

STATE OF COLORADO)
COUNTY OF ADAMS)

At a regular meeting of the Board of County Commissioners for Adams County, Colorado, held at the Government Center in Brighton, Colorado on the 18th day of March 2025 there were present:

Julie Duran Mullica	Commissioner
Kathy Henson	Commissioner
Emma Pinter	Commissioner
Steve O’Dorisio	Commissioner
Lynn Baca	Commissioner
Heidi Miller	County Attorney
Erica Hannah	Clerk to the Board

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

RESOLUTION APPROVING APPLICATION IN CASE #OGF2024-00001-WAKEMAN PAD
AT POWHATON

Resolution 2025-101

WHEREAS, this case involves the Oil and Gas Facility (OGF) permit application of Providence Operating LLC (d/b/a POCO Operating) to allow the construction and operation of an oil and gas facility with up sixteen (16) horizontal production wells, one production facility and associated equipment, and one access road on the following described property currently owned by Katherine Wakeman:

APPROXIMATE LOCATION: 13721 Powhaton Road (Parcel # 0156720400003)

LEGAL DESCRIPTION: SECT,TWN,RNG:20-1-65 DESC: PARCEL 4 PT OF THE SE4 OF SEC 20 DESC AS FOLS BEG AT THE SE COR OF SD SEC 20 TH N 1145/13 FT TH S 78D 02M W 2698/60 FT TH S 530/73 FT TH S 88D 48M E 2640/88 FT TO THE POB EXC PARC 43/261A

WHEREAS, the Board of County Commissioners held a public hearing on the application on the 18th day of March, 2025; and

WHEREAS, substantial testimony was presented by members of the public and the applicant.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that based upon the evidence presented at the hearing, the application in this case is hereby APPROVED based upon the following findings-of-fact and waiver, and subject to the fulfillment of the following conditions by the applicant:

Findings-of-Fact

1. The OGF is consistent with the purposes of these standards and regulations.
2. The OGF does comply with the requirements of these standards and regulations.
3. The siting of the OGF is the most compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area or future development, and not detrimental to the health, safety, welfare, the environment and wildlife of the County.
4. The siting of the OGF does not create any site-specific conditions that present significant, or material impacts to nearby land uses.
5. The OGF has addressed off-site impacts and complies with all applicable performance standards.
6. The OGF is suitable for the use, including adequate usable space, adequate access, and adherence of the environmental or wildlife stipulations.
7. The site plan for the proposed use does provide adequate parking, traffic circulation, fencing, screening, and landscaping.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are available and adequate to serve the needs of the OGF.
9. The OGF does not cause significant degradation of cultural, historic, or archaeological sites.

10. The OGF does not cause adverse impacts to surface or ground waters within Adams County.
11. The OGF does not cause unreasonable risks of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, and hazardous material vehicle accidents or spills.
12. The OGF meets all required air quality standards.

Conditions Precedent:

1. Pad construction shall not commence until the applicant has received both a Colorado Energy and Carbon Management Commission (ECMC) Oil and Gas Development Plan, Form 2A approval, and County approval of an OGF permit. Drilling shall only occur during the ECMC Form 2 permit validity timeframe. ECMC Form 2 approval is not required for issuance of a Notice to Proceed by the County's Community and Economic Development Department.
2. A traffic impact fee in the amount of \$314,721 for the construction and production of sixteen (16) oil and gas wells using product pipelines is due prior to commencement of any ground disturbing activities. This calculation is based on the applicant's proposed use of temporary freshwater pipeline / layflat lines for bringing fresh water to the location and the use of a product pipeline for transportation of oil and natural gas off-location.
3. The applicant shall submit an air quality monitoring plan for the site and surrounding area that complies with all applicable Air Quality Control Commission (AQCC) regulations, which plan shall be approved by the Director of Community & Economic Development Department, or their designee, prior to commencement of any ground disturbing activities. This plan shall include a minimum of ten (10) days of ambient background air quality monitoring. This plan shall include a minimum timeline that continues air monitoring through one (1) year of production. This plan shall include a minimum of four (4) air sensors conducting continuous air monitoring and one (1) meteorological station deployed on-site. This plan shall include automatically-triggered total air sampling of total volatile organic compounds that will speciate a minimum of BTEX compounds (benzene, toluene, ethylbenzene, and xylene) and state-identified Priority Toxic Air Contaminants as defined in AQCC Regulation 30. The applicant shall provide raw data to the County upon request.
4. Prior to starting pad or access road construction, the applicant, or its subcontractors, shall provide weight and axle details for oversize or overweight loads to the County with Oversize/Weight Load permit applications, as required for vehicles that may exceed legal highway load limits.
5. Prior to the issuance of a Notice to Proceed, the applicant shall file all construction documents, access easement(s) documents, and drainage easement(s) documents for review by County Engineering and shall obtain final approval of an Infrastructure (INF) permit related to those filings.
6. The applicant shall receive a Notice to Proceed from the Director of Community and Economic Development, or their designee, prior to commencement of any ground disturbing activities. Written evidence that the Conditions Precedent have been satisfied shall be required prior to issuance of the Notice to Proceed.

Waiver:

1. The applicant has demonstrated through all proposed and required best management practices, control measures and technologies, facility design considerations, Conditions of Approval, and Conditions Precedent of this application that the OGF provides substantially equivalent protections to public health, safety, welfare, the environment, and wildlife resources that are equal to or more effective to satisfy the criteria of approval for a waiver of County residential setback requirements.

Conditions of Approval:

1. The approved traffic routes for this permit are to/from the access road/point of the Wakeman oil and gas facility to:
 - a. Powhatan Road to East 152nd Ave to either I-76 or US-85 in both directions.
 - b. Powhatan Road to East 152nd Ave to Hayesmount Road.
 - c. Powhatan Road to East 120th Avenue to Tower Road, to East 88th Ave.All traffic activities associated with this site shall utilize the approved traffic route(s) and any modification shall require an amendment to the OGF permit.
2. The access road to this site shall be outfitted with a vehicle tracking pad.

3. The applicant shall construct the lease/access road to be capable of supporting a 75,000-pound emergency response vehicle.
4. The applicant shall be responsible for the cleanliness and safety of all roadways adjacent to this site. If at any time these roadways are found to be dangerous or not passable due to debris or mud, the applicant will cease use of the roadways until the roadway conditions have improved and are deemed acceptable by the Director of Community and Economic Development, or their designee. If the contractor/applicant fails to keep the adjacent roadways clean and free from debris, Adams County has the right, but not the obligation, to complete the required clean up and bill the charges directly to the applicant.
5. The applicant shall obtain an Access permit from the County for access onto Powhatan Road.
6. Except as provided herein, the applicant shall utilize electric drilling rigs to drill each permitted well at the Wakeman oil and gas facility.
 - a. If grid power becomes temporarily unavailable due to increased demand, scheduled maintenance, emergency service or repair, or because of another utility provider limitation (hereinafter a "Temporary Grid Power Outage"), the applicant may instead utilize Tier IV or equivalent engines, such as NG Tier II with battery assist, or better, for the period of time it takes the applicant to drill the current well to total depth (TD), run casing and cement the well or the period of seven (7) days from the start of the Temporary Grid Power Outage, whichever occurs first. Thereafter, the applicant shall halt drilling operations until such time as grid power is restored. A request for a short-term extension of the seven (7) days may be granted by the Director of Community and Economic Development in the event of an upset situation or if necessary to protect public health, safety, welfare, or the environment.
 - b. In instances where the Temporary Grid Power Outage lasts more than twelve (12) hours, the applicant shall, within fourteen (14) hours of the applicant first losing grid power, provide the Adams County Oil and Gas Administrator with a written notice stating the reason for the grid outage, the estimated length of time of the outage, and any actions taken by the applicant to prevent adverse impacts to public health, safety, welfare, and the environment. As soon as grid power is restored, the applicant shall provide the Adams County Oil and Gas Administrator with written notice of the same.
 - c. The applicant is prohibited from utilizing non-electric drilling rigs for more than twenty one (21) calendar days, calculated cumulatively, during each of its occupations of the Wakeman oil and gas facility; provided, however, that the Director of Community and Economic Development may extend this maximum per occupation time period, in writing, for good cause shown, which basis for extension may relate to the duration of a Temporary Grid Power Outage, occupation specific circumstances, and/or the time of year.
7. The Wakeman oil and gas facility shall be connected to a pipeline to transfer produced oil and natural gas off-site (a separate land use approval from the County is required for the new pipeline(s)). Connection to the pipeline shall be completed prior to production of oil. Written certification of such completion and connection to a pipeline shall be submitted to the County prior to production of oil. In the event that the third-party pipeline for produced oil is temporarily out of service, the applicant is permitted to store produced oil on site as allowable without increasing equipment counts. Under these circumstances the applicant may truck oil from the site for a short period of time. If it is estimated that the pipeline downtime will be less than seven (7) calendar days, the applicant shall provide Adams County with a written notice which includes an estimate of the number of trucks, length of time trucking will occur, and the truck route that will be required for transporting the produced oil prior to trucking operations beginning. If it is estimated that pipeline downtime will go beyond seven (7) calendar days, the applicant shall provide Adams County with a written notice that includes an estimate of the number of trucks, length of time trucking will occur, and the truck route that will be required for transporting the produced oil. Adams County agrees to provide a written decision no later than 72 hours after the receipt of a request for the use of trucks for the transportation of oil for more than seven (7) calendar days. Adams County cannot deny the request without reasonable cause. Adams County reserves the right to re-evaluate the Traffic Impact Fee based on the information provided by the applicant if the estimated trucking time is more than 30 calendar days when requesting to transport oil via trucks.

8. The applicant shall submit the location(s) and route(s) of all proposed temporary freshwater pipelines / layflat lines for bringing freshwater to the Wakeman oil and gas facility to the Director of Community & Economic Development Department, or their designee, for approval prior to installation and completion operations.
9. The applicant shall be required to implement the approved landscaping and screening plan for the site within 90 days of the final well commencing production operations, as defined in Energy and Carbon Management Commission (ECMC) rules, if all sixteen (16) approved wells are drilled and completed at the same time. If the applicant staggers well construction (i.e. completes a lesser number of wells initially with plans to complete the remaining wells at a future date), then this plan shall serve as the interim reclamation plan, and it shall be implemented within 90 days of completion of the initial set of wells.
 - a. Any consideration regarding temporary deferral of landscaping due to seasonality concerns or potential success of required vegetation must be approved by the Director of Community and Economic Development.
10. Maintenance of required landscaping and fencing shall be in compliance with the Adams County Development Standards and Regulations at all times.
11. The applicant shall paint the tank battery in uniform, non-contrasting, non-reflective color tones with the colors matched to but slightly darker than the surrounding landscape.
12. The applicant agrees to conduct a baseline test of any registered water well requested by the owner, on a one-time basis, if such well is within a one-half mile radius of the oil and gas facility.
 - a. The applicant shall distribute information on the availability of private well water baseline testing that includes contact information for further questions or concerns.
 - b. The applicant shall provide the County with a list of residents to whom the notification was sent, as well as those that requested baseline tests.
13. Fresh water as referenced in the ECMC's rules and regulations, or another source as approved by the County on a case-by-case basis, may be applied to roads and land surfaces for the purpose of dust mitigation. Absolutely no other liquid or substance generated by the production of the operator's facility, including, but not limited to, exploration and production waste (as defined by the ECMC) or any other application of liquids that would have negative impact to natural resources, shall be permitted to be applied to roads and land surfaces.
14. To reduce truck traffic, where feasible, the applicant shall identify a water source lawfully available for industrial use, including oil and gas development, close to the facility location, to be utilized by the applicant and its suppliers.
15. Upon conclusion of construction, drilling, and completion of the wells drilled during the initial mobilization and site occupation, the site shall be fenced according to the Adams County Development Standards and Regulations Section 4-10-01-04. The fence shall contain a gate and the gate shall remain closed and locked when the well pad and associated facilities are not in use.
 - a. The local fire district shall have access to ALL gate key(s)/combination(s) at all times for use in case of emergency.
 - b. Adams County oil & gas inspectors shall always have access to ALL gate key(s)/combination.
16. The applicant is required to receive an approved Completion of Reclamation from the Director of Community and Economic Development, or their designee, upon abandonment and reclamation of the well pad and associated facilities.
17. Well pad, associated facilities, and access road shall be free of any County and State identified noxious weeds throughout the drilling, completion, and production portions of operations.
18. Prior to starting each phase of operations (pad construction, drilling, completions, facility construction, drill-out/flowback), the applicant, or its subcontractors, shall provide weight and axle details for oversize or overweight loads to the County with Oversize/Weight Load permit applications, as required for vehicles that may exceed legal highway load limits.
19. Upon request, a tabletop exercise pertaining to the Emergency Response Plan will be required. The County's Local Government Designee, Emergency Manager, Local Emergency Planning Committee, Sherriff's Office, Brighton Fire Rescue District, or Transportation Department may request this.
20. The applicant shall comply with all best management practices as recommended by CDPHE contained within Exhibit 4.4 of the application packet, except when those

- practices conflict with requirements imposed by Adams County, in which case the applicant shall comply with the requirements imposed by Adams County.
21. The applicant shall submit all required data and reports pertaining to air quality monitoring to the County at the same time it submits such to the CDPHE. The reports submitted to the County shall comply with the air quality monitoring plan approved by the County and contain, at a minimum, a written evaluation of any trigger threshold or applicable CDPHE Health Based Guideline Value exceedances within the reporting period for the monitoring plan.
 22. The term of this OGF permit is three (3) years commencing on the date of Board of County Commissioners' approval of the permit. If, at the expiration of the three (3) year period, a well is not completed or has not commenced production operations as defined in ECMC Rules and Regulations, the approval of that well shall lapse. For any wells for which approval has lapsed, the applicant shall be required to apply for a new OGF permit in accordance with the then-applicable Adams County Development Standards and Regulations.
 23. In the event that the OGF is to be operated by any person or entity other than Providence Operating LLC (d/b/a POCO Operating) during the term of this permit, the new operator shall first (a) submit evidence of the required environmental liability insurance to the Director of Community and Economic Development and post any required financial assurance with the County; (b) obtain written approval of the evidence of insurance and the financial assurance from the Director of Community and Economic Development, or their designee; and (c) agree in writing to comply with all terms and conditions of the OGF permit.
 24. All operations shall conform to the oil and gas facility performance standards set forth in Sections 4-11-02-03-03-03 and 4-11-02-03-03-04 of the County's Development Standards and Regulations, including, without limitation, the requirement that the annual oil and gas facility inspection fee be paid timely.
 25. All representations and commitments of the applicant made during the OGF process are incorporated herein as conditions of approval. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except minor amendments as determined by the Director of Community and Economic Development pursuant to Sec. 2-02-14-04(10) of the Development Standards and Regulations, as may be amended, is subject to the review and approval of the Board of County Commissioners prior to implementation.

Notes to the Applicant:

1. The applicant shall comply with all building, zoning, fire, engineering, and health codes and regulations.
2. The applicant shall not add any additional equipment or increase onsite liquid storage capacity levels above those set forth in the application and supporting documents submitted and affirmed to by the applicant.

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

Mullica	_____	Aye
Henson	_____	Aye
Pinter	_____	Nay
O’Dorisio	_____	Aye
Baca	_____	Aye
Commissioners		

STATE OF COLORADO)
County of Adams)

I, Josh Zygielbaum, 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 Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 18th day of March A.D. 2025.

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

Josh Zygielbaum:

By:



E. Hanna

Deputy