LAND USE APPLICATION
SUMMARY SHEET
PRELIMINARY

Planner: Kim Ogle
Case Number: USR19-0026 Hearing Date: June 18, 2019
Applicant: Peters 313 Ranch, Inc. c/o John L. Peters
            c/o Tracey Jensen, Summit Midstream Niobrara, LLC; 707 Wapiti Avenue, Rifle, CO
Request: A Site Specific Development Plan and a Special Review Permit for Mineral Resource
         Development Facilities including Oil and Gas Support and Service including (Three (3) gas
         compressors and related equipment), up to five (5) temporary construction office trailers and
         ten (10) temporary conex for use during the construction of the facility in the A (Agricultural)
         Zone. (Brahma Compressor Station)

Legal Description: Subdivision Exemption No. SUBX19-0010 being part of Section 33, Township 12 North,
                  Range 63 West of the 6th P.M., Weld County Colorado

Location: Approximately 1.2 miles south of County Road 138; east of and adjacent to County Road 65
          Section Line

Size of Parcel: 12.811 +/- acres Parcel Number: 0043-33-0-00-002

POSSIBLE ISSUES SUMMARIZED FROM APPLICATION MATERIALS

The criteria for review of this Special Review Permit is listed in Section 23-2-220 of the Weld County Code.

The Department of Planning Services' staff has received responses with comment from the following agencies:

➢ Weld County Department of Public Health and Environment, referral dated April 19, 2019
➢ Weld County Department of Public Works, referral dated May 1, 2019

The Department of Planning Services' staff has received responses without comment from the following agencies:

➢ Weld County Sheriff’s Office, referral dated April 19, 2019
➢ Weld County Zoning Compliance, referral dated April 25, 2019

The Department of Planning Services' staff has not received responses from the following agencies:

➢ History Colorado
➢ Pawnee Fire Protection District
➢ Colorado Parks and Wildlife
➢ Weld County Building Inspection
➢ West Greeley Conservation District

➢ Weld County Office of Emergency Management
➢ Laramie County, Wyoming

USR19-0026
Summit Midstream Niobrara, LLC, Brahma Compressor Facility
Page 1
SPECIAL REVIEW PERMIT
ADMINISTRATIVE REVIEW

Planner: Kim Ogle

Case Number: USR19-0026 Hearing Date: June 18, 2019

Applicant: Peters 313 Ranch; c/o John L. Peters c/o Tracey Jensen, Summit Midstream Niobrara, LLC; 707 Wapiti Avenue, Rifle, CO

Request: A Site Specific Development Plan and a Special Review Permit for Mineral Resource Development Facilities including Oil and Gas Support and Service including (Three (3) gas compressors and related equipment), up to five (5) temporary construction office trailers and ten (10) temporary conex for use during the construction of the facility in the A (Agricultural) Zone. (Brahma Compressor Station)

Legal Description: SUBX19-0010 being part of Section 33, Township 12 North, Range 63 West of the 6th P.M., Weld County Colorado

Location: Approximately 1.2 miles south of County Road 138; east of and adjacent to County Road 65 Section Line

Size of Parcel: 12.811 +/- acres Parcel Number: 0043-33-0-00-002

Narrative:
Summit Midstream Niobrara, LLC is in the process of expanding operations in Weld County. This project will complement the previously approved Summit Midstream Hereford Ranch Processing Plant, 3MUSR18-13-0002 and the Angus Compressor Station Facility, 1MUSR18-12-0048, and will include three (3) gas compressors and interconnecting pipelines for the purpose of gathering raw natural gas and preparing it for compression and insertion into pipelines. This application only addresses the unmanned Brahma compressor station sited on a 12.811 acre Subdivision Exemption leasehold parcel. The site will maintain and operate limited facility internal lighting and will be fully fenced with the area inside the fence graveled and the area outside of the fence will be re-vegetated with native grasses.

