, “Definitions,” is amended to add the following definitions:

* * *

Natural medicine means psilocybin or psilocyn and other substances described in the Regulatory Act as “natural medicine.”

Natural medicine business means any of the following entities licensed under the Regulatory Act and includes natural medicine healing centers, natural medicine cultivation facilities, natural medicine products manufacturers, natural medicine testing facilities, and any other business entity licensed to perform operations related to natural medicine by the state licensing authority.

Natural medicine healing center means a facility where an entity is licensed by the state licensing authority that permits a facilitator as defined by the Regulatory Act, to provide and supervise natural medicine services for a participant as defined by the Regulatory Act, which includes a participant consuming and experiencing the effects of regulated natural medicine or regulated natural medicine product under the supervision of a facilitator.

Natural medicine product means a product infused with natural medicine that is intended for consumption, as provided by the Regulatory Act.

Natural medicine services mean a preparation session, administrative session, and integration session, as provided by the Regulatory Act.

Participant means an individual who is twenty-one (21) years of age or older who receives natural medicine services prescribed by and under the supervision of a facilitator, as provided by the Regulatory Act.

* * *

Regulated natural medicine means natural medicine that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed, as provided by the Regulatory Act.

Regulated natural medicine product means a natural medicine product that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed, as provided by the Regulatory Act.

* * *

State licensing authority means the authority created under the Regulatory Act for the purpose of regulating and controlling the licensing of the cultivation, manufacturing, testing, storing, distribution, transfer, and dispensation of regulated natural medicine and regulated natural medicine product, as provided by the Regulatory Act.

Section 3. Section 3.4., Town Land Use Code, “Permitted, Conditional, Special, and Limited Uses by Zoning District – Use-Specific Standards – Residential Protection Standards – Accessory Use and Structure Standards (Including ADUs and Home Occupations)” is hereby amended as follows:

* * *

Table 3-4. General Commercial Uses

Land Use	Zoning District															
	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P
Business Services	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-
Convenience Lending	-	-	-	-	-	-	-	-	-	L	L	L	L	-	-	-
Fitness Instruction or Gymnasium	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-
Natural Medicine Businesses (not including Natural Medicine Healing Centers)	-	-	-	-	-	-	-	-	-	-	-	-	-	L	L	-
Natural Medicine Healing Center	-	-	-	-	-	-	-	L	L	L	L	L	L	L	L	-

Office, General	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-
Office, Medical	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-
Pawnbroker	-	-	-	-	-	-	-	-	-	-	-	C	L	C	C	-	-	-
Personal Services	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-
Recording or TV Studio	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-
Retail Sales and Services	-	-	-	-	-	-	-	-	-	-	L	L	L	L	L	L	L	-

4.b. Use-Specific Standards for Certain General Commercial Uses.

(i) Convenience Lending. Convenience lending may be approved in the C-N, C-C, C-H52, and C-E zoning districts if it is demonstrated that:

(1) Such uses are spaced not less than 1,320 feet from each other and from pawnbroker uses, measured from principal entrance to principal entrance; and

(2) The applicable residential protection standards of Subsection (12) of this Section are met.

(ii) Natural Medicine Businesses and Natural Medicine Healing Centers. Natural Medicine Businesses and Natural Medicine Healing Centers may be approved in BLI and I zones if it is demonstrated that:

(1) The proper licenses through the State of Colorado have been obtained.

(2) Distance from other uses is met:

a) Natural Medicine Businesses and Natural Medicine Healing Centers shall comply with the residential protection standards found in the Town's Land Use Code; and

b) No Natural Medicine Business or Natural Medicine Healing Center shall operate out of a building that is within two hundred and fifty (250) feet of a child care center; preschool; elementary, middle, junior or high school; or a residential child care facility (collectively "school");

(3) Security:

a) All Natural Medicine Businesses shall have a security plan for the security and/or surveillance of the Natural Medicine Healing Center and for the secure storage of natural medicine and natural medicine products approved by the State of Colorado Natural Medicine Division and shall provide the plan to the Town prior to beginning operation, and shall provide any updated plans to the Town within ten (10) business days.

b) Window bars are required for all external windows in a Natural Medicine Business, except for Natural Medicine Healing Centers.

c) All Natural Medicine Businesses shall have a video surveillance system that provides coverage of all facility entrances and exits.

d) All surveillance recordings shall be retained for a minimum of sixty days and shall be in a digital format that can be easily accessed for viewing and that ensures authentication of the recording as being legitimately captured without alterations.

e) In addition to maintaining surveillance recordings in a locked area on the licensed premises, a copy of the surveillance recordings must be stored at a secure off-site location or through a network "cloud" service that provides on-demand access to the recordings. The off-site location or network service provider shall be included in the security plan

submitted to the Town and updated within seventy-two hours of any change to the location or provider.

f) Video surveillance records and recordings must be made available immediately upon request of the state licensing authority, local licensing authority, or Town police department.

g) If video surveillance or storage equipment becomes inoperable, or storage network service becomes disabled, the Natural Medicine Business or Healing Center shall cease all transactions and require all patrons to exit the building until the equipment or network service is made operable.

h) All Natural Medicine Businesses and Healing Centers shall have a security alarm system that provides coverage of all facility entrances and exits, rooms with exterior windows, rooms with interior walls or walls shared with other building tenants, roof hatches, skylights, and storage rooms containing safes or vaults.

(4) Hours of operation of Natural Medicine Businesses and Natural Medicine Healing Centers are restricted to 7:00 a.m. to 7:00 p.m.:

(5) All doorways, windows, and other opening shall be located, covered, or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area;

(6) Primary entrances, parking lots, and exterior walkways shall be clearly illuminated with security lights to provide after-dark visibility for facilitators, participants, and employees. Lighting shall be compliant with section 2.19 of the Land Use Code;

(7) All storage for Natural Medicine Businesses and Natural Medicine Healing Centers shall be located within a permanent building and may not be located within a trailer, tent, or motor vehicle;

8) All storage of regulated natural medicine and regulated natural medicine product shall be in a secured and locked container. Cultivation facilities shall ensure that any natural medicine under cultivation is kept in an enclosed locked area.

(9) Natural Medicine Businesses and Natural Medicine Healing Centers shall use an air filtration and ventilation system designed to ensure that any odors from natural medicine and natural medicine products are confined to the premises and are not detectable beyond the property boundaries on which the facility is located;

(10) Natural Medicine Businesses and Natural Medicine Healing Centers shall provide secure disposal of natural medicine and natural medicine product remnants or by-products. Natural medicine and natural medicine product remnants or by-products shall not be placed within the facilities' exterior refuse container;

(11) The processing of natural medicine or natural medicine product that includes the use of hazardous materials, including, without limitation, and by way of example, flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited; and

(12) The disposal of, discharge out of or from, or flow from any facility associated with natural medicine or natural medicine product, any foul or noxious liquid or substance of any kind whatsoever, including, without limitation, by-products of the natural medicine process, into or upon any adjacent ground or lot, into any street, alley or public place, or into any municipal storm sewer and/or system in the Town is prohibited.

(13) Legal Nonconforming Use. Any person who is the owner and/or operator of an existing business within the Town and is seeking to expand that business in that location by operating a Natural Medicine Healing Center may apply to the Town for an exemption from the distance restrictions set forth in Section 3.4.12.c. and/or the distance restriction set forth in Section 3.4.4.b.(ii).2.b. if such person:

a) Submits information in a form reasonably acceptable to the Town demonstrating that such person:

- i. Has filed an application for a Natural Medicine Healing Center license with the State of Colorado Natural Medicine Division and any other required State licensure; and
- ii. Has employed or contracted with, or will employ or contract with at least one natural medicine facilitator licensed by the State of Colorado Natural Medicine Division; and

b) Submits information in a form reasonably acceptable to the Town demonstrating that such person:

- i. Has been issued a valid Natural Medicine Healing Center license by the State of Colorado Natural Medicine Division; and
- ii. Is currently employing or contracting with at least one natural medicine facilitator licensed by the State of Colorado Natural Medicine Division.

c) No person may commence the operation of a Natural Medicine Healing Center under an exemption granted pursuant to this section unless and until each of the requirements of this section have been met and such person has submitted a diagram or map of the physical location of the Natural Medicine Healing Center to the Town.

d) For purposes of this section, a Natural Medicine Healing Center that is granted an exemption by the Town pursuant to this section shall be considered a legal nonconforming use within the meaning of Section 1.15 of the Land Use Code, and shall be subject to restrictions governing continuance of a nonconforming use set forth in Section 3.6 of the Land Use Code.

(iii) Pawnbroker.

(iv) Retail Sales and Services.

* * *

Table 3-12. Residential Protection Spacing Standards

Land Use Category/ Land Use	Required Spacing From...		
	R-E, R-1, R-2, R-3, R-MH1, and R-MH2 zoning district boundaries	Existing or approved residential uses in...	
		C-E zoning district	All Other Zoning Districts
Hospitality, Recreation, and Entertainment Uses			
Adult-Oriented Use	1,000 ft.	1,000 ft.	1,000 ft.
Bar, Tavern, or Nightclub	250 ft.	250 ft.	N/A
Indoor Firing or Gun Range	250 ft.	250 ft.	250 ft.
Outdoor Commercial Amusement	500 ft.	500 ft.	N/A
Outdoor Firing or Gun Range	1,000 ft.	1,000 ft.	1,000 ft.
Outdoor Stadium, Arena, Amphitheater, or Drive-In Theater	1,000 ft.	N/A	N/A
Race Track	1,000 ft.	1,000 ft.	1,000 ft.
Restaurant With Drive- In or Drive-Through Facilities	250 ft.	250 ft.	N/A
Zoo	1,000 ft.	1,000 ft.	1,000 ft.
General Commercial Uses			

Convenience Lending	250 ft.	250 ft.	N/A
<u>Natural Medicine Business</u>	<u>250 ft</u>	<u>250 ft</u>	
<u>Natural Medicine Healing Center</u>	<u>250 ft</u>	<u>250 ft</u>	
Pawnbroker	250 ft.	250 ft.	N/A
Retail Sales and Services – Liquor Stores	250 ft.	250 ft.	N/A
Retail Sales and Services – Outdoor Sales	250 ft.	250 ft.	N/A

September 12, 2024

Hi, My name is Cheryl Detwiler.

I've been a resident of Frederick for 58 years.

My family started immigrating to this small town back in 1939. This is home, always will be.

I've work for the DA's office; I have for 34 years. What I enjoy most about this work is working with Law Enforcement. Working with the public, serving others.

My family roots are all in Colorado. I can't imagine living in any other state. The beauty of the outdoors, the changing of the seasons... the memories of my childhood. My son lives in the home I grew up in. I get to watch him raise him children in the same home I grew up in, and my parents helped me raise him in. This is home.

I appreciate the planning commission reviewing regulation to keep the community safe.

However, increasing oil and gas regulations we have to take a real look at how that can impact the way of living in this area. The harm it has done to our community financially, the challenges it has cause by escalating costs. Our way of life has been impacted tremendously ... we've got to stop and take a real look at what is going on around us. My son has recently told me he will be relocating to AZ because he and his family cannot get ahead out here. This means he is taking my first Grandchild away from me.... This is the reality of burdensome regulations on a crucial industry.

As a lifelong resident of Frederick, I urge the planning commission to increase transparency with the public when it comes to oil and gas regulations.

Sincerely,

Cheryl Detwiler

5846 Canyon Way

Frederick, CO 80504

Dear Mayor Crites and Trustees,

As a constituent who lives in Frederick and works in oil and gas, I'm writing to you to ask you to please don't stop oil and gas operations in the Town of Fredrick through over-regulation. I'm proud to work in this industry! It supports my family and allows us to patronize local businesses in our town as well as helps keep energy cost low and for other Coloradans.

We're fortunate to live in Colorado where we have an abundant supply of natural resources and as an industry, we are committed to being good stewards of the environment and operating with safety and respect for our neighbors. Colorado is widely known for having amongst the cleanest oil and natural gas molecules in the world produced under some of the country's strongest regulations. In addition, the oil and natural gas industry provides significant funding to local governments like Frederick and the loss of this revenue would severely impact our local budget and threaten the livelihoods of working families. Please stand with me and my family and continue to allow safe and responsible oil and gas operations in Frederick.

Thank you for your time,

Paige Lindbloom

STAKEHOLDER RELATIONS

Office: 720.929.4573 | Response Line: 866.248.9577 | Denver

Zero In™ at oxy.com

[LinkedIn](#) | [YouTube](#) | [Instagram](#) | [Facebook](#)

I am Rose Naukam

My family moved to Colorado in 1959, grew up here, married into the Air Force, 1973, moved, came back a few times, then came back to stay in 1987.

Like many others, I have a lot of allergies, and asthma; however, not just pollutants cause suffering. Pollen, dust, smoke, anything burning, causes symptoms. Most of which are just a part of life.

I was a lab tech in an environmental lab for several years, in the early 90's. our hazardous materials limits were measured in parts per million, so I see now that pollution limits are in ppb, parts per billion, in other words, 1,000 times lower concentration, than thirty years, even 20 years ago.

I believe that this new standard is so low that the measured amounts of pollution are not a significant hazard to the environment.

To protect the people, the economy, the desirable flow of goods and services, we must stay with the regulations as they are, and just continue to follow them. Anything anyone does anywhere can affect the entire country.

Gas and oil production in this country, enables life to carry on, comfortably, inexpensively, and healthfully!

All politicians, must remember; Of the people, by the people, and for the people.

I urge the planning commission to increase transparency with the public when it comes to oil and gas regulation.

Hello, my name is Edward Stephenson, I have been a resident of Colorado for 25 years, with 4 of the last ones being in Frederick. My spouse has been a lifelong resident of the area for 40 plus years.

While Frederick has done a good job attracting a diverse palette of businesses, we must not forget our business partners in oil & gas. I have many friends in this industry. These jobs provide good paying jobs and stimulate the local economy.

Over regulation creates job loss and can depress the local economy, creates housing values to decrease and withdrawals spending in the local businesses.

Colorado is one of the most regulated states when it comes to oil and gas, there is no need to further regulate this industry at the local level. Time and resources could be better utilized focusing on other issues that the community needs, such as infrastructure and attracting more businesses.

I appeal to you to work with both sides on the issue.

Respectfully,

Edward Stephenson

Hello,

My name is Jesse Coonce, and I have lived in Colorado for 34 years. I originally grew up in the foothills of boulder and I belong to a group of people who cannot afford to live in the towns that they grew up in.

Growing up, my family was in the construction industry and built/remodeled homes in the Boulder area. As I got older, the city began to add more fees, and made the entire permitting process more difficult to navigate, and even costlier to participate. This forced our hand to drastically raise costs for clients and puts an even tighter squeeze on a limited housing market.

As a business owner, I find it difficult to keep up with more regulations year after, and keeping up with changes in the tax system is already difficult enough for small business owners. In my line of work, I drive from client to client servicing their needs, and disruptions in the cost of energy, greatly reduce my ability to provide customers with the best prices.

Additionally, I have concerns with regulations on oil and gas, permeating into other industries like construction, especially with the amount of homes Colorado needs to build. I urge the Planning Commission to involve all parties when making decisions on potential regulations, and give all stakeholders a voice in this process.

Sincerely

Jesse Coonce

Hello,

My name is David Pickett, and I have lived in Frederick for 17 years. As a Colorado native, and having grown up in Louisville, I decided it was time to move our expanding family where we could afford to have a larger home and yard. This led us to move east and north, into Weld County, to this affordable, charming small town.

Over the decade and a half we've been here, I have seen the benefits that the oil and gas industry brings to Weld County. We have mostly great roads, great public servants, freedom, and I love the overall quality of life. My family has made the decision to homeschool our children, but it is comforting to know that the schools are very well funded and provide many options.

Our favorite restaurant in town is Georgia Boys BBQ. I drive by frequently and can't help but notice, that during lunch-time the streets are full of trucks that service the oil and gas industry. What a great boost to our little downtown restaurants! I am a Realtor, and over the years have seen the path to home ownership become much more difficult. People are struggling to keep up with inflation, and everyone's bills are becoming overwhelming. I have concerns that people who have lived here their entire lives are being priced out of the market and they will be unable to upgrade or even down-size their home when the need arises.

While I appreciate the Town of Frederick looking out for us, there needs to be a balanced discussion on the impacts of oil and gas. Colorado already has the most strict regulations in the nation, and I urge the planning commission to bring all parties to the table, and consider the negative impacts that further regulations would have on the community.

Thank you for your consideration,

David Pickett, REALTOR

303.579.9992

My name is Roger, and have lived in Colorado all my life. I've been in Frederick for 4 years now. My wife and I moved from the western slope to be near family. We enjoy the small town feeling. I urge the planning commission to trust the regulations the State of Colorado has set in place and not over regulate oil and gas.

PCR-2024-07

A Resolution of the Planning Commission

**Recommending Approval of Amendments to the Town of Frederick Land Use Code
Amending Section 1.15, Definitions; Amending Section 3.4, General Commercial Uses; and
Amending Article 9, Oil and Gas Drilling and Production**

Be it resolved by the Planning Commission of the Town of Frederick, Colorado:

- Section 1. The Frederick Planning Commission finds that:
- 1.1 Amendments to the Frederick Land Use Code are needed to meet recent changes to Colorado State Law and changes to community needs and preferences.
 - 1.2 Said amendments generally conform with the applicable requirements of Section 4.7.9.b of the Frederick Land Use Code.
 - 1.3 Said amendments were considered during a public meeting held on October 3rd, 2024, at which time the public was able to provide testimony.
 - 1.4 Proper notice was given according to Section 4.5 of the Frederick Land Use Code.
- Section 2. The Planning Commission's recommendation is based on competent, substantial evidence in the written record and the testimony provided at the public hearing.
- Section 3. On the basis of the above, the Town of Frederick Planning Commission recommends that the Board of Trustees approve the Land Use Code amendments.

This resolution was approved this 3rd day of October, 2024 by a vote of ____ to ____.

Tracy Moe, Chairperson, Planning Commission