

INTRODUCTION TO THE 2020 LA PLATA COUNTY

LAND USE CODE

Chapters 62 through 68, 70 through 74 and 79-81 of this code ~~was~~were adopted in 2020 as the culmination of a multi-year process of listening to the needs and preferences of the community. As a result of listening to the public's input, the Board of County Commissioners identified several goals not only around the inadequacies of the previous LPLUC, but also goals and strategies discussed in the various district plans and desired improvement to both process and standards of the code. One goal was to reconcile and clarify previous inadequacies of the code, which was largely accomplished through more thorough definitions and increased use of flow charts and tables and improved organization. Another key goal was to improve the process by which applications for development are initiated, reviewed, and approved. The process goals included improving and streamlining the steps in the process as well as increasing predictability and certainty about the likely process and outcome of applying the code. The substantive goals motivating the drafting of the new code were many: facilitate and direct the growth of the county to appropriate areas, such as those supported by adequate services and infrastructure, and cluster development when appropriate; articulate clearer development standards; protect and respect the county's most valued assets, such as its natural beauty and landscape, rural lands and viability of agricultural production; and mitigate the adverse impacts of new development on existing residents. In sum, the board and the community wanted a better process with clearer standards that would create predictability and facilitate growth in the appropriate areas of the county while respecting the needs and preferences of those who already call La Plata County home.

Chapter 90 was repealed and reenacted in 2023.

Summary of this Code:

The LUC is organized to facilitate the user's understanding of the process and requirements for land use and other types of permit applications. The following overview highlights certain aspects of each chapter: The user should refer to the chapter and relevant sections for a more complete explanation and additional requirements.

Chapter 62: Chapter 62 establishes the effective date of ~~this code chapters 62 through 68, 70-74 and 79-81~~ as October 1, 2020 and, among other things, contains useful definitions and acronyms. However, some chapters such as chapter 69 relating to areas and activities of state interest, chapter 78 relating to floodplains, and chapter 90 oil and gas have their own effective dates and unique set of definitions to which the user of those chapters should refer. This code defines many terms and phrases not previously defined and places all defined terms in a single chapter/location rather than scattered throughout standards and regulations. Obsolete terms and definitions have also been updated or deleted.

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Chapter 90: Chapter 90 contains the county's oil and gas resource development standards and associated regulations. In 2019 the Colorado legislature adopted SB 19-181 which substantially changed the mission of the COGCC from fostering the development of oil and gas resources to regulating the development and production of oil and gas in a manner that protects public health, safety and welfare, including protection of the environment and wildlife resources. SB 19-181 also clarified the ability of local governments to regulate oil and gas development including the possibility of concurrent and overlapping jurisdiction. After the adoption of SB 19-181, the COGCC updated and revised the entirety of its rules. These changes at the state level prompted the need to repeal and reenact chapter 90 of the county's land use code. ~~and currently remain substantially unchanged.~~

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Chapter 62: Title, Effective Date, Purposes and Definitions

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Sec. 62-2 Effective Date

The effective date of chapters 62 through 68, 70-74 and 79-81 of this code is October 1, 2020. The effective dates of chapter 69 and chapter 78 are October 1, 2019 and August 4, 2014, respectively. The effective date of chapter 90 is August 1~~X~~, 202~~2~~3.

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Sec. 62-5 Definitions

The following words, terms, and phrases shall have the following meanings when used in this code or that are otherwise used by the county in its review and disposition of land use issues.

~~**Abandonment.** The permanent abandonment of a well based on the operator's filing of abandonment with the COGCC. Presumption of permanent abandonment of a major facility shall be based upon nonuse or nonoperation for one (1) year without notification to the CDD of the intent to resume operations under specified conditions.~~

~~**Applicant.** That person or other legal entity possessing the legal right to develop the site or to establish any other use proposed in connection with the site in question; generally, the applicant will be the owner or lessee of the property, or the owner's agent. When used in the context of chapter 90, that person or other legal entity possessing the legal right to develop the mineral resource, or any other use proposed in connection thereof for the site in question in accordance with chapter 90.~~

~~**Best management practices (BMP).** When used in the context of chapter 90, proven techniques used in conducting mineral extraction operations which eliminate or minimize adverse impacts to public health and the environment, landowners, and natural resources; which enhance the value of natural and landowner resources; and which reduce conflicts. Best management practices are dynamic and intended to promote excellence in the conduct of operations.~~

~~**Centralized facility.** When used in the context of chapter 90, a facility serving multiple well pads consisting of one (1) or more compressors, generators or water, gas or oil treatment equipment.~~

~~**Chemical inventory.** A list of the chemical products (including material safety data sheets) brought to a wellsite for use downhole during drilling, completion and workover operations including fracture stimulations and the maximum capacity of fuel stored on the oil and gas location during~~

~~those operations. The chemical inventory shall state the amount of the chemical product used, the way it was used or applied and the dates on which it was used.~~

Construction. Any and all activity incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances thereto, including land clearing, grading, excavating and filling. ~~This shall also include any and all activity incidental to the initial drilling and completion (as defined by COGCC regulations) of an oil or gas well or major oil and gas facility.~~

Drainage plan. ~~When used in the context of chapter 90, a~~ written description and depiction on a site plan for the collection, transport, treatment and discharge of stormwater runoff.

~~**Drilling operation.** Any work or actual operation undertaken for the purposes of carrying out any of the rights, privileges or duties of a lessee for drilling of an oil well, gas well, or cathodic protection well, and by the actual operation of drilling in the ground.~~

~~**Flowline.** A segment of pipe transferring oil, gas, or condensate between a wellhead and processing equipment to the load point or point of delivery to a U.S. Department of Transportation pipeline and Hazardous Materials Safety Administration or Colorado Public Utilities Commission regulated gathering line or a segment of pipe transferring produced water between a wellhead and the point of disposal, discharge or loading. The definition of flowline does not include a gathering line. A pipeline connecting an individual well to production metering equipment.~~

~~**Gas well.** A well, the principal production of which at the mouth of the well is gas, as defined by the Oil and Gas Conservation Act of the State of Colorado capable of producing natural gas.~~

~~**Gathering line.** A gathering pipeline or system as defined in the COGCC Rules transporting produced gas, oil, or water from multiple intermediate lines.~~

Improvement. A valuable addition made to property (usually real estate) or an amelioration in its condition, amounting to more than mere repairs or replacement, costing labor or capital, and intended to enhance its value, beauty, or utility, or to adapt it for new or further purposes. Generally, has reference to buildings, but may also include any permanent structures or other development, such as a street, sidewalks, sewers, utilities, landscaping, fences, etc. ~~When used in the context of chapter 90, any new construction activity or addition of equipment or materials to an oil and gas site.~~ When used in the context of a fair share reimbursement agreement, the term includes, but is not limited to, any type of structure, facility or other improvement for public use that the county requires to be installed by an original developer as a condition or requirement of land use permit approval of such development, which also benefits one (1) or more adjacent or other properties.

~~**Intermediate line.** A pipeline transporting produced gas, oil, or water from one (1) well pad after it passes through production metering equipment to a gathering line.~~

~~**Major oil and gas facilities.**~~

- ~~(a) Centralized facilities.~~
- ~~(b) Water injection, centralized water transfer stations, centralized water pump stations and associated facilities serving multiple well pads.~~
- ~~(c) Storage yards and construction staging yards in place for six (6) months or longer.~~

- ~~(d) Any permanent equipment, facility or structure related to the production of oil or gas which contains internal combustion engines with a cumulative horsepower, de-rated for elevation, of two hundred (200) BHP or greater.~~
- ~~(e) Transmission line or any pipeline for which the power of eminent domain is exercised.~~
- ~~(f) Any oil and gas facility not meeting the definition of minor oil and gas facility.~~

~~Minor oil and gas facilities.~~

- ~~(a) An individual well pad built with one (1) or more wells and operated to produce liquid petroleum or natural gas, including associated equipment required for such production.~~
- ~~(b) Intermediate lines which extend beyond one-quarter mile (1,320 feet) from the wellhead, gathering lines, and ancillary equipment including but not limited to drip stations, vent stations, pigging facilities, chemical injection stations and valve boxes.~~
- ~~(c) Temporary storage and construction staging yards in place for less than six (6) months.~~

~~Minor oil and gas facilities requiring special mitigation measures.~~

- ~~(a) An individual wellpad built and operated to produce liquid petroleum or natural gas including associated equipment which does not meet the minimum setback and other requirements specified for minor oil and gas facilities.~~
- ~~(b) Any of the facilities specified under subsection (a) of this definition which do not comply with all applicable standards and requirements and which are not classified as major oil and gas facilities.~~
- ~~(c) Continuous drilling and completion operations of wells or well legs on a well pad that are planned to continue for longer than six (6) weeks.~~

Nonconforming use; Nonconformity. An existing lot, structure, building, sign, improvement, facility, development, or use that was lawfully established but which does not conform to one (1) or more laws or regulations currently applicable to the lot, structure, building, sign, development, or use. ~~In the context of chapter 90, a use that was legally established but no longer complies with the regulations of chapter 90; a nonconforming use is legal if it complies with subsection 90-44.V.~~

~~Oil and gas equipment.~~ Machinery or structures located on well pads or rights-of-way including, but not limited to, wellheads, separators, dehydration units, heaters, meters, storage tanks, compressors, pumping units, internal combustion engines, and electric motors.

~~Oil and gas facility.~~ Equipment or improvements used or installed at an oil and gas location for the exploration, production, withdrawal, treatment, storage, or processing of crude oil, