The Board of County Commissioners will be attending this meeting telephonically. The public is invited to listen to the study sessions by calling 1-855-436-3656. The Board of County Commissioners may go into executive session as necessary to receive legal advice or discuss other confidential matters during the updates.

The Arapahoe County Board of County Commissioners typically holds weekly Study Sessions on Monday and Tuesday. Study Sessions (except for Executive Sessions) are open to the public and items for discussion are included on this agenda. Agendas (except for Executive Sessions agendas) are available through the Commissioners’ Office or through the County’s web site at www.arapahoegov.com. Please note that the Board may discuss any topic relevant to County business, whether or not the topic has been specifically noticed on this agenda. In particular, the Board typically schedules time each Monday under “Committee Updates” to discuss a wide range of topics. In addition, the Board may alter the times of the meetings throughout the day, or cancel or reschedule noticed meetings. Questions about this agenda? Contact the Commissioners’ Office at 303-795-4630 or by e-mail at commissioners@arapahoegov.com

Study Session Topics

9:30 A.M.  *Family First Prevention Services Act (FFPSA) Information Session
Discussion of a request from the Department of Human Services to disseminate information related to the passage, development, and implementation of the Family First Prevention Services Act (FFPSA)

Request: Information/Direction

Angela Lytle, Deputy Director, Human Services
Cheryl Ternes, Director, Human Services
Todd Weaver, Director, Finance

Documents:

BOCC BSR FFPSA 3-16-2020.DOC

10:00 A.M.  *Elections Update And Discussion
Discussion from the Clerk & Recorder’s Office about the March 3, 2020 Presidential Primary Election, as well as an update regarding the planning for the June 30, 2020 State
The Arapahoe County Board of County Commissioners typically holds weekly Study Sessions on a range of topics. In addition, the Board may alter the times of the meetings throughout the day, or cancel or reschedule noticed meetings. Questions about this agenda? Contact the Commissioners Office at 303-795-4630 or by email to commissioners@arapahoegov.com. Please note that the Board may discuss any topic relevant to County business.

Arapahoe County is committed to making its public meetings accessible to persons with disabilities. Assisted listening devices are available. Ask any staff member and we will provide one for you. *To Be Recorded As Required By Law*  

West Hearing Room  
5334 S. Prince St. 
Littleton, CO 80120  
303-795-4630 or Relay Colorado 711

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**Primary Election**

*Request: Information/Direction*

Joan Lopez, Clerk and Recorder  
Juan Guzman, Deputy Director, Clerk and Recorder’s Office  
Keith Ashby, Purchasing Manager, Finance  
Monica Kovaci, Senior Assistant County Attorney

Documents:

2020 APRIL BSR_CR ELECTIONS UPDATE.DOCX

**11:00 A.M. *Oil And Gas Mitigation: Quality Of Life: Visual And Traffic Impacts***

Update regarding the ongoing process to develop new oil and gas land use/siting regulations in accordance with SB19-181. This update will include rules adopted or drafted in other jurisdictions regarding visual and traffic impacts, and will offer some recommendations for mitigating those impacts.

*Request: Information/Direction*

Diane Kocis, Energy Specialist, Public Works and Development  
Jan Yeckes, Planning Division Manager, Public Works and Development  
Bryan Weimer, Director, Public Works and Development  
Todd Weaver, Director, Finance  
Robert Hill, Senior Assistant County Attorney

Documents:

LDC19-004 BSR CHANGE OF DATE OIL AND GAS STUDY QOL VISUAL TRAFFIC WILDLIFE.PDF  
BSR 03 24 2020 STUDY OIL GAS QOL VISUAL TRAFFIC WILDLIFE.PDF  
TABLE SUMMARY OF OTHER JURISDICTIONS QOL VISUAL TRAFFIC WILDLIFE.PDF  
OIL GAS QUALITY OF LIFE (VISUAL AND TRAFFIC) PRESENTATION R 4-18-20.pdf

**Break**

**1:00 P.M. *Update On Florida Avenue Sidewalk Project***

Update from Open Spaces on the Florida Avenue Sidewalk Project and request for direction on securing the required right-of-way and easements for construction. The project is located along the south side of Florida Avenue between Parker Road and South Uinta Way, located in District 4

*Request: Information/Direction*

Dave Schmit, Engineering Consultant, Open Spaces  
Shannon Carter, Director, Open Spaces  
Todd Weaver, Director, Finance  
Tiffanie Bleau, Senior Assistant County Attorney

Documents:

FLORIDA AVENUE SIDEWALK.PDF

* To Be Recorded As Required By Law*  

WHR - West Hearing Room
Arapahoe County is committed to making its public meetings accessible to persons with disabilities. Assisted listening devices are available. Ask any staff member and we will provide one for you.

If you need special accommodations, contact the Commissioners’ Office at 303-795-4630 or Relay Colorado 711.

Please contact our office at least 3 days in advance to make arrangements.
Information: The Arapahoe County Department of Human Services (ACDHS) wishes to disseminate information related to the passage, development and implementation of FFPSA.

Background
In February 2018, Congress passed the landmark bipartisan Family First Prevention Services Act (also known as “Family First” and “FFPSA”). FFPSA offers an exciting opportunity to accelerate Colorado’s progress toward greater investment in prevention services and away from restrictive and potentially unnecessary out-of-home placements. Colorado intends to begin implementation of this Act in the spring of 2020.

FFPSA expects reform to help keep children and youth safely with their families and avoid the traumatic experience of entering foster care, emphasizes the importance of children and youth growing up in families and helps ensure they are placed in the least restrictive, most family-like setting appropriate to their special needs when foster care is needed. Colorado views FFPSA as one important piece of a broader strategy to further evolve the child welfare system into one that truly improves the safety, permanency, and well-being of all children, youth, and families through a continuum of community-based services and supports.

FFPSA requires each state to submit a Five Year Prevention Plan for approval. Colorado’s prevention plan reflects this broader vision and is deeply rooted in a strong foundation of practices that have been honed and tailored in Colorado over the last decade.

FFPSA impacts parts B and E of Title IV of the Social Security Act. As well, it amends multiple elements of traditional child protection practice including foster care and adoption assistance, mental health and substance abuse prevention and treatment services, in home parenting skill based programs, foster care maintenance payments for children with parents in a licensed residential family based treatment facility for substance abuse, Chafee services for older youth,
payments for evidence based kinship navigator programs and payments for and expansion of evidence based prevention services for those who meet the criteria for “candidacy” -- at risk of out of home care.

