

BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO

TUESDAY, AUGUST 28, 2018

At the regular meeting of the Board of County Commissioners for Arapahoe County, Colorado held at the Administration Building, 5334 South Prince Street, Littleton, Colorado on Tuesday, the 28th day of August, 2018, there were present:

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|--------------------------------------|---------------------------------|---------------------------|
| Jeff Baker, Chair | Commissioner District 3 | Present |
| Kathleen Conti, Chair Pro-Tem | Commissioner District 1 | Present |
| Nancy Sharpe | Commissioner District 2 | Present |
| Nancy Jackson | Commissioner District 4 | Present |
| Bill Holen | Commissioner District 5 | Present |
| Ron Carl | County Attorney | Present |
| Matt Crane | Clerk to the Board | Absent and Excused |
| Joleen Sanchez | Asst. Clerk to the Board | Present |

All draft resolutions hereto presented to the Board, as may have been modified by Board review, are contained herein in final form as approved by the Board.

RESOLUTION NO. 180536 It was moved by Commissioner Conti and duly seconded by Commissioner Holen to authorize the Chair to execute the "Professional Services Agreement" by and between the Board of County Commissioners and Keller Rohrback L.L.P., for purposes of obtaining legal services to pursue litigation against the manufacturers and distributors of prescription opioids, subject to approval as to the form of the agreement by the County Attorney's Office.

The vote was:

Commissioner Baker, Yes; Commissioner Conti, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 180537 It was moved by Commissioner Conti and duly seconded by Commissioner Holen to adopt the following Resolution:

WHEREAS, the Board of County Commissioners of Arapahoe County met at a duly and lawfully called meeting held on Tuesday, August 28, 2018; and

WHEREAS, the Board has determined to take final action on this Petition for Abatement or Refund of Taxes pursuant to Sections 39-1-113 and 39-10-114, C.R.S. as submitted by the Petitioner; and

Note: Other Resolutions on pp 2-7 have been omitted.

Commissioner Baker, Yes; Commissioner Conti, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 180545 It was moved by Commissioner Baker and duly seconded by Commissioner Conti to adopt the following Resolution:

WHEREAS, Conoco Phillips, doing business as Burlington Resources (hereafter "Applicant" or "Conoco" or ConocoPhillips), has made application in Case No. AE18-003 for approval of an Administrative Use by Special Review for an Energy Facility, pursuant to Section 12-1900, *et seq.* of the Arapahoe County Land Development Code (LDC), for an oil and gas well permit for the Swan #4-64 6-1 3DH Oil & Gas Well, (Swan Well); and

WHEREAS, Applicant has executed a Memorandum of Understanding (the MOU) with Arapahoe County in accordance with LDC Section 12-1903.01 and, in accordance with LDC Section 12-1903.02, the application and exhibits for the Swan Well satisfy all applicable submittal requirements of LDC Section 12-1900, *et seq.*; and

WHEREAS, the Swan Well is proposed to be located on the following described property in unincorporated Arapahoe County, Colorado, to-wit:

THE SE/4 OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO AS RECORDED AT RECEPTION NO. D4079306; and

WHEREAS, in accordance with LDC Section 12-1908.02, the Director of the Department of Public Works and Development referred the Swan Well application to the Arapahoe County Board of County Commissioners (the Board) for hearing and decision; and

WHEREAS, public notice of said hearing has been properly given by publication on August 2, 2018 in The Villager, a newspaper of general circulation within Arapahoe County, and by publication on August 7, 2018 in the I-70 Scout, a newspaper with circulation in eastern Arapahoe County, as well as by posting of said property, and by mail notification of adjacent property owners in accordance with the requirements of the Land Development Code; and

WHEREAS, pursuant to applicable statute and the Land Development Code, a public hearing was held before the Board at the Arapahoe County Fairgrounds and Regional Park, 25690 E. Quincy Avenue, Aurora, Colorado, on the 28th day of August, 2018, at 6:30 o'clock PM, at which time evidence and testimony were presented to the Board concerning said referred Administrative Use by Special Review request; and

WHEREAS, based on the evidence presented to the Board by the applicant and by the Planning and Engineering Services Division staff, and in consideration of comments from referral

agencies and public and citizen comments presented to the Board at the hearing, as well as any prior written and audio comments presented to the Board and contained in the Record for Case No. AE18-003, the Board finds that the proposed Swan Well is consistent with the Arapahoe County Comprehensive Plan and complies with the submittal and approval criteria required under LDC Section 12-1900; and

WHEREAS, the Board finds that the proposed Swan Well site will be served by adequate fire protection and emergency services as evidenced by the "Will Serve" letter provided by Bennett Watkins Fire Rescue; and

WHEREAS, the Board finds that the Swan Well proposal does not involve any site specific conditions that present significant and material impacts to public health, safety or welfare, or to the environment, that will not be adequately mitigated through operational requirements for well sites that are set forth in the MOU and through the conditions of approval set forth in this Resolution; and

WHEREAS, pursuant to the authority vested unto the Board by Article 20 of Title 29, C.R.S., and Article 28 of Title 30 C.R.S. as amended, the Board concludes that the public health, safety, convenience and general welfare, as well as consistency with State law, justifies granting the referred Administrative Use by Special Review for an Energy Facility for the above described property subject to the conditions and/or stipulations as hereinafter delineated.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County as follows:

1. The Board hereby grants and approves the referred application for an Administrative Use by Special Review for the Swan #4-64 6-1 3DH Oil & Gas Well for the installation, on the above described property, of a pad, one well, four product storage tanks and related appurtenances and equipment as described in the application for Case No. AE18-003, subject to the stipulations and/or conditions of approval set forth in this Resolution.
2. Approval of this referred Administrative Use by Special Review is based upon the following understandings, agreements and/or representations:
 - a. The applicant's assent and/or agreement to make all modifications to the final version of the documents that are necessary to conform the documents to the form and content requirements of the County in existence at the time the documents are submitted for signature.
 - b. The representations, statements and positions contained in the record that were made by or attributed to the applicant and its representatives, including all such statements contained in materials submitted to the Board by the applicant and County staff.
 - c. The applicant's execution of and compliance with the provisions of the MOU in the operation of the Swan Well, which in accordance with LDC Section 12-1910 are deemed to be conditions of approval, and the below stated additional conditions of approval.

3. Approval of this referred Administrative Use by Special Review shall be and is subject to the following stipulations and/or conditions of approval, which the applicant has accepted and which the applicant is also deemed to accept by preparing a final exhibit for signature by the Chairman of the Board of County Commissioners within sixty (60) days of this date and by continuing with the development of the property:
- a. The applicant's compliance with all conditions of approval recommended by the Planning and Engineering Services staff case managers in the written staff report presented to the Board and any conditions stated by staff on the record; and
 - b. The applicant's compliance with all additional conditions of approval stated by the Board, including:
 - 1) Applicant shall conduct its operations in compliance with all material representations in the submittal materials for AE18-003, including but not limited to the approved energy operations plan required by LDC Section 12-1906 and all approved engineering documents required by LDC Section 12-1905.05. All approvals and conditions of approval shall apply to Applicant and to any successor or assignee to the oil and gas facility.
 - 2) Applicant or any successor or assignee shall provide noise mitigation measures at least as effective as those recommended in the Noise Impact Assessment Report prepared by Behrens and Associates Inc. on April 9, 2018, and must meet COGCC requirements.
 - 3) Applicant or any successor or assignee shall construct the Northern Egress Road and shall maintain both the Northern and Southern (already constructed) emergency egress roads at the locations shown on the application plans (or final alignments as approved) to meet or exceed the minimum standards identified by Bennett Watkins Fire Rescue (BWFR) and Arapahoe County Engineering Services Division. Prior to drilling on the Swan pad, the design for the Northern Emergency Egress Road must be approved by BWFR and the County Engineering Services Division and the road must be constructed and inspected by both BWFR and the County Engineering Services Division to ensure that it is constructed according to the approved design. These emergency egress roads shall be maintained and made available by Conoco for emergency community evacuation when and as needed as determined by BWFR and the Arapahoe County Sheriff's Office.
 - 4) The Northern Emergency Egress Road will be designed to carry the 100-year flood without overtopping the road, and the road must be finished with Class 6 road base to a six-inch depth.
 - 5) Applicant or any successor or assignee shall utilize approved hardware accessible by emergency responders for gates controlling use of the Northern and Southern

Emergency Egress Roads; locks or other accessible hardware shall be BWFR approved.

- 6) When the current Swan 4-64 6-1 single well and any subsequent wells drilled on this location have all been plugged and abandoned, the property owner will determine whether the Northern Emergency Egress Road will be reclaimed to its preconstruction state by the property owner or whether to propose that the road will be dedicated to the County or remain in place (or be relocated) for use as a private road. If the property owner proposes to dedicate the Northern Emergency Egress Road to Arapahoe County, the County Public Works and Development Department will determine whether it will accept the dedication and, if accepted by the County, the Road will be subject to Arapahoe County land use approvals. If the road is dedicated to the County, the Applicant will no longer be responsible for maintenance of the Road. If, after the well and any subsequent wells drilled on this location have been plugged and abandoned, the property owner desires to use the road as a private road for any other purpose, the owner shall obtain an appropriate access permit for continued access to any public road as required under the Arapahoe County Infrastructure Design and Construction Standards and may be required to obtain engineering or land use approvals depending on the proposed use.
- 7) Drilling on the Swan Well pad shall not commence until the County Office of Emergency Management (OEM) completes an area emergency response plan for the site. Applicant shall provide OEM with GIS data and Shape Files for the development of the emergency response plan.
- 8) In order to reduce truck traffic during the completion phase, Applicant or any successor or assignee shall use temporary water lines to serve the site.
- 9) Applicant or any successor or assignee shall provide Engineering Services a copy of the operations plans for both Emergency Egress Roads, including inspection frequency, ongoing maintenance plans, and snow removal plans, in conjunction with approval of the Northern Emergency Egress Road.
- 10) Applicant or any successor or assignee shall provide annual proof of commercial water provider maintenance contracts for firefighting.
- 11) All equipment within the facility will be grounded for lightning mitigation. The grounding grid will be designed to dissipate any electricity in order to protect all electrical and automation equipment on the site. If damage is sustained because of a lightning strike, the facility shall be shut down and inspected by the operator prior to re-starting operations on the site.
- 12) Traffic controls, to include flaggers or warning signs, must be provided for construction of the pad and for moving overweight/oversize equipment on public roads.

- 13) Applicant or any successor or assignee shall coordinate truck traffic with the school district in order to minimize conflicts with school buses.
 - 14) Applicant or any successor or assignee will work with the Arapahoe County Transportation Division on a Signage and Striping Plan for E 6th Avenue. A sign permit will be required for any new signs in the right-of-way.
 - 15) The County will inspect road conditions before construction activity starts, and the applicant will be required to repair any road damage from vehicles used for construction and operations at the site.
 - 16) All Engineering permits referenced in the attached Engineering Services Division letter must be approved and issued prior to construction.
4. Upon the applicant's completion of any and all changes to the final exhibit for the Administrative Use by Special Review as may be required by this Resolution, the Chairman of the Board of County Commissioners is hereby authorized to sign same.
 5. That the Zoning Map of Arapahoe County as appropriate shall be and the same is hereby amended to conform to and reflect said change.
 6. County planning, engineering and legal staffs are authorized to make any changes to the final form of the approved Exhibit or other plan documents as may be needed to conform the documents to the form and content requirements of the County in existence at the time the Exhibit or other plan documents are submitted for signature, and to make such other changes that are expressly stated by staff before the Board, or are recommended by staff in the written staff reports, or are referred to by the movant Commissioner. No other deviation or variance from the form and content of the Exhibit or other plan documents submitted for the Board's consideration are approved except to the extent stated in this Resolution.
 7. The County Attorney, with the concurrence of the planning and/or engineering case managers, is authorized to make appropriate modifications to this Resolution and Exhibit or other plan documents as needed to accurately reflect the matters presented to the Board and to record and clarify, as necessary, other aspects and ramifications of the Board's action.

The vote was:

Commissioner Baker, Yes; Commissioner Conti, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

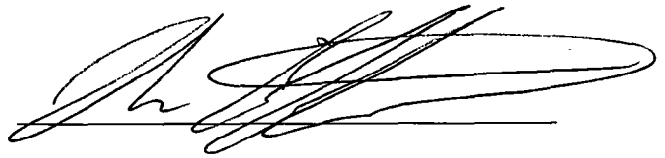
The foregoing Resolutions from the meeting of August 28, 2018 have been reviewed and approved.

BOARD OF COUNTY COMMISSIONERS



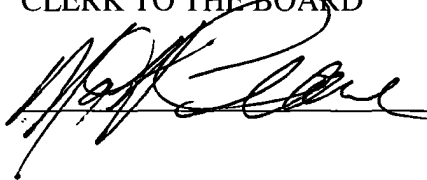
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COUNTY ATTORNEY'S OFFICE



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CLERK TO THE BOARD



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