



Reception#: 817595
04/20/2012 09:48:17 AM Jean Alberico
1 of 7 Rec Fee:\$0.00 Doc Fee:0.00 GARFIELD COUNTY CO

STATE OF COLORADO)
)ss
County of Garfield)

At a regular meeting of the Board of County Commissioners for Garfield County, Colorado, held in the Commissioner's Meeting Room, Garfield County Plaza Building, 108 8th Street, in Glenwood Springs, Colorado, on Monday the 2nd day of April, 2012 there were present:

John Martin, Commissioner Chairman
Mike Samson, Commissioner
Tom Jankovsky, Commissioner
Andrew Gorgey, County Attorney, Acting County Manager
Carey Gagnon, Assistant County Attorney
Jean Alberico, Clerk of the Board

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

RESOLUTION NO. 2012-26

A RESOLUTION CONCERNED WITH THE APPROVAL OF A LAND USE CHANGE PERMIT, FOR A MAJOR IMPACT REVIEW FOR A MATERIAL HANDLING AND SOLID WASTE TRANSFER FACILITY LOCATED APPROXIMATELY 11 MILES NORTH OF PARACHUTE AND TWO MILES NORTHEAST OF THE END OF COUNTY ROAD 215 ON PROPERTY OWNED BY ENCANA OIL AND GAS (USA) INC., GARFIELD COUNTY (FILE NO. MIPA-7066)

PARCEL NO. 2135-273-00-015

Recitals

A. The Board of County Commissioners of Garfield County, Colorado, received an application from Encana Oil and Gas (USA) Inc. (the “Applicant”) for a Land Use Change Permit - Major Impact Review for a Material Handling and Solid Waste Transfer Facility.

B. The site consists of 1.49 acres of which approximately 0.5 acres will be developed. The site is part of an overall property of approximately 26,442 acres.

C. The site is located within the SE¼ NE¼ of Section 29, T5S, R95W and further

at

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described in Exhibit "A" and the attached Site Plan, Exhibit "B".

D. The subject property is located within the Resource Lands Zone District and a Land Use Change Permit for Material Handling and Solid Waste Transfer requires approval through a Major Impact Review Process by Garfield County.

E. The Board of County Commissioners is authorized to approve, approve with conditions, or deny a Land Use Change Permit for a Material Handling and Solid Waste Transfer Facility pursuant to Sections 1-301 and 4-106 of the Garfield County Unified Land Use Resolution of 2008, as amended ("ULUR").

F. The Garfield County Planning Commission opened a public hearing on March 14, 2012, upon the question of whether the Land Use Change Permit application for a Material Handling and Solid Waste Transfer Facility should be approved, approved with conditions, or denied, during which hearing the public and interested persons were given the opportunity to express their opinions regarding the application.

G. The Garfield County Planning Commission closed the public hearing on March 14, 2012, and forwarded a recommendation of approval with conditions to the Board of County Commissioners.

H. The Board of County Commissioners opened a public hearing on April 2, 2012, upon the question of whether the Land Use Change Permit application for a Material Handling and Solid Waste Transfer Facility should be approved, approved with conditions, or denied, during which hearing the public and interested persons were given the opportunity to express their opinions regarding the application.

I. The Board of County Commissioners closed the public hearing on the 2nd day of April, 2012, to make a final decision.

J. 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. That the public hearing before Board of County Commissioners was extensive and complete; all pertinent facts, matters and issues were submitted; and that all interested parties were heard at those hearings.
3. That for the above stated and other reasons, the Land Use Change Permit for a Material Handling and Solid Waste Transfer Facility is in the best interest of the

health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County.

4. That the application, if all conditions are met, will be in conformance with the applicable Sections of the Garfield County Unified Land Use Resolution of 2008, as amended.

RESOLUTION

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

- A. The foregoing Recitals are incorporated by this reference as part of the resolution.
- B. The Land Use Change Permit, MIPA-7066, to allow a Material Handling and Solid Waste Transfer Facility as generally depicted on Exhibit "B" is hereby approved subject to compliance with the following conditions:
 1. That all representations made by the Applicant in the application, and at the public hearing before the Planning Commission shall be conditions of approval, unless specifically altered by the Board of County Commissioners;
 2. The operation of this facility and any future amendments shall be done in accordance with all applicable Federal, State and Local regulations governing the operation of this type of facility.
 3. The Applicant shall maintain compliance with the provisions of the Unified Land Use Resolution of 2008 including but not limited to 7-810, Standards for Industrial Uses.
 4. The Applicant shall comply with their weed management plan and the recommendations of the County Vegetation Manager including protection of sensitive plant species by restricting construction activities to the south side of the detention pond on the north side of the site and compliance with dust control plans.
 5. Prior to construction activity on the site the Applicant shall provide documentation of Colorado Department of Public Health (CDPHE) Air Pollution Control Division approval of the facility as either being permit exempt or by issuance of any required permits. The Applicant shall submit to the County, CDPHE compliance documentation within 6 months of the start of operation, in accordance with CDPHE procedures for AIRS ID assignment.
 6. The Applicant shall comply with all COGCC and DOT (Department of Transportation) transportation standards.

7. The site shall be maintained in accordance with dust management plans for Encana's North Parachute Ranch property with particular care exercised to manage dust during construction activities.
8. The "bypass roadway" north of the site shall maintain an adequate width pursuant to Encana operations plans/standards, for on-site operations to be conducted without conflicting with drive through traffic.
9. Potable water will be provided on site for employees as bottled water and a portable toilet will be provided as shown on the site plan.
10. The containment bins shall be painted with non-reflective paint in neutral colors to reduce glare and mitigate any visual impacts.
11. The Applicant shall implement all storm water management improvements as represented in the Application and contained in the Stormwater Management Plan, including Best Management Practices. The Applicant shall provide a barrier or additional berms on the north side of the site to restrict access into areas of native vegetation and avoid drainage and related debris from impacting the site and adjacent roadway.
12. Monitoring wells as proposed shall be required to assess any impacts on ground water. Should impacts be discovered the Applicant shall cease operation of the facility until all remediation as required by Federal, State, and Local regulations including the COGCC are completed and corrective operational measures implemented to prevent reoccurrence.
13. The Applicant shall comply with and update as necessary the Piceance Emergency Response Guide to include the proposed facility. The facility shall be maintained and operated to minimize safety concerns and potential for wildfire including weed control, separation from native vegetation, and heat and spark mitigation on equipment.
14. Prior to operation of the facility the Applicant shall provide documentation of final approvals from the COGCC associated with their Rule 908 review.
15. Installation of the facilities shall be done in accordance with applicable engineering specification including manufacturers/fabricators recommendations for the steel containment bins.

Dated this 16th day of April, A.D. 2012.

ATTEST:



GARFIELD COUNTY BOARD OF
COMMISSIONERS,
COUNTY, COLORADO

Jean M Alberico
Clerk of the Board

[Signature]
Chairman

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"

ENCANA NORTH SOLIDIFICATION FACILITY

Legal Description: Section: 27 Township: 5
Range: 96 SEC 2 LOT 4(NET 27.16A) ALSO ATR
IN SEC 2&11 CONT 341.07A SEC 3 S2NE,
S2NW, S2 LOT 1(40.82A) 2(40.69A) 3(40.57A)
4(40.44A) SEC 4 S2NE, S2NW, S2, LOT
1(40.33A) 2(40.21A) 3(40.11A) 4(39.99A) SEC 5
S2NE, S2NW, S2 LOT 1(39.80A) 2(39.52A)
3(39.24A) 4(38.96A) SEC'S 8,9,10 ALL SEC 14
W2NE, NW, S2 SEC 15 W2NE, NENE, NW, S2
SEC 16 ALL SEC 17 E2 SEC'S 21,22,23,24 ALL
SEC 25 TR 37(107.06A) LOTS 1(37.84A)
2(37.42A) 6(6.55A) 7(11.27A) N2NE, W2, SWSE
SEC'S 26,27,28 ALL SEC 33 N2NE, NENW,
E2NWNW SEC 34 NE, N2NW, SENW SEC 35 N2
SEC 36 N2. & PT OF THE SE(NET 116.68A) EX-
CEPT A PT ALONG THE C/L OF PARA. CRK. TO
POB CONT 43.32A SEC 15- 5-95 A PT OF SEC
15 CONT 467.62A SEC 16 ALL THAT PT LYING S
OF SOUTHERN MOST MAHOGANY MARKER
CONT 386A SEC 17 S2S2, THAT PT OF THE
N2S2 LYING S OF THE SOUTHERN MOST
MAHOGANY MARKER CONT 41A SEC 19 E2,
LOTS 1(40A) 2(40A) 3(21.41A) 4(21.42A) 5 (40A)
6(40A) 7(40A) 8(40A) 9(21.44A) 10(21.45A)
11(40A) 12(40A) SEC'S 20,21,22,27,28,29 ALL
SEC 30 E2 LOTS 1(40A) 2(40A) 3(21.49A)
4(18.78A) 6(40A) 7(40A) 8(40A) 9(40A)
10(14.95A)