Links to Align Arapahoe

Quality of Life, Service First
Arapahoe County values those they serve and protecting our citizens, especially children and at-risk adults, the most vulnerable from abuse and neglect is a primary mission. FFPSA promotes vast improvement of the child protection system nationally and relies on research and evidence to set forth anticipated improved outcomes for families and children served.

Discussion and Alternatives
Given this a Federal Act, there are no alternatives to implementation with the exception of the timing Colorado chooses to implement. FFPSA expects implementation of the first components of the law by October 2021.

Fiscal Impact
FFPSA creates an expanded entitlement of 50% reimbursement of federal funds to provide services to keep children and youth safely with their families and out of foster care and, when foster care is needed, allows federal reimbursement for care in family-based settings and certain residential treatment programs for children and youth with emotional and behavioral disturbance requiring special treatment. This reimbursement expansion has the potential of improving financial supports for families served in the child protection system.

FFPSA also disallows federal reimbursement for placements into the highest level of care, Qualified Residential Treatment Programs (QRTP) unless determined by a third party assessor that criteria for that level is met. The juvenile justice population is served by child protection in Colorado and given this population is most often the users of this level of care, there is concern that they may not meet the criteria for QRTP, that they may be ordered into the level of care for lack of appropriate community or home based placement options resulting in a fiscal impact on counties which could be significant. QRTPs are not designed for containment which is often the primary reason juvenile justice youth are placed into that level of care. Using QRTPs for this reason is not allowed.

The full fiscal impact of FFPSA is unknown and will require ongoing review and discussion as it is implemented. Making any significant alterations at this time to how reimbursements are calculated (county match for example) could cause unintended negative consequences and interfere with how this Act is to be implemented. Once FFPSA is fully implemented and there has been sufficient time to understand the impacts financially and otherwise, then, if appropriate, alterations to reimbursement strategies should be considered.

Reviewed By:
Todd Weaver, Finance Department Director
Michael Valentine, Deputy County Attorney for Human Services
Suzanna Dobbins, Human Services Finance Division Manager
Board Summary Report

Date: April 8, 2020

To: Board of County Commissioners

From: Clerk & Recorder Joan Lopez

Through: Peg Perl, Director of Elections

Subject: March Presidential Primary Briefing and June State Primary Discussion

Informational
The Clerk & Recorder’s Office will provide an informational briefing about the March 3, 2020 Presidential Primary Election, update regarding the planning for the June 30, 2020 State Primary Election, and answer questions the Board of County Commissioners may have regarding these topics.

Discussion
The March 3, 2020 Presidential Primary Election saw record turnout in Arapahoe County with 49.26% of eligible voters casting a ballot. The election was completed and certified before applicable state deadlines, even as public health concerns started to cause adjustments in the Election Division’s closing out process later in March. More detailed information will be provided at the study session, including a breakdown of the turnout figures and the resolution of issues presented.

The Election Division is also preparing for the June 30, 2020 State Primary Election. At this time we still await updated guidelines from the Colorado Secretary of State whether any changes will be required for conducting the June election, but there is discussion of a range of contingencies based on changing public health scenarios.

Reviewed By
Monica Kovaci, Assistant County Attorney
BOARD SUMMARY REPORT

Date: April 16, 2020

To: Board of County Commissioners

Through: Bryan Weimer, Director of Public Works and Development

From: Diane Kocis, Energy Specialist
       Jan Yeckes, Planning Division Manager

Subject: Quality of Life Recommendations: Visual, Traffic and Wildlife Mitigations
         Factors to Consider for Oil and Gas Facility Updated Regulations

Change of Date for Study Session

The date for this study session and request for direction was changed from March 24, 2020, to April 21, 2020. The attached Board Summary Report was prepared for the March 24, 2020, date and remains unchanged. Additional information will be presented by staff, and a slide presentation will be made available. This study session is being conducted remotely due to Arapahoe County building closures in accordance with COVID-19 stay-at-home protocols.
BOARD SUMMARY REPORT

Date: March 12, 2020
To: Board of County Commissioners
Through: Bryan Weimer, Director of Public Works and Development
From: Diane Kocis, Energy Specialist
Subject: Quality of Life Recommendations: Visual, Traffic and Wildlife Mitigations
Factors to Consider for Oil and Gas Facility Updated Regulations

Request for Direction and Staff Recommendation
The purpose of this Board Summary Report (BSR) and Study Session is to provide a status update to the Board of County Commissioners (BOCC) regarding the ongoing process to develop new oil and gas land use/siting regulations in accordance with SB19-181. This update will include rules adopted or drafted in other jurisdictions regarding visual, traffic and wildlife impacts and will offer some recommendations for mitigating those impacts. BOCC direction is requested on potential mitigation measures related to visual, traffic and wildlife impacts from oil and gas operations affecting the quality of life for nearby residents.

Links to Align Arapahoe
This matter links to the Align Arapahoe goal for Quality of Life for Arapahoe County citizens who will be impacted by neighboring oil and gas facilities and to the goal of Fiscal Responsibility for a balanced approach that will allow the industry to operate successfully.

Background
With the enactment of SB19-181, preemption of local government authority over the siting of oil and gas operations was removed. Staff is working to achieve a balanced approach, as directed by the Board of County Commissioners for new oil and gas rules that considers the interests of both operators and citizens in accordance with the County’s authority under SB19-181.

Staff is currently completing a spreadsheet of proposed and adopted rules in eight other Front Range jurisdictions. The spreadsheet will be shared with the Board.

Staff is still working toward a goal of completing the Land Development Code revision process in August of 2020 with BOCC adoption of updated codes. Staff continues to review and summarize regulations drafted and adopted in other jurisdictions and to evaluate BMPs and mitigations used in other jurisdictions.
Quality of Life Concerns – Visual, Traffic and Wildlife Impacts

Today’s study session focuses on aspects of Quality of Life impacts. Stakeholders have said that light, noise, visual impacts, wildlife concerns, and traffic all have an impact on Quality of Life. This report discusses the visual and traffic and wildlife aspects of Quality of Life. The attached table summarizes the rules proposed or adopted in other Front Range jurisdictions to address visual, traffic and wildlife impacts from oil and gas operations.

Visual impacts from neighboring production pads, increased traffic and impacts to wildlife affect many aspects of our residents’ quality of life. Based on survey results, 47% of the survey respondents indicated that increased traffic concerns them, and 65% said that impacts to wildlife habitats are important to them. Traffic from oil and gas operations has been one of the most frequent resident complaints received since the Niobrara play began in unincorporated Arapahoe County eight years ago. Visual impacts from construction, drilling, and fracking/completion are also a common complaint. While more difficult to quantify, Colorado Parks and Wildlife has communicated that wildlife can be significantly impacted by the noise, vibrations, lights and traffic associated with oil and gas operations.

It is important to note that we currently require a Transportation Impact Study for each new pad proposed; therefore, some of the traffic items required by other jurisdictions would not be applicable. Staff plans to incorporate our existing Land Development Code rules and MOU requirements into the new rules.

As we heard from the survey and the public outreach effort for this project, minimizing the impacts of nearby oil and gas development with mitigations is important for our residents’ quality of life.

Discussion

The potential oil and gas regulations can include prescriptive standards, performance-based standards, or a combination of both.

- A performance-based standard sets a target (“using evergreen landscaping or permanent fencing, provide screening of at least 70% opacity from a height of 0 feet to 8 feet between any permanent tanks and any residential use within 1,500 feet”). Generally, industry prefers performance-based standards, which allow them flexibility in how to address a particular issue.
- A prescriptive standard requires a specific mitigation measure (“low profile tanks are mandatory”). In some cases, a prescriptive standard may be simpler to enforce and provide a clear expectation and understanding of requirements.
- Other “tools” for mitigation, such as setbacks for the well pad from a residential structure, could be considered in combination with other prescriptive or performance-based measures for visual impacts.

Staff is considering the following visual and traffic mitigation requirements as part of the new regulations based on rules proposed or already adopted along the Front Range:

**Visual:**
- Require a Land Disturbance Mitigation Plan which would include visual mitigation and an Agricultural Mitigation Plan if agricultural land will be disturbed.
- Require that production facilities be painted with uniform, non-contrasting, non-reflective colors matched to, but slightly darker than, the surrounding landscape.
- Require low-profile tanks if the proposed facility will be within a half mile of existing homes or platted residential lots.
- In addition to low-profile tanks, require berms, opaque fencing or other forms of landscaping if the facility will be within ¼ mile of existing homes.
- Require that all locations be kept free of equipment, vehicles and supplies not necessary for use on that lease (including weeds, rubbish and other waste materials).
- Staff recommends a 1,000-foot setback from well pads to existing homes to address a range of concerns, including but not limited to visual impacts.

**Traffic:**
- Continue to require a Transportation Impact Study that includes details about vehicle weights when loaded, access locations, sight distances, existing traffic volumes, traffic volumes in ESALs (Equivalent Single Axis Load), a truck routing map, identification of the need for additional truck lanes and time-of-day restrictions, such as minimizing road use during school bus hours.
- Require the use of temporary surface water lines to the maximum extent possible or modular large volume tanks to minimize the trucking of fresh water to pads for drilling and completions.
- Restrict truck traffic, including deliveries, between the hours of 9 PM and 7 AM, except for circumstances outside of the operators’ control such as delivery of a drilling rig.
- Recommend the use of pipelines to the maximum extent possible to minimize the number of tanks on a pad and the associated truck traffic for transporting crude and produced water offsite.

**Wildlife:**

*Note: some of the following options were also included for the study session on noise and light impacts, but are included here based on their impacts to wildlife*
- Require a Natural Resource Assessment to evaluate the impacts to wildlife and habitat.
- Require the operator to implement the recommendations of Colorado Parks & Wildlife.
- If noise restrictions are enacted, those restrictions would reduce noise impacts on wildlife as well as nearby residents.
- Require the operator to install wildlife cameras when two pads are within a mile of each other and share the video with Colorado Parks & Wildlife so that wildlife biologists can evaluate the data.
- Encourage the use of electric drilling rigs and motors in place of noisier and more odor-generating rigs typically using natural gas or diesel.
- Provide covers or insulation for noisy equipment such as the shale shakers and compressors.
- Restrict the movement of tubular goods to daylight hours.
The regulations should also have provisions for violations/complaints, so as to ensure timely response to bring the operation back into compliance. Because of the nature of the operation that could be creating the impact, a timely response to violations is critical to resolve before that operation is completed.

Criteria for Evaluation
Staff will continue to use the evaluation criteria already presented at previous study sessions for any draft rules:

- Impact on the Public
- Alignment with State Rules
- Best Management Practices
- Industry Impact
- Impact to County Resources

Steps to be taken after this Study Session
At the April 7, 2020, study session, staff will cover any remaining Quality of Life topics under consideration for new rules. On April 21, staff will summarize the information provided in the January, February, March and April study sessions and seek Board feedback on specific items to incorporate in the Land Development Code revisions.

Alternatives: Quality of Life Measures to Address Visual, Traffic and Wildlife Impacts

Staff is requesting general feedback from the Board on the information presented and specific direction on the following:

Visual, Traffic and Wildlife Impacts: Staff expects future regulations will include a combination of performance-based and prescriptive measures; however, we are requesting feedback from the Board on specific measures that may weigh into how the regulations are drafted. Draft regulations will be further reviewed through referrals, public review, and hearings.

Options for the questions below could be, for example:

- Yes ..................definitely require as part of regulations
- No.....................definitely do not require as part of regulations
- Toolbox.............prefer performance-based measures; use this prescriptive measure as part of a package of options for the operator

Visual Mitigations

1. Should the County require a Land Disturbance Mitigation Plan which would include visual mitigation and an Agricultural Mitigation Plan if agricultural land will be disturbed?
2. Should the County require that production facilities be painted with uniform, non-contrasting, non-reflective colors matched to, but slightly darker than, the surrounding landscape? Note, this is a requirement of the MOU currently in use.
3. Should the County require low-profile tanks if the proposed facility will be within a half-mile of existing or platted residential lots?
4. Should the County require berms, opaque fencing or other forms of landscaping, as well as low-profile tanks, if the facility will be within a quarter-mile of existing or platted residential lots?

5. Should the County require that all locations be kept free of equipment, vehicles and supplies not necessary for use on that lease, including weeds, rubbish and other waste materials?

6. Should the County require a minimum setback of 1,000 feet from well pads to existing homes to address a range of concerns, including but not limited to visual impacts?

Traffic Mitigations

7. Should the County continue to require a Transportation Impact Study that includes details about vehicle weights when loaded, access locations, sight distances, existing traffic volumes, traffic volumes in ESALs (Equivalent Single Axis Load), a truck routing map, identification of the need for additional truck lanes and time-of-day restrictions, such as to minimize road use during school bus hours?

8. Should the County require the use of temporary surface water lines or modular large volume tanks to minimize the trucking of fresh water to pads for drilling and completions?

9. Should the County restrict truck traffic, including deliveries, between the hours of 9 PM and 7 AM, except for circumstances outside of the operators’ control such as delivery of a drilling rig?

10. Should the County require the use of pipelines to the maximum extent possible to minimize the number of tanks on a pad and the associated truck traffic for transporting crude and produced water offsite?

Wildlife Mitigations - note: some of the following options were also included for the study session on noise and light impacts, but are included here based on their impacts to wildlife

11. Should the County require a Natural Resource Assessment as part of the application process to allow evaluation of wildlife impacts by Colorado Parks & Wildlife?

12. Should the County require the operator to implement the recommendations of Colorado Parks & Wildlife?

13. Should the County require the operator to install wildlife cameras when two pads are within a mile of each other and share the video with Colorado Parks & Wildlife so that wildlife biologists can evaluate the data?

14. Should the County encourage the use of electric drilling rigs and motors and other noise-mitigating technology, such as mufflers on engines, to minimize engine noise in place of noisier and more air polluting rigs typically using natural gas or diesel?

15. Should the County require the operator to minimize engine idling?

16. Should the County require operators to provide covers or insulation for noisy equipment such as the shale shakers and compressors?

17. Should the County restrict the hours of operation for noise-intensive activities such as flaring, blowdowns (pressure releases) and unloading of tubular materials between the hours of 9 PM and 7 AM?
Fiscal Impact
Depending on the specific changes adopted, it is likely a minimal financial impact will occur for the County due to additional plan review that would be required from approved or pending land development for new oil and gas facility applications. Ability to enforce any new regulations and impacts to staffing for ongoing implementation and enforcement of regulations are being taken into consideration by staff in making recommendations to the Board of County Commissioners.

Concurrence
PWD Staff is in support of continuing this process with additional study sessions and continued public outreach with the goal of drafting updated regulations for consideration through the public process. The County Attorney’s Office has reviewed this BSR.

Attachment
Summary Table of Rules in Other Jurisdictions related to mitigation of Visual impacts, Traffic impacts and impacts to Wildlife

Reviewed by
Jan Yeckes, Planning Division Manager
Jason Reynolds, Current Planning Program Manager
Robert Hill, Senior Assistant County Attorney
Bryan Weimer, Director of Public Works and Development
Todd Weaver, Director of Finance Department

Copied
Chuck Haskins, Engineering Services Division Manager
John Christofferson, Deputy County Attorney
Ron Carl, County Attorney
SUMMARY OF OTHER JURISDICTIONS’ RULES FOR 3 QUALITY OF LIFE ISSUES

Visual Mitigation, Traffic and Wildlife

Notes:
BMPs = Best Management Practices
CPW = Colorado Parks & Wildlife
ESAL = Equivalent Single Axis Load
LGD = Local Government Designee (Diane Kocis)
Low-Profile Tanks are 16 feet high (O&G tanks can be 32 feet in height)
OA = Operating Agreement - similar to an MOU, but operator-specific and stricter BMPs
TBD = To Be Determined

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<tr>
<th>Jurisdiction</th>
<th>Rule Topic</th>
<th>Adopted or Proposed Rule and Date</th>
<th>Rule Summary</th>
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<tbody>
<tr>
<td>Adams County</td>
<td>Visual Mitigation</td>
<td>Adopted September 3, 2019</td>
<td>Visual Mitigation Plan to include: Proposed colors, location of outdoor lighting, fencing and berming to screen the facility (fencing must be approved by Community and Economic Development Dept.) Colors matched to but slightly darker than the surrounding landscape for any facilities observable from public highway. Landscaping required. Site shall be properly secured. Remove debris promptly.</td>
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<td>Adams County</td>
<td>Traffic</td>
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<td>After Alternative Site Analysis, Staff will determine which site is most likely to have the least offsite impacts. Operator may be required to submit traffic impact studies. Operator can submit an independent Traffic Impact Study for consideration. Any independent study shall follow</td>
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<td>the Traffic Impact Fee study methodology.</td>
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<td>Limit traffic to/from site.</td>
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<td>Minimize traffic on air quality action days.</td>
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<td>Minimize traffic impacts to infrastructure.</td>
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<td>Road Impact Fee and Road Maintenance Fee due at issuance of permit.</td>
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<td>Use existing access for truck traffic.</td>
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<td>No permanent tanks on site (use pipelines).</td>
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<td>Use temporary water lines rather than trucking water.</td>
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<td>Wastewater injection not allowed (that takes some traffic off the roads).</td>
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<td>Adams County</td>
<td>Wildlife</td>
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<td>Operator may be required to submit Environmental Impact Assessment.</td>
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<td>Aurora</td>
<td>Visual Mitigation</td>
<td>Operating Agreements with Conoco and Axis (aka Extraction) June 5, 2019 and July 24, 2019, respectively</td>
<td>Visual Mitigation Plan required.</td>
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<td>All permanent aboveground production equipment shall be painted tan or brown.</td>
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<td>Low-profile tanks required if technically feasible.</td>
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<td>Permanent opaque fencing required around production equipment and shall be secured. Chain link not allowed.</td>
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<td>Landscape Plan required. Includes fencing and other BMP criteria. Operator shall be responsible for ensuring compliance with these requirements.</td>
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<td>implement the Landscape Plan when new development is constructed within 1500’ of a well site.</td>
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<td>Tree mitigation: limit the number of trees removed for the pad.</td>
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<td>Debris removal promptly.</td>
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<td>Noxious weed control. Requires Green Completions, which include having pipelines in place prior to completions.</td>
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<td>A combination of berms, bales and sound walls to address visual impacts (as well as noise) during drilling and completion.</td>
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<td>Reclamation</td>
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<td>Aurora</td>
<td>Traffic</td>
<td>Application materials include description of road access and haul route and Road Maintenance Agreement.</td>
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<td>Traffic Letter or other analysis requested for Pre-Application notes as well as Traffic Management Plan.</td>
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<td>Transportation of raw water used for completions via pipeline.</td>
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<td>Permanent tanks allowed but limited to 9 tanks to reduce traffic (pipelines encouraged).</td>
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<td>Operator may use temporary tanks for up to one month without the need for visual screening.</td>
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<td>Operator shall submit a Traffic Management Plan as part of the application process that</td>
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<td>includes proposed haul routes for transportation of equipment, water, sand, waste fluids, waste solids, mixed waste and all other materials to be hauled.</td>
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<td>List estimated weights of vehicles, access locations, estimated truck volumes, identification of the need for additional traffic lanes, restriction of non-essential traffic to periods outside of peak am and pm traffic periods and during school hours of schools along the routes.</td>
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<td>Road repairs will be addressed per the Road Maintenance Agreement.</td>
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<td>Injection wells not allowed within City limits (would increase traffic)</td>
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<td>Aurora</td>
<td>Wildlife</td>
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<td>Wildlife Impact Mitigation Plan applicable if the wellsite is within a significant wildlife habitat as defined by CPW or is in an open space area. In such cases operator will consult with CPW.</td>
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<td>Under a moratorium that ends March 28, 2020.</td>
<td>Minimize tree removal and damage to existing trees.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>New regulations to be reviewed by Planning Commission March 17, 2020.</td>
<td>Equipment removed within 30 days of completion.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Removal of debris</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Land Disturbance Mitigation Plan, which includes visual mitigation</td>
</tr>
<tr>
<td>Jurisdiction</td>
<td>Rule Topic</td>
<td>Adopted or Proposed Rule and Date</td>
<td>Rule Summary</td>
</tr>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Agricultural Mitigation Plan: Avoid loss of agricultural land.</td>
</tr>
<tr>
<td>Boulder County</td>
<td>Traffic</td>
<td></td>
<td>Transportation Plan required</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Detailed traffic management plan with weights of vehicles when loaded, access locations, trucking routing map, and identification of safety &amp; mitigation measures.</td>
</tr>
<tr>
<td></td>
<td>Wildlife</td>
<td></td>
<td>Natural Resources Mitigation Plan required that deals with wildlife and wildlife habitat.</td>
</tr>
<tr>
<td>City and County of Broomfield</td>
<td>Visual Mitigation</td>
<td>Extraction Operating Agreement (O/A) October 24, 2017</td>
<td>Permanent facilities painted uniform non-contrasting, non-reflective colors that blend with landscape. (O/A)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>New rules proposed (2019). Held workshops in February 2020</td>
<td>Permanent perimeter property fencing generally required. (O/A)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Council Study Session in March 2020. Date TBD.</td>
<td>Removal of debris (O/A)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Proposed: Require pipelines for all freshwater, produced water, and O&amp;G pipelines to/from O&amp;G site.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Proposed: During drilling &amp; completion phases require minimum 32’ high sound wall to screen O&amp;G operations from view.</td>
</tr>
<tr>
<td>City and County of Broomfield</td>
<td>Traffic</td>
<td></td>
<td>Traffic Management Plan (O/A)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Baseline traffic analysis (O/A)</td>
</tr>
<tr>
<td>Jurisdiction</td>
<td>Rule Topic</td>
<td>Adopted or Proposed Rule and Date</td>
<td>Rule Summary</td>
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<td></td>
<td>Operators required to identify all access routes to proposed facilities. (O/A)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Traffic Plan shall: Provide sight distance, turning volumes in/out of each site. Needs to be approved by Broomfield prior to construction. (O/A)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Convert truck traffic volumes to ESALs using both existing volumes and proposed volumes with new O&amp;G activities. (O/A)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Core drill or boring samples of Broomfield roads to determine adequacy of roadway structure. (O/A)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Identify need for additional traffic lanes. (O/A)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Restriction of traffic to/from O&amp;G sites to periods outside of peak traffic and school hours. (O/A)</td>
</tr>
<tr>
<td>City and County of Broomfield</td>
<td>Wildlife</td>
<td></td>
<td>Proposed: Provide baseline Environmental Impact Assessment with mitigation measures.</td>
</tr>
<tr>
<td>Commerce City</td>
<td>Visual Mitigation</td>
<td>Draft rules shared with LGD March 11, 2020</td>
<td>Visual Mitigation Plan required demonstrating how the operation will blend into the surrounding landscape that includes consideration of fencing materials, berming and use of existing vegetation and natural contours to the maximum extent possible.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Shall include photographic simulations that include proposed mitigation measures.</td>
</tr>
<tr>
<td>Jurisdiction</td>
<td>Rule Topic</td>
<td>Adopted or Proposed Rule and Date</td>
<td>Rule Summary</td>
</tr>
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<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Commerce City</td>
<td>Traffic</td>
<td></td>
<td>Traffic Control Plan showing public and private roads that traverse or provide access, the trips/day for each type of vehicle, proposed haul routes and measures to mitigate the impacts.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Traffic Impact Study required to clearly identify and distinguish impacts to City roads, showing operations and ongoing new traffic generated.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Traffic Mitigation Plan required that includes ongoing roadway maintenance and improvements or reconstruction as well as financial assurance.</td>
</tr>
<tr>
<td>Commerce City</td>
<td>Wildlife</td>
<td></td>
<td>Application requirement: Show location of sensitive wildlife habitats, nature areas or open space identified on application.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>A Wetlands Protection Plan is required if any part of the proposed operation is adjacent to a wetland.</td>
</tr>
<tr>
<td>Ft. Collins</td>
<td></td>
<td>Draft regulations went before the Planning Commission on Oct. 30, 2019 and City Council on Nov. 4, 2019. Following the public hearing, Council elected to postpone action on ordinance 2235 to allow more time for the proposed regulations to be further revised with additional stakeholder feedback.</td>
<td></td>
</tr>
<tr>
<td>Greeley</td>
<td></td>
<td>Greeley will update their Code to include some new O&amp;G rules in August 2021.</td>
<td></td>
</tr>
<tr>
<td>Larimer</td>
<td>Visual Mitigation</td>
<td>Proposed Rules to go before their BoCC on March 23, 2020</td>
<td>For all phases of site development, fencing required for security and visual aesthetics.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Landscaping and/or fencing for screening and visual quality as</td>
</tr>
<tr>
<td>Jurisdiction</td>
<td>Rule Topic</td>
<td>Adopted or Proposed Rule and Date</td>
<td>Rule Summary</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>viewed from public rights-of-way and neighboring residential areas required within 6 months from the time of well completion in accordance with requirements for the zoning district.</td>
</tr>
<tr>
<td>Larimer</td>
<td>Traffic</td>
<td>Traffic Impact Analysis and Routing Plan required with all applications. Private access drives shall be “Local Low Volume” cross section and must include a mud and debris tracking pad at the end of the paved portion.</td>
<td></td>
</tr>
<tr>
<td>Larimer</td>
<td>Wildlife</td>
<td>Promote and protect the public health, safety and welfare, and protect the environment and wildlife by minimizing the adverse impacts of O&amp;G facilities Shut down equipment leaks that pose a threat to wildlife or the environment immediately. Odor Mitigation Plan required for all applications describing how public and wildlife will be protected. Operator shall take precautions to prevent adverse environmental impacts to air, water, soil, or biological resources to the extent necessary to protect public health, safety and welfare, including the environment and Wildlife Resources to prevent unauthorized discharge or disposal of oil, gas, Exploration and Production Waste, chemical substances, trash, discarded equipment, or other oil field waste.</td>
<td></td>
</tr>
<tr>
<td>Jurisdiction</td>
<td>Rule Topic</td>
<td>Adopted or Proposed Rule and Date</td>
<td>Rule Summary</td>
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<td>--------------</td>
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<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Thornton</td>
<td>Visual Mitigation</td>
<td>Adopted August 22, 2017. Currently under revision.</td>
<td>The size of the structure and surface equipment for present and future operational needs shall be minimized as much as possible without compromising safety concerns.</td>
</tr>
<tr>
<td>Thornton</td>
<td>Traffic</td>
<td></td>
<td>Transportation Plan to include:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Description of all proposed private and public access and haul routes for all product produced and transported, delivered equipment and materials.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Description of each vehicle type, loaded and unloaded weight and number of wheels and axles.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Description of proposed routes and anticipated times of travel to ensure that public roads and public intersections will be used in a manner to minimize delays.</td>
</tr>
<tr>
<td>Thornton</td>
<td>Wildlife</td>
<td></td>
<td>Wildlife and Habitat Assessment Mitigation Plan to include the existing wildlife and wildlife habitat, as defined by CPW, and projected impacts and mitigation steps to avoid significant degradation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Shall not cause significant degradation of wildlife and habitat.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Where siting is in a significant wildlife habitat as defined by CPW or where designated in the City’s Comprehensive Plan, the operator shall implement.</td>
</tr>
<tr>
<td>Jurisdiction</td>
<td>Rule Topic</td>
<td>Adopted or Proposed Rule and Date</td>
<td>Rule Summary</td>
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<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>procedures as recommended by CPW.</td>
</tr>
</tbody>
</table>
| **Weld County** | Visual     | Adopted new regulations July 22, 2019<br>Already in the process of code changes. | Production facilities observable from any public highway shall be painted with uniform, non-contrasting, non-reflective colors matched to but slightly darker than the surrounding landscape.  
All locations shall be kept free of equipment, vehicles and supplies not necessary for use on that lease including weeds, rubbish and other waste materials and noxious weeds. |
| **Weld County** | Traffic    |                                                     | Applicant provides a statement that traffic reduction methods shall be employed where feasible, such as utilizing fresh water supply through pipelines for completions and the use of centralized storage facilities and/or transmission of crude oil pipeline.  
Provide road maintenance agreement. |
| **Weld County** | Wildlife   |                                                     | Minimize adverse impacts wherever reasonably practicable to:  
1. Avoid adverse impacts to wildlife resources.  
2. Minimize the extent and severity of impacts that cannot be avoided.  
3. Mitigate the effects of unavoidable remaining impacts and  
4. Take into account cost effectiveness & technical feasibility to minimize impacts to wildlife resources. |
<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Rule Topic</th>
<th>Adopted or Proposed Rule and Date</th>
<th>Rule Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Plan new transportation networks and facilities to minimize surface disturbance and the number and length of roads.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Establish new staging, refueling and chemical storage areas outside of riparian zones and floodplains.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Use minimum construction widths for new Rights of Way where pipelines cross riparian areas, streams and critical habitats.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Other requirements in Sensitive Wildlife Habitat and Restricted Surface Occupancy Area.</td>
</tr>
</tbody>
</table>
Oil and Gas Regulations
Process Update
Quality of Life Topics: Visual & Traffic Impacts

April 21, 2020
BoCC Study Session

Arapahoe County Public Works
Study Session Goals

• To Inform on why consider regulating visual impacts and aspects of traffic impacts.

• To Obtain Direction on outlined considerations

We will not be covering wildlife today as we planned because we just discovered that CPW is working with COGCC to revise the COGCC wildlife rules. Staff will update the Board at a later date on our wildlife recommendations.
Why Regulate Visual Impacts?

1. County receives complaints from residents about visual impacts.

2. Visual impacts from oil & gas development can impact property values, scenic views, open space visits, wildlife migration across private property and change the character of a neighborhood, temporarily (during drilling & fracking) or during the entire production phase (20+/- years).
Specific Online Survey Question re Visual Impacts

When asked if:

The visual impact of well sites is important to regulate?

48% Strongly Agreed and 27% Agreed
Visual Mitigation Example
Visual Mitigation Example
# Visual Mitigation Rules

<table>
<thead>
<tr>
<th></th>
<th>ArapCo MOU</th>
<th>COGCC</th>
<th>Adams</th>
<th>Aurora</th>
<th>Boulder</th>
<th>Broomfield</th>
<th>Commerce City</th>
<th>Larimer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paint equipment matched or slightly darker than surroundings</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Visual Mitigation Plan</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Landscaping Required</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Remove Debris Promptly</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Fencing for visual or security</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Minimize equipment size or limit number of tanks</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
## Proposed Visual Mitigations

<table>
<thead>
<tr>
<th>Should the County Require Visual Mitigations that Include:</th>
<th>All Sites</th>
<th>Sites within ½ Mile of Homes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Disturbance Mitigation Plan</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Photographic Simulation</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Low-Profile Tanks</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Berms, Opaque Fencing and/or Landscaping</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Secure Fencing</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>No Storage of Equipment for Other Sites</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Maintain Sites Weed, Rubbish and Debris-free</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Recommend Pipelines to Minimize Onsite Tanks</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Landscape Screen for Views from Public ROW w/in 6 months of completion</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Use Natural Contours/Existing Vegetation to Conceal Site</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>1,000 Foot Setback from Pad to Existing Homes</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
Traffic Impact Example
Why Regulate Traffic Impacts?

1. County receives complaints from residents about traffic impacts.

2. Traffic can impact residents’ quality of life with respect to noise, safety, dust, commuting times and road degradation.
Specific Online Survey Questions re Traffic Issues

When asked if:

*Increased traffic concerns me*

47% *Strongly Agreed* and 29% Agreed

Is it important to regulate increased volume in traffic?

45% *Strongly Agreed* and 31% Agreed

Is roadway safety for motorists, pedestrians and cyclists important?

62% *Strongly Agreed* and 33% Agreed
## Traffic Mitigation Rules

<table>
<thead>
<tr>
<th>R = recommended</th>
<th>ArapCo MOU+ ESD</th>
<th>Adams</th>
<th>Aurora</th>
<th>Boulder</th>
<th>Broomfield</th>
<th>Larimer</th>
<th>Thornton</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic Impact Study</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Minimize Traffic on specific Days/Hours</td>
<td>R</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Temporary Water Lines</td>
<td>R</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Operators pay for Repairs</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Limit Tanks</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Documentation of Current Road Conditions</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fugitive Dust Control</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Traffic Control Plan</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Access Permit</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Note: X indicates that the rule is in place in that area.
State Rules for Oil & Gas Traffic Impacts

2 CCR 404-1 Oil and Gas Conservation Commission

PRACTICE AND PROCEDURE

• The Operator and Building Unit owners shall be encouraged to discuss potential concerns associated with Oil and Gas Operations, such as security, noise, light, odors, dust, and traffic, and shall provide information on proposed or recommended Best Management Practices or mitigation measures to eliminate, minimize or mitigate those issues.

• If required by the local government, a traffic plan shall be coordinated with the local jurisdiction prior to commencement of move in and rig up. Any subsequent modification to the traffic plan must be coordinated with the local jurisdiction.

• The facility shall be designed to control public access, prevent unauthorized vehicular traffic, provide for site security both during and after operating hours, and prevent illegal dumping of wastes.
**Proposed Traffic Mitigations**

<table>
<thead>
<tr>
<th>Should the County require Traffic Mitigations that include:</th>
<th>All Sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continue to require a Traffic Impact Study</td>
<td>X</td>
</tr>
<tr>
<td>Time of Day restrictions</td>
<td>X</td>
</tr>
<tr>
<td>(during peak hours &amp; school bus hours) and limit deliveries to daytime unless not feasible such as the delivery or a drilling rig</td>
<td>X</td>
</tr>
<tr>
<td>Require use of temporary water lines or modular large volume tanks</td>
<td>X</td>
</tr>
<tr>
<td>Recommend the use of pipelines</td>
<td>X</td>
</tr>
</tbody>
</table>
Photos of Modular Large Volume Tanks
BOARD SUMMARY REPORT

Date: February 10, 2020

To: Board of County Commissioners (BOCC)

Through: Shannon Carter, Open Space Director

From: Dave Schmit, Engineering Consultant

Subject: Florida Avenue Sidewalk

Direction/Information
The purpose of the session is to allow the project team to update the BOCC on the Florida Ave. Sidewalk Project. Staff will discuss proposed next steps and ask the BOCC for direction on securing the required right-of-way and easements for construction.

Request and Recommendation
Staff is requesting direction to proceed with the right-of-way and easement acquisition necessary for the construction of an 8-foot wide trail/sidewalk (and associated retaining walls) along the south side of Florida Avenue between Parker Road and South Uinta Way. Staff is also asking for the authority to negotiate with the property owners regarding such items as fencing, landscaping, and tree damage allowance as necessary for the project.

Background
The Longs Pine Grove Open Space Park has been approved and is under construction along the south side of Florida Ave. between South Uinta Way and the High Line Canal. In the Land Use approval process for Long's Pine. The County Technical Review Committee concluded and required: “The proposed sidewalk on the north end of the site is not necessary because there is no sidewalk to connect to west of the property along E. Florida Ave. Instead, sidewalk needs to be installed along the south side of E. Florida Ave from the property to S. Parker Road. Curb ramps need to be installed at the southwest and southeast corners of the intersection between E. Florida Ave. and S. Uinta Way. This requirement was memorialized on the approved and signed Location & Extent Plan (attached).

Unrelated, the Arapahoe County Open Space Bike and Pedestrian Plan identified the need to develop east-west trail improvements along Florida Avenue as a top priority which has been implemented in phases. A remaining “gap” exists along the south side of Florida Avenue between Parker Road and South Uinta Street. (see attached map)

The original plan was to construct an 11-foot wide sidewalk/trail from Parker Road to South Uinta Way in order to provide a continuous and safe multi-modal connection to the west without a
April 20, 2020 Study Session

requirement that users travel through the undersized bridge portion at the Denver/Arapahoe County boundary which cannot accommodate a trail. At Uinta, the Florida trail connects through the Longs Pine Grove Open Space Park trails, ultimately connecting with the High Line Canal trail via a new bridge in the park. These plans have been met with concerns and opposition from some of the adjacent neighbors. The concerns vary but the following is a representation of those we have received:

- The improvements will reduce the visual and sound buffer between Florida Avenue and the adjacent properties.
- The improvements will reduce property values.
- The improvements will increase potential for more crime.
- The improvements will impact existing trees both within the public right-of-way and on private property.
- The improvements will possibly damage existing fences along the corridor.

In response to these concerns the project team met with the adjacent property owners on October 8, 2019 at the project site to listen to their concerns and discuss how the project team was prepared to address them. At the meeting, the project team and County staff agreed to narrow the trail/walk from 11 feet (the recommended width of a “shared use path”) to 8 feet in order to accommodate less invasive construction. 8 feet is recognized as a minimum acceptable width for a “shared use path” facility by AASHTO’s guide on the development of bicycle facilities and is only acceptable in specific situations due to safety concerns. We also offered to have a professional consulting arborist assess the trees on private property with intent to provide advice on how to adapt the design to lessen impacts to trees located on private property. We are also committed to resolving any other damages caused to private property such as privacy fencing via replacement or repair. Subsequently, we were unable to secure access to the most critical private property to allow the assessment and recommendations by the arborist.

Links to Align Arapahoe

Service First – This action connects to Service First by providing safe multi-model access along Florida Avenue.

Quality of Life – This action connects to Quality of Life by providing higher-quality and safer access to parks and trails within the County.

Discussion
As a result of one property owner disallowing cooperation and access for assessment of their site conditions and existing adjacent trees, the design process has been hindered and the project has been held up indefinitely. With a requirement to move the project forward, our team has completed 80% design drawings (using some assumptions regarding adjacent properties) and has developed legal descriptions for the right-of-way and temporary construction easements necessary to complete the project. We believe we have made a good faith effort to work with the property owners to reasonably address those concerns that we can as follows:

- We have reduced the width of the improvement to the very minimum acceptable width
- We have committed to doing everything within reason both in the design and in the field to protect those trees on private property.
April 20, 2020 Study Session

- We have agreed to replace/repair any fencing that is damaged.
- Finally, we have committed to the maintenance of the trail/walk adjacent to the private properties.

Of note: One owner has requested that the trees on County Right-of-way be preserved, however the trees at issue have been identified as “volunteer” species and are not considered appropriate trees to be adjacent to a roadway due to the “weak-wood” characteristics of the trees. Additionally, the project team does not feel that we can accommodate this request without further restricting the project and is not agreeing to this.

As can be seen by the plan documents, in some cases, the fence line and legal property line are slightly different. The impacts to the usable private property of the adjacent properties are not significant, and permanent construction impacts are not planned to exceed the limits of each property’s current fence boundary.

We wish to have authorization to proceed with contacting the property owner and providing them with the proposed easement and right-of-way documents along with a fair market offer to acquire them.

Alternatives
The only other alternatives are to abandon the project or possibly reduce the improvements to such point as no right-of-way or easements are necessary however the result may not be worth the expense, and would not meet any standard of care for a trail facility of this nature.

Fiscal Impact

Estimate cost of construction of the improvements $595,100.00.

Estimated cost of right-of-way and easements (based on fair market value) $125,000.00

The total project estimate is approximately $720,100.00 and will be funded from the Open Spaces Acquisition and Development Fund, account 284800700.

Reviewed By

Dave Schmit, Temporary Engineering Consultant
Roger Harvey, Open Space Planning Administrator
Shannon Carter, Open Space Director
Todd Weaver, Finance Department
Tiffanie Bleau, County Attorney’s Office

Attachments:
2. Letter to property owners dated November 4, 2019
3. Approved Location & Extent Plan
Mountain View Gardens

Residents

August 7, 2019

Arapahoe County

Public Works Department, Open Space

6934 S. Lima Street, Suite A

Centennial, CO 80112

Attention: Roger Harvey, Open Space Planning Administrator (rharvey@arapahoegov.com)

Re: Proposed Long’s Pine Grove Pedestrian Connections

To whom it may concern:

The following is a consensus of the most impacted occupant property owners, including those contiguous to the right of way of the proposed project. We are united in our opposition to this project as proposed for the following reasons:

- There currently exists both bike and pedestrian access, with handicap ramp, on the north side of Florida Ave. This access has been used historically for both pedestrians and bike access to the Highline Canal and destinations beyond. (Please see attached aerial photo, local map, Four Square Mile map and proposed project plats)
- This proposed project reduces the visual and sound separation of the increasingly busy Florida Avenue. The removal of the trees in the right of way and the likelihood of killing numerous mature trees that currently provide privacy on the adjacent properties will have a profound negative impact on adjacent properties and our neighborhood.
- This proposed project reduces the value of all our property, presumably, which in turn reduces the property tax revenues for Arapahoe County.
- This proposed project increases the potential of more crime in our neighborhood. A wide sidewalk/bike path with knee wall at the base of the existing fences, will allow an easier access to adjacent property owners and neighborhood in general.
- According to Arapahoe County’s presentation on Long’s Pine Grove Park (January16, 2019), which did not include a discussion on the proposed sidewalk and bike path. "Expectations for the park are less than 18 visits per day". (How many will access via bikes from Parker Road?)
- A four-foot sidewalk would adequately provide access to the 18 visits per day anticipated by Arapahoe County and would NOT be objected to by the Neighborhood. Additionally, a four-foot sidewalk will likely not require a retaining wall and the required footing.
- This proposed bike path is only one block. There is no existing bike path on the east side of Parker Road on Florida Avenue or on the south side of Parker Road to connect to this proposed bike path.
MVG HOA Board (dismanded) mvghoa@outlook.com
Mountain View Gardens Neighbors email list.
November 4, 2019

(list property owners) send certified mail Suggest that we send individual letters

Dear Property Owners,

Thank you once again for taking the time to meet with the County’s project team on October 8th to provide your feedback and concerns regarding the new trail along the south side of Florida. During this meeting, we reached consensus to move forward with an 8-foot-wide trail rather than the preferred 11-foot-wide trail in order to allay concerns regarding the potential impacts to your property, and in particular, your trees.

In this vein, the County is committed to working with its professional arborist and land survey consultants - in collaboration with each affected property owner - in order to gather detailed information that will help inform the design. In addition to the land survey work that needs to be done in order to confirm property boundaries, this effort necessarily, requires access to your property to survey the variety/species, size and growth pattern (roots, branches, etc.), and specific locations of individual trees which will enable us to incorporate design features or changes that might be necessary to achieve our stated goal.

To date, we have been unable to obtain a right of entry agreement from you. The County needs to keep moving forward with the project, and so I am writing to personally ask that you sign and return the attached agreement by November 22nd. If a signed agreement is received, we will coordinate with you individually on an acceptable time to conduct the work while you are home. If we do not receive your authorization, via a signed agreement, we will proceed with the best information available and within legal means.

It is our intent to have a revised design completed by the end of the year, after which time the County will contact you to discuss any easements or right-of-way acquisitions that may be necessary for the project.

If you have any questions, please contact me as soon as possible.

Sincerely,

David M. Schmit, P.E.
Engineering Consultant
Arapahoe County Open Spaces
dschmit@arapahoe.gov.com
303.210.6937
LONG'S PINE GROVE OPEN SPACE
LOCATION AND EXTENT PLAN
PART OF TRACT 15 MOUNTAIN VIEW GARDENS SUBDIVISION AND A PORTION OF THE HIGH LINE CAVAL RIGHT-OF-WAY LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF ARAHATOE, STATE OF COLORADO.

NOTE: THESE PAGES ARE INTENDED TO INFORMATIONAL PURPOSES ONLY. THE INFORMATION CONTAINED HEREIN IS SUBJECT TO CHANGE AND MAY NOT BE USED FOR LEGAL PURPOSES WITHOUT THE WRITTEN CONSENT OF THE COUNTY.
LONG'S PINE GROVE OPEN SPACE
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