THE DEPARTMENT OF PLANNING SERVICES' STAFF RECOMMENDS THAT THIS REQUEST BE APPROVED FOR THE FOLLOWING REASONS:

1. The submitted materials are in compliance with the application requirements of Section 23-2-260 of the Weld County Code.

2. It is the opinion of the Department of Planning Services' staff that the applicant has shown compliance with Section 23-2-220 of the Weld County Code as follows:

   A. Section 23-2-220.A.1 -- The proposed use is consistent with Chapter 22 and any other applicable code provisions or ordinance in effect.

      Chapter 22, Article VI, Section 22-6-20.B.1 ECON. Policy 3.1 states "County activities and regulation should protect the rights of private property owners and the public health, safety and welfare,

USR19-0026
Summit Midstream Niobrara, LLC, Brahma Compressor Facility
Page 2
recognizing that these basic rights and protections allow the free market to prosper and grow the local economy.”

The property owner has submitted an application for a signed lease for lands associated with this compressor facility. The proposed compressor station is located within the Peters 313 Ranch on lands with multiple oil and gas encumbrances and mineral resource development facilities associated with open pit mine of sands gravels and stones.

Chapter 22, Article V, Section 22-5-100.A.2 OG.Policy 1.2 states “Oil and gas support facilities which do not rely on geology for locations should locate in commercial and industrial areas, when possible, and should be subject to review in accordance with the appropriate sections of this Code.”

Summit Midstream Niobrara, LLC (Summit) is in the business of collecting, processing, compressing and transmitting natural gas products to customers via pipelines. The DJ Basin area has seen rapid expansion as new drilling technologies are allowing more oil and gas to be produced. As a result, gas gathering and processing capacity is needed in this area in order to meet the growing production. To meets these needs, Summit is proposing, the Brahma compressor station necessitated by the need to move larger volumes of gas due to the increases in drilling activity and projected additional production increases anticipated by producers.

Chapter 22, Article V, Section 22-5-100.B.6 OG.Policy 2.6 states “Promote the safety of all citizens and structures that are in relatively close proximity to oil and gas facilities.”

The facility is proposed for a remote location of the County with no residential structures located within several miles from the proposed facility. Additionally, the applicant is proposing to place all equipment within pre-fabricated structures. Compressor buildings will have hospital grade silencers and each structure is insulated to dampen equipment noise. The applicant has been working with the Pawnee Fire Department on an Emergency Action Plan that addresses the Muster point in case of emergency or unforeseen event. As a condition of approval prior to operation a signed Emergency Action Plan between the Fire Department, Office of Emergency Management and the Plant Operator is required.

This proposal has been reviewed by the appropriate referral agencies and it has been determined that the attached Conditions of Approval and Development Standards ensure that there are adequate provisions for the protection of the health, safety and welfare of the inhabitants of the neighborhood and County, and will address and mitigate impacts on the surrounding area due to the construction of this facility.

Chapter 22, Article II, Section 22-2-20.I.5 A.Policy 9.5 states “Applications for a change of land use in the agricultural areas should be reviewed in accordance with all potential impacts to surrounding properties and referral agencies. Encourage applicants to communicate with those affected by the proposed land use change through the referral process.”

Summit is in communication with surrounding property owners and will continue to communicate with them. The Pawnee volunteer fire department was sent notification along with Summit contact information and have acknowledged notification. The applicant indicates that prior to operation emergency responders will be provided with information on emergency protocols and the muster locations for the compressor station.

The areas surrounding the site have agricultural land use predominately for the grazing of livestock as well as oil and gas exploration and development. There are several Highpoint Operating Corporation well pad/tank battery adjacent to this site and several more about 800-feet to the east. The station is designed with minimal impact to the surrounding area. The application materials indicate that facility
lighting will not overly illuminate large areas and will be directed at 90 degrees to the natural ground plane. Lighting will comply with the Weld County Code with no transient light leaving the property. The existing site is natural grasses and range land associated high prairie vegetation with no improvements or farming. The site is in a remote, arid region as such, the proposed compressor station will be graveled with natural grasses remaining outside the fenced area. No additional landscaping is proposed.

B. Section 23-2-220.A.2 -- The proposed use is consistent with the intent of the A (Agricultural) Zone District.

Section 23-3-40.A.2 of the Weld County Code provides for Mineral Resource Development Facilities, Oil and Gas Support and Service, Natural Gas Compressor Facility, as a Use by Special Review in the A (Agricultural) Zone District.

Agriculture in the County is considered a valuable resource which must be protected from adverse impacts resulting from uncontrolled and undirected business, industrial and residential land uses. The A (Agricultural) Zone District is established to maintain and promote agriculture as an essential feature of the County. The A (Agricultural) Zone District is intended to provide areas for the conduct of agricultural activities and activities related to agriculture and agricultural production without the interference of other, incompatible land uses.

The A (Agricultural) Zone District is also intended to provide areas for the conduct of uses by Special Review which have been determined to be more intense or to have a potentially greater impact than uses Allowed by Right. The A (Agricultural) Zone District regulations are established to promote the health, safety and general welfare of the present and future residents of the County.

C. Section 23-2-220.A.3 -- The uses which will be permitted will be compatible with the existing surrounding land uses.

The proposed Brahma Compressor Station is located in an area of the County used primarily as grazing and pasture land and already contains various oil and gas operations and facilities. The proposed site is surrounded by natural grasses and range land associated high prairie vegetation and no residents. By keeping the proposed compressor footprint small (approximately 12-acres out of the 640-acre property), Summit intends that surrounding agricultural areas will not be affected by the compressor station's presence. Once the construction is completed disturbed areas will be reseeded with a native seed mix.

There are eleven (11) property owners on eleven (11) parcels within five hundred feet of this facility, with the closest residence being approximately 0.5 miles to the south. Planning staff has not received any telephone calls or correspondence concerning this land use application.

In the unlikely event operations cease at the Brahma Compressor Station, Summit will remove the equipment and all of its components in accordance with COGCC regulations. Where possible, materials will be reused or recycled. Where required, materials for disposal will be removed by a licensed contractor and transported to a disposal site. Summit will comply with all COGCC regulations concerning site restoration.

D. Section 23-2-220.A.4 -- The uses which will be permitted will be compatible with future development of the surrounding area as permitted by the existing zoning and with the future development as projected by Chapter 22 of the Weld County Code and any other applicable code provisions or ordinances in effect, or the adopted Master Plans of affected municipalities.

The site is not within a three mile referral area of a municipality and is within three miles of Laramie County, Wyoming. There were no comments received from Laramie County concerning this land
use application.

E. Section 23-2-220.A.5 -- The application complies with Section 23-5 of the Weld County Code.

The property is not within a recognized overlay district for Flood Hazard Development, Geologic Hazard or Airport Overlay Districts.

The site is within the County-wide Road Impact Fee Area. Building Permits issued on the lots will be required to adhere to the fee structure of the County-wide Road Impact Fee, County Facility Fee and Drainage Impact Fee Programs.

F. Section 23-2-220.A.6 -- The applicant has demonstrated a diligent effort to conserve prime agricultural land in the locational decision for the proposed use.

This proposed facility is located on a Subdivision Exemption parcel created for the temporary use of the land for oil and gas support and service facilities, specifically the Summit Midstream Niobrara, LLC Brahma Compressor Station. The approximate 628 acre area not impacted by the compressor site will continue as grazing and pasture lands for livestock, with on-going oil and gas production activities and open pit mining for sands gravels and stones. The proposed facility is sited on lands that are designated as “High Potential Dryland - Prime if they become Irrigated” on the Important Farmlands of Weld County map dated 1979.

G. Section 23-2-220.A.7 -- The Design Standards (Section 23-2-240, Weld County Code), Operation Standards (Section 23-2-250, Weld County Code), Conditions of Approval and Development Standards ensure that there are adequate provisions for the protection of health, safety, and welfare of the inhabitants of the neighborhood and County.

This recommendation is based, in part, upon a review of the application materials submitted by the applicant, other relevant information regarding the request, and responses from referral entities.

1. Prior to recording the USR map:

   A. A Road Maintenance Agreement is required at this location. Road maintenance includes, but is not limited to, dust control and damage repair to specified haul routes. (Department of Public Works)

   B. A Final Drainage Report and Certification of Compliance stamped and signed by a Professional Engineer registered in the State of Colorado is required. (Department of Public Works)

   C. The applicant shall submit a recorded copy of any agreement signed by all of the owners of the property crossed by the access. The access shall be for ingress, egress, utilities and shall be referenced on the USR map by the Weld County Clerk and Recorder's Reception number. (Department of Public Works)

   D. The applicant shall provide a Decommissioning Plan for the Compressor Facility.

   E. The USR map shall be amended to delineate the following:

      1. All sheets of the USR map shall be labeled USR19-0026 (Department of Planning Services)

      2. The attached Development Standards. (Department of Planning Services)

      3. The USR map shall be prepared in accordance with Section 23-2-260.D of the Weld County Code. (Department of Planning Services)
4. County Road 136.5 is a gravel road and is designated on the Weld County Functional Classification Map as a local road which requires 60 feet of right-of-way at full buildout. The applicant shall delineate and label on the site map or plat the future and existing right-of-way (along with the documents creating the existing right-of-way) and the physical location of the road. All setbacks shall be measured from the edge of right-of-way. This road is maintained by Weld County. (Department of Public Works)

5. Show and label the approved access locations, approved access width and the appropriate turning radii (60') on the site plan. The applicant must obtain an access permit in the approved location(s) prior to construction. (Department of Public Works)

6. Show and label the approved tracking control on the site plan. (Department of Public Works)

7. Show and label the entrance gate if applicable. An access approach that is gated shall be designed so that the longest vehicle (including trailers) using the access can completely clear the traveled way when the gate is closed. In no event, shall the distance from the gate to the edge of the traveled surface be less than 35 feet. (Department of Public Works)

8. Show and label a 30-foot minimum access and utility easement to provide legal access to the parcel on the site plan. (Department of Public Works)

9. Show and label the accepted drainage features. Stormwater ponds should be labeled as "Stormwater Detention, No-Build or Storage Area" and shall include the calculated volume. (Department of Public Works)

10. Show and label the drainage flow arrows. (Department of Public Works)

11. Show and label the parking and traffic circulation flow arrows showing how the traffic moves around the property. (Department of Public Works)

2. Prior to Construction

A. The approved access and tracking control shall be constructed prior to on-site construction. (Department of Public Works)

B. If more than one (1) acre is to be disturbed, a Weld County Grading Permit will be required. (Department of Public Works)

3. Prior to Operation

A. The applicant shall develop an Emergency Action and Safety Plan with the Office of Emergency Management and the Fire District. The plan shall be reviewed on an annual basis by the Facility operator, the Fire District and the Weld County Office of Emergency Management. Submit evidence of acceptance to the Department of Planning Services. (Department of Planning Services)

4. Upon completion of Conditions of Approval No.1. above the applicant shall submit a Mylar USR map along with all other documentation required as Conditions of Approval. The Mylar USR map shall be recorded in the office of the Weld County Clerk and Recorder by Department of Planning Services’ Staff. The USR map shall be prepared in accordance with the requirements of Section 23-2-260.D of the Weld County Code. The Mylar USR map and additional requirements shall be submitted within one hundred twenty (120) days from the date of the Board of County Commissioners resolution. The applicant shall be responsible for paying the recording fee. (Department of Planning Services)
5. In accordance with Weld County Code Ordinance #2012-3, approved April 30, 2012, should the USR map not be recorded within the required one hundred twenty (120) days from the date of the Board of County Commissioners resolution a $50.00 recording continuance charge shall be added for each additional 3 month period. (Department of Planning Services)

6. The Use by Special Review is not perfected until the Conditions of Approval are completed and the map is recorded. Activity shall not occur, nor shall any building or electrical permits be issued on the property, until the Use by Special Review map is ready to be recorded in the office of the Weld County Clerk and Recorder or the applicant has been approved for an early release agreement. (Department of Planning Serv
1. A Site Specific Development Plan and a Special Review Permit, USR19-0026 for Mineral Resource Development Facilities including Oil and Gas Support and Service including (Three (3) gas compressors and related equipment), up to five (5) temporary construction office trailers and ten (10) temporary conex for use during the construction of the facility in the A (Agricultural) Zone. (Brahma Compressor Station), and subject to the Development Standards stated hereon. (Department of Planning Services)

2. Approval of this plan may create a vested property right pursuant to Section 23-8-10 of the Weld County Code. (Department of Planning Services)

3. This is an unmanned facility. (Department of Planning Services)

4. The facility will operate 24 hours per day 365 days per year. (Department of Planning Services)

5. All signs shall adhere to Chapter 23, Article IV, Division 2 and Appendices 23-C, 23-D and 23-E of the Weld County Code. (Department of Planning Services)

6. The pasture grass restoration shall be maintained. (Department of Planning Services)

7. Sources of light shall be shielded so that beams or rays of light will not shine directly onto adjacent properties. Sources of light should not cause a nuisance or interfere with the use on the adjacent properties in accordance with the map. Neither the direct, nor reflected, light from any light source may create a traffic hazard to operators of motor vehicles on public or private streets. No colored lights may be used which may be confused with, or construed as, traffic control devices. (Department of Planning Services)

8. The applicant or operator shall comply with the approved Decommissioning Plan. (Department of Planning Services)

9. The property owner or operator shall provide written evidence of an approved Emergency Action and Safety Plan on or before March 15th of any given year signed by representatives for the Fire District and the Weld County Office of Emergency Management to the Department of Planning Services. (Department of Planning Services)

10. The property owner or operator shall be responsible for controlling noxious weeds on the site, pursuant to Chapter 15, Article I and II, of the Weld County Code. (Department of Public Works)

11. The access to the site shall be maintained to mitigate any impacts to the public road, including damages and/or off-site tracking. (Department of Public Works)

12. There shall be no parking or staging of vehicles on public roads. On-site parking shall be utilized. (Department of Public Works)

13. Any work that may occupy and or encroach upon any County rights-of-way or easement shall acquire an approved Right-of-Way Use Permit prior to commencement. (Department of Public Works)

14. The Property Owner shall comply with all requirements provided in the executed Road Maintenance Agreement. (Department of Public Works)
15. The Road Maintenance Agreement for this site may be reviewed on an annual basis, including a site visit and possible updates. (Department of Public Works)

16. Access will be along unmaintained County right-of-way and maintenance of the right-of-way will not be the responsibility of Weld County. (Department of Public Works)

17. The historical flow patterns and runoff amounts on the site will be maintained. (Department of Public Works)

18. Weld County is not responsible for the maintenance of onsite drainage related features. (Department of Public Works)

19. All liquid and solid wastes (as defined in the Solid Wastes Disposal Sites and Facilities Act, 30-20-100.5, C.R.S.) shall be stored and removed for final disposal in a manner that protects against surface and groundwater contamination. (Department of Public Health and Environment)

20. No permanent disposal of wastes shall be permitted at this site. This is not meant to include those wastes specifically excluded from the definition of a solid waste in the Solid Wastes Disposal Sites and Facilities Act, 30-20-100.5, C.R.S. (Department of Public Health and Environment)

21. Waste materials shall be handled, stored, and disposed in a manner that controls fugitive dust, blowing debris, and other potential nuisance conditions. The facility shall operate in accordance with Chapter 14, Article 1 of the Weld County Code. (Department of Public Health and Environment)

22. Fugitive dust should attempt to be confined on the property. Uses on the property should comply with the Colorado Air Quality Commission's air quality regulations. (Department of Public Health and Environment)

23. The applicant shall submit an Air Pollution Emission Notice (A.P.E.N.) and Emissions Permit Application and obtain a permit from the Air Pollution Control Division, Colorado Department of Public Health and Environment, as applicable. (Department of Public Health and Environment)

24. Adequate drinking, handwashing and toilet facilities shall be provided for employees and patrons of the facility, at all times. As employees or contractors are on site for less than 2 consecutive hours a day portable toilets and bottled water are acceptable. Records of maintenance and proper disposal for portable toilets shall be retained on a quarterly basis and available for review by the Weld County Department of Public Health and Environment. Portable toilets shall be serviced by a cleaner licensed in Weld County and shall contain hand sanitizers. Portable toilets shall be screened from existing adjacent residential properties. (Department of Public Health and Environment)

25. All potentially hazardous chemicals must be handled in a safe manner in accordance with product labeling. All chemicals must be stored secure, on an impervious surface, and in accordance with manufacturer’s recommendations. (Department of Public Health and Environment)

26. Secondary containment shall be constructed around tanks to provide containment for the largest single tank and sufficient freeboard to contain precipitation. Secondary containment shall be sufficiently impervious to contain any spilled or released material. Secondary containment devices shall be inspected at regular intervals and maintained in good condition. All secondary containment will comply with the Colorado Oil and Gas Conservation (COGCC) Commission Rule 604 and/or the provisions of the State Underground and Above Ground Storage Tank Regulations. (Department of Public Health and Environment)

27. The facility shall be constructed and operated to ensure that contamination of soil and groundwater does not occur. (Department of Public Health and Environment).

28. Any contaminated soils on the facility shall be removed, treated or disposed of in accordance with all
applicable rules and regulations. All spills will be reported to local, state and federal agencies in accordance with all state and federal regulations. (Department of Public Health and Environment)

29. The facility shall adhere to the maximum permissible noise levels allowed in the Commercial Zone as delineated in 25-12-103 C.R.S. (Department of Public Health and Environment)

30. The applicant shall obtain a Colorado Discharge Permit System or CDPS permit from the Colorado Department of Public Health and Environment (CDPHE), Water Quality Control Division, if applicable. (Department of Public Health and Environment)

31. A Spill Prevention, Control and Countermeasure Plan, prepared in accordance with the applicable provisions of 40 CFR, Part 112, shall be available on site or as applicable. (Department of Public Health and Environment)

32. The facility shall notify the County of any revocation and/or suspension of any State issued permit. (Department of Public Health and Environment)

33. The applicant shall notify the County upon receipt of any compliance advisory or other notice of non-compliance of a State issues permit, and of the outcome or disposition of any such compliance advisory or other notice of non-compliance. (Department of Public Health and Environment)

34. The operation shall comply with all applicable rules and regulations of State and Federal agencies and the Weld County Code. (Department of Public Health and Environment)

35. Building Permits issued on the proposed lots will be required to adhere to the fee structure of the County-wide Road Impact Fee, County Facility Fee and Drainage Impact Fee Programs. (Department of Planning)

36. The property owner or operator shall be responsible for complying with the Design and Operation Standards of Chapter 23 of the Weld County Code.

37. Necessary personnel from the Weld County Departments of Planning Services, Public Works, and Public Health and Environment shall be granted access onto the property with 24-hour notice to the owner or operator in order to ensure the activities carried out on the property comply with the Conditions of Approval and Development Standards stated herein and all applicable Weld County regulations.

38. The Use by Special Review area shall be limited to the plans shown hereon and governed by the foregoing standards and all applicable Weld County regulations. Substantial changes from the plans or Development Standards, as shown or stated, shall require the approval of an amendment of the Permit by the Weld County Board of County Commissioners before such changes from the plans or Development Standards are permitted. Any other changes shall be filed in the office of the Department of Planning Services.

39. The property owner or operator shall be responsible for complying with all of the foregoing Development Standards. Noncompliance with any of the foregoing Development Standards may be reason for revocation of the Permit by the Board of County Commissioners.

40. RIGHT TO EXTRACT MINERAL RESOURCES STATEMENT: Weld County has some of the most abundant mineral resources, including, but not limited to, sand and gravel, oil, natural gas, and coal. Under title 34 of the Colorado Revised Statutes, minerals are vital resources because (a) the state’s commercial mineral deposits are essential to the state’s economy; (b) the populous counties of the state face a critical shortage of such deposits; and (c) such deposits should be extracted according to a rational plan, calculated to avoid waste of such deposits and cause the least practicable disruption of the ecology and quality of life of the citizens of the populous counties of the state.
Mineral resource locations are widespread throughout the County and person moving into these areas must recognize the various impacts associated with this development. Often times, mineral resource sites are fixed to their geographical and geophysical locations. Moreover, these resources are protected property rights and mineral owners should be afforded the opportunity to extract the mineral resource.

41. WELD COUNTY’S RIGHT TO FARM STATEMENT: Weld County is one of the most productive agricultural counties in the United States, typically ranking in the top ten counties in the country in total market value of agricultural products sold. The rural areas of Weld County may be open and spacious, but they are intensively used for agriculture. Persons moving into a rural area must recognize and accept there are drawbacks, including conflicts with long-standing agricultural practices and a lower level of services than in town. Along with the drawbacks come the incentives which attract urban dwellers to relocate to rural areas: open views, spaciousness, wildlife, lack of city noise and congestion, and the rural atmosphere and way of life. Without neighboring farms, those features which attract urban dwellers to rural Weld County would quickly be gone forever.

Agricultural users of the land should not be expected to change their long-established agricultural practices to accommodate the intrusions of urban users into a rural area. Well-run agricultural activities will generate off-site impacts, including noise from tractors and equipment; slow-moving farm vehicles on rural roads; dust from animal pens, field work, harvest and gravel roads; odor from animal confinement, silage and manure; smoke from ditch burning; flies and mosquitoes; hunting and trapping activities; shooting sports, legal hazing of nuisance wildlife; and the use of pesticides and fertilizers in the fields, including the use of aerial spraying. It is common practice for agricultural producers to utilize an accumulation of agricultural machinery and supplies to assist in their agricultural operations. A concentration of miscellaneous agricultural materials often produces a visual disparity between rural and urban areas of the County. Section 35-3.5-102, C.R.S., provides that an agricultural operation shall not be found to be a public or private nuisance if the agricultural operation alleged to be a nuisance employs methods or practices that are commonly or reasonably associated with agricultural production.

Water has been, and continues to be, the lifeline for the agricultural community. It is unrealistic to assume that ditches and reservoirs may simply be moved “out of the way” of residential development. When moving to the County, property owners and residents must realize they cannot take water from irrigation ditches, lakes, or other structures, unless they have an adjudicated right to the water.

Weld County covers a land area of approximately four thousand (4,000) square miles in size (twice the size of the State of Delaware) with more than three thousand seven hundred (3,700) miles of state and county roads outside of municipalities. The sheer magnitude of the area to be served stretches available resources. Law enforcement is based on responses to complaints more than on patrols of the County, and the distances which must be traveled may delay all emergency responses, including law enforcement, ambulance, and fire. Fire protection is usually provided by volunteers who must leave their jobs and families to respond to emergencies. County gravel roads, no matter how often they are bladed, will not provide the same kind of surface expected from a paved road. Snow removal priorities mean that roads from subdivisions to arterials may not be cleared for several days after a major snowstorm. Services in rural areas, in many cases, will not be equivalent to municipal services. Rural dwellers must, by necessity, be more self-sufficient than urban dwellers.

People are exposed to different hazards in the County than in an urban or suburban setting. Farm equipment and oil field equipment, ponds and irrigation ditches, electrical power for pumps and center pivot operations, high speed traffic, sandburs, puncture vines, territorial farm dogs and livestock, and open burning present real threats. Controlling children’s activities is important, not only for their safety, but also for the protection of the farmer’s livelihood.