

STATE OF COLORADO)
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County of Garfield)

At a special meeting of the Board of County Commissioners for Garfield County, Colorado, held at the Grand Valley Recreation Center (Battlement Mesa) at 398 Arroyo Drive, Parachute, Colorado on Tuesday, the 15th day of December A.D. 2015, there were present:

- John Martin, Commissioner Chairman
- Mike Samson, Commissioner
- Tom Jankovsky, Commissioner
- Tari Williams, County Attorney
- Kelly Cave, Assistant County Attorney
- Jean Alberico, Clerk of the Board
- Kevin Batchelder, County Manager

when the following proceedings, among others were had and done, to-wit:

RESOLUTION NO. 2016-04

A RESOLUTION OF APPROVAL FOR A SPECIAL USE PERMIT, PIPELINE DEVELOPMENT PLAN AND GRADING PLAN FOR A 2.5 MILE LONG 12 TO 16 INCH NATURAL GAS PIPELINE CO-LOCATED WITH TWO 8 INCH WATERLINES LOCATED IN THE BATTLEMENT MESA PLANNED UNIT DEVELOPMENT, GARFIELD COUNTY

PARCEL NOs# 2407-081-00-152 and 2409-134-06-004

Recitals

A. The Board of County Commissioners of Garfield County, Colorado, "Board" received a request for approval of a Special Use Permit, Pipeline Development Plan and Grading Plan for a 2.5 mile 12 to 16 inch natural gas pipeline co-located with two 8 inch water lines in the Battlement Mesa Planned Unit Development (PUD) referred to as "Pipelines" hereinafter, as further described in Exhibit A, Site Plan.

B. The Pipelines are to be co-located within a single 25 foot easement crossing two tracts having 15.1 acres and 1,248.87 acres owned by Battlement Mesa Partners and Battlement Mesa Land Investments, respectively within unincorporated Garfield County in the Battlement Mesa PUD.

C. The Board is authorized to approve, deny or approve with conditions a Special Use Permit, Pipeline Development Plan and Grading Plan pursuant to the Garfield County Zoning Resolution of January 2, 1979 (and zoning amendment adopted on October 15, 1979 in Resolution

79-132) and the Garfield County Land Use and Development Code of 2013, as amended.

D. The Planning Commission opened a public hearing on the aforementioned application on September 23, 2015 and continued the public hearing to October 28, 2015. The Planning Commission then closed the public hearing on October 28, 2015, and moved to recommend approval with conditions to the Board of County Commissioners by a vote of 6 to 1.

E. The Board of County Commissioners opened a public hearing on the 15th day of December, 2015 for consideration of whether the proposed Special Use Permit should be granted or denied, during which hearing the public and interested persons were given the opportunity to express their opinions regarding the request. This public hearing was continued to both December 16th and December 17th, 2015.

F. The Board of County Commissioners closed the public hearing on the 17th day of December, 2015 to make a final decision.

G. The Board of County Commissioners, on the basis of substantial competent evidence produced at the aforementioned hearing, has made the following determinations of fact:

1. That proper public notice was provided as required for the hearing before the Board of County Commissioners.
2. The hearing before the Board of County Commissioners was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at that hearing.
3. That for the above stated and other reasons the proposed Special Use Permit for a natural gas pipeline, Pipeline Development Plan and Grading Plan for Battlement Mesa Land Investments and Battlement Mesa Partners (Surface Owner) and Ursa (Minerals Lessee & Operator) is in the best interest of the health, safety, and welfare of the citizens of Garfield County.
4. That with the adoption of Conditions of Approval, the application is in general conformance with the 2030 Comprehensive Plan, as amended.
5. That with the adoption of the Conditions of Approval the application has adequately met the requirements of the Garfield County Zoning Resolution of January 2, 1979 (and zoning amendment adopted on October 15, 1979 in Resolution 79-132) and the Garfield County Land Use and Development Code of 2013, as amended.



RESOLUTION

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Garfield County, Colorado, that:

- A. The forgoing Recitals are incorporated by this reference as part of the resolution.
- B. The Special Use Permit, Pipeline Development Plan and Grading Plan for a 2.5 mile 12 to 16 inch natural gas pipeline co-located with two 8 inch water lines in the Battlement Mesa Planned Unit Development is hereby approved subject to compliance with the following conditions:
 - 1. That all representations of the Applicant, either in testimony or the submitted application materials, shall be considered conditions of approval unless specifically altered by the Board of County Commissioners.
 - 2. That the Pipeline shall be operated in accordance with all applicable Federal, State and local regulations governing the operation of this type of facility.
 - 3. Prior to issuance of the Special Use Permit, the Applicant shall provide additional operational procedures for monitoring protocol for the pipeline for leak or spill detection. Said procedures will be included in the Emergency Response Plan or as an addendum to said plan. The Applicant shall comply with all provisions of the SPCC Plan including spill response and clean-up.
 - 4. Prior to construction, the Applicant shall provide copies of any permits required by the Army Corps of Engineers.
 - 5. Prior to issuance of the Special Use Permit, the Applicant shall provide security in a form acceptable to the County Attorney's Office in the amount of \$32,500 for re-vegetation. The Applicant shall comply with the representations in their Weed Management Plan and shall comply with the Reclamation Standards contained in the Garfield County Weed Management Plan as noted in the referral comments from the County Vegetation Manager dated September 11, 2015.
 - 6. The Applicant shall coordinate with the County Road and Bridge Department during construction including field inspections as needed to ensure that minimum pipeline depths are maintained and to ensure construction is done in a manner that maintains current drainage along County Roads and avoids conflicts with future drainage. Prior to initiating construction the Applicant shall obtain all required permits from the Road and Bridge Department. Compliance with all conditions of the Road and Bridge permits shall be required. The Applicant shall be responsible for repair of any damage to roadways or curbs.



7. Prior to initiating construction the Applicant shall submit for approval by the Road and Bridge Supervisor traffic control plans including areas adjacent to the County Road Right of Way, construction access points, proposed bore locations and potential road cuts or the Applicant can demonstrate that traffic control plans are addressed in the applicable Road and Bridge Permits.
8. The Applicant shall provide plans signed by an engineer for the proposed pipeline. Upon completion, the Applicant shall install posts/markers along key sections of the pipeline indicating depth to the pipeline. In accordance with Section 9-103 (J), upon completion of the pipeline the Applicant shall submit an engineer's statement certifying compliance with the conditions of the Land Use Change Permit and a digital copy of the surveyed pipeline as built.
9. The pipeline shall maintain compliance with CDPHE Storm Water Management Permits, Drainage and Soil Erosion Protection, BMP's, Reclamation and Re-vegetation Plans, and Weed Management Plans.
10. The Applicant shall comply with all COGCC rules and regulations regarding the pipeline facility including but not limited to reclamation and decommissioning.
11. The Applicant shall maintain compliance with COGCC Rules and Regulations in regards to noise abatement and C.R.S. Article 12 of Title 25, noise standards as appropriate. Any pumping stations required for operation of the pipeline shall utilize electric pumps or muffled internal combustion motors.
12. The Applicant shall maintain all required CDPHE permits for the facility including any applicable air quality APEN permits.
13. The Applicant shall comply with the Battlement Mesa Wildlife Mitigation Plan - Agreement between Ursa Operating Company and Colorado Division of Parks and Wildlife including any wildlife protection or mitigation requirements. The Applicant shall comply with recommendations of the Sensitive Areas Survey completed by WestWater Engineering Inc. dated June 2015, including but not limited to weed management, re-vegetation, avoiding construction during nesting seasons, and temporary safety fencing for open trenches as needed.
14. Potable water and sanitation shall be addressed during construction by provision of portable facilities in compliance with OSHA requirements.
15. The Operator shall commit to ensuring truckloads of dirt, sand, aggregate materials, drilling cuttings, and similar materials are covered to reduce dust and Particulate Matter (PM) emissions during transport.

16. The construction of the Pipeline shall be limited to the hours of 7:00AM to 7:00PM, Monday through Saturday. If inclement weather conditions or field conditions require schedule changes, construction may occur on Sundays to meet construction schedule. Ursa will notify Garfield County and affected residents if Sunday work is necessary.

17. All extraction and processing activities shall be required to comply with the following performance standards:
 - (1) Volume of the sound generated: The noise shall be required to meet the standards in COGCC Rule 800 Series.
 - (2) Vibration generated: every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the property on which the use is located;
 - (3) Emissions of smoke and particulate matter: every use shall be so operated so as to comply with all Federal, State and County air quality laws, regulations and standards;
 - (4) Emission of heat, glare, radiation and fumes: every use shall be so operated that it does not emit heat, glare, radiation or fumes which substantially interfere with the existing use of the adjoining property or which constitutes a public nuisance or hazard. Flaring of gases, aircraft warning signals, reflective painting of storage tanks, or other such operations which may be required by law as safety or air pollution control measures shall be exempted from this provision;
 - (5) Storage area, salvage yard, sanitary land-fill, and mineral waste disposal areas:
 - (a) Storage of flammable, or explosive solids, or gases, shall be in accordance with accepted standards and laws and shall comply with the National Fire Code;
 - (b) At the discretion of the Board of County Commissioners all outdoor storage facilities for fuel, raw materials and products shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property;
 - (c) No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property by any reasonable foreseeable natural causes or forces;
 - (d) All materials or wastes which might constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors in accordance with applicable State Board of Health Regulation;
 - (6) Water pollution: in a case in which potential hazards exist, it shall be necessary to install safeguards designed to comply with the Regulations of the

Environmental Protection Agency before operation of the facilities may begin.

18. The Operator shall provide information to the residents of Valley View Village prior and during construction to inform them of their plans, timing, and what to expect during the construction portion adjacent to their homes. More specifically, the Operator shall meet with HOA Presidents or appropriate neighborhood representatives.
19. Prior to the issuance of a Special Use Permit, the Applicant shall address the comments prepared by Garfield County Consulting Engineer, Chris Hale, Mountain Cross Engineering:
 - a) The Applicant should include fittings or transition necessary to transition from a 12" pipe to a 16" pipe at station 47+00.
 - b) There are two horizontal bends proposed in an area of pipeline that is proposed to be bored beneath Stone Quarry Road, station 59+37 to station 61+87. The Applicant should discuss the feasibility of constructing 45° and 87° bends in borings.
 - c) The Applicant should provide a detail for the proposed valve sets, and any pipeline maintenance structures and pressure relief valves shall be constructed such that nuisance issues are guarded against for nearby residents.
 - d) The typical trench section should be revised to match the Garfield County conditions for pipeline installations. The note on the cover should be revised to reference these conditions also.
20. The "Integrated Vegetation and Noxious Weed Management Plan" prepared by West Water Engineering identified locations along the pipeline that had riparian areas and wetlands. The Applicant should identify if any permitting was obtained and/or necessary and the mitigation that was implemented. Specific construction mitigation necessary should be included on the plan sheets.

Dated this 4th day of January, A.D. 20 16.

ATTEST:

Jean M Alberico
Clerk of the Board



GARFIELD COUNTY BOARD OF
COMMISSIONERS,
COUNTY, COLORADO

[Signature]
Chairman



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Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

COMMISSIONER CHAIR JOHN F. MARTIN _____, Aye
COMMISSIONER MIKE SAMSON _____, Aye
COMMISSIONER TOM JANKOVSKY _____, Aye

STATE OF COLORADO)
)ss
County of Garfield)

I, _____, County Clerk and ex-officio Clerk of the Board of County Commissioners, in and for the County and State aforesaid, do hereby certify that the annexed and foregoing Resolution is truly copied from the Records of the Proceeding of the Board of County Commissioners for said Garfield County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Glenwood Springs, this ____ day of _____, A.D. 20 ____.

County Clerk and ex-officio Clerk of the Board of County Commissioners

Exhibit A: Site Plan

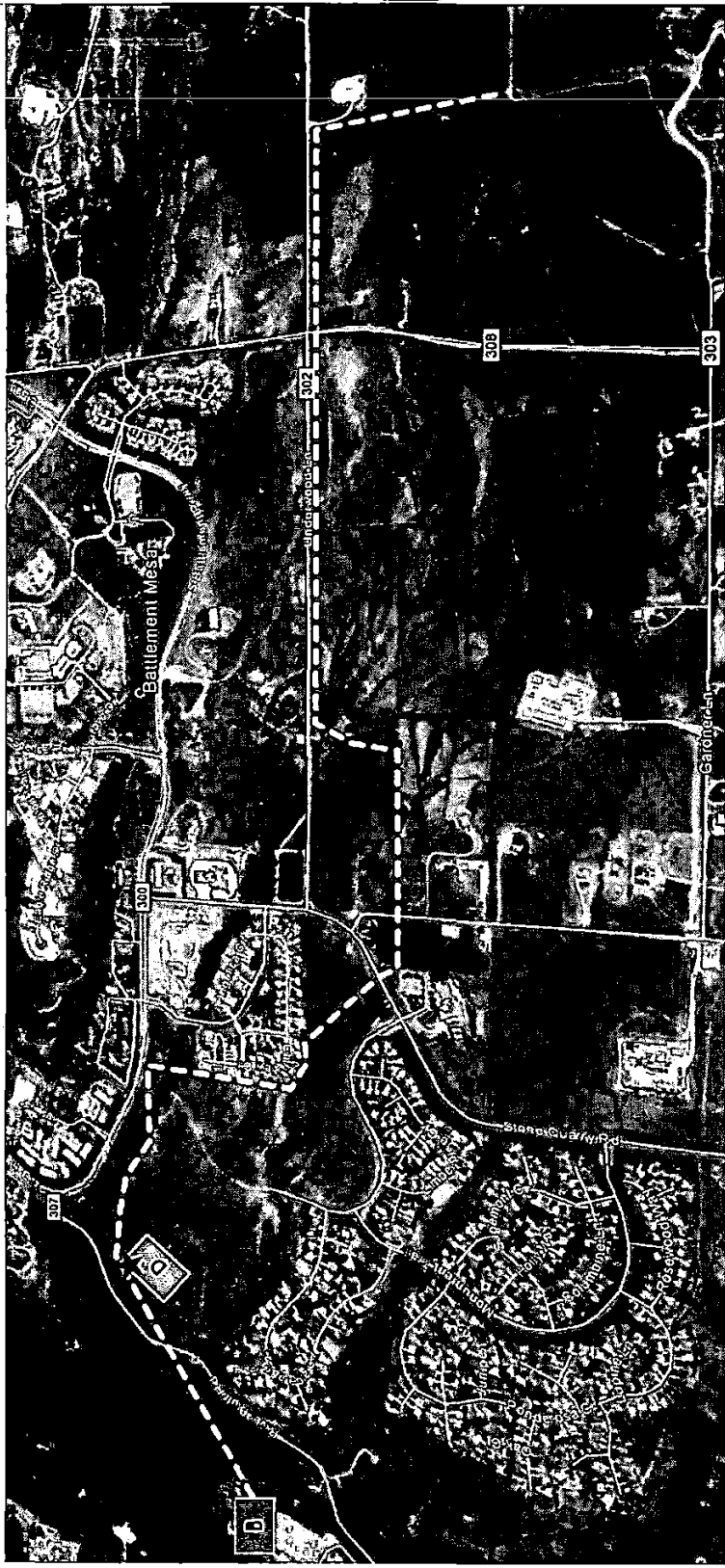


Exhibit B: Legal Description

The Battlement Mesa PUD Phase I Pipeline (Pipeline) will begin at the proposed B well pad located approximately in the Battlement Mesa Planned Unit Development (PUD) off of County Road (CR) 307 in the SW ¼ of the NW ¼ of Section 18, Township 7 South, Range 95 West of the 6th P.M. and continuing northeast to the proposed D well pad then south and east through section 17 to the tie-in point in the SE ¼ of the SE ¼ of Section 17, Township 7 South, Range 95 West of the 6th P.M. south of CR 302. The entire Pipeline route is within the PUD.

Section: 8 Township: 7 Range: 95 ALL THAT PROPERTY LOCATED IN SEC 5, 6, 7, 8, 9, 10, 16, 17, 18, 19 IN 7-95. ALSO THAT PROPERTY LOCATED IN SEC 13 & 24 7-96 ALL WITHIN THE BATTLEMENT MESA PUD. EXCEPT A TR CONT 6.20 AC DESC IN REC #502259. EXCEPT TOWN CENTER FL #5 AS DESC IN REC #513419 CONT 22.370 AC. ALSO A TR OF LAND CONT 18.574 AC +/- AS DESC IN BNDY LINE ADJ BK 1703/327, 330 EXCEPT A TR OF LAND CONT. 37.65 AC +/- AS DESC ON THE FINAL PLAT, STONE QUARRY COMMONS, A RE-SUB OF LOTS 5-1 & 5-2 OF BATTLEMENT MESA PUD REC #691907. EXCEPT A TR OF LAND CONT 35.461 AC +/- AS DESC IN WD BK 1877/16 EXCEPT A TR OF LAND CONT 35.33 AC +/- AS DESC IN SWD BK 1947/706. EXCEPT A TR OF LAND CONT. 11.81 AC +/- AS DESC IN THE TOWN CENTER, FLG #6, BATTLEMENT MESA PUD, REC # 743233 & GWD #743971. EXCEPT FOR 6 TRACTS OF LAND - PARCEL 1, 57.68 AC +/-; PARCEL 2, 76.26 AC +/-; PARCEL 3, 52.80 AC +/-; PARCEL 6, 35.67 AC +/-; PARCEL 7, 56.17 AC +/- AND OLD HIGH SCHOOL PARCEL, 41.35 AC +/- AND DESC IN SWD REC #740298, & TOTALING 319.93 AC +/-

Project Description: This is a Special Use Permit application, Pipeline Development application & Grading Permit application for a 12 to 16 inch steel natural gas pipeline to be collocated with two 8 inch high density polyethylene water lines to serve the proposed B and D well pads in the Battlement Mesa PUD. The total pipeline length is 2.5 miles located in a 25 foot easement with a total disturbance during construction of 13 acres. General proposed pipeline alignment is shown below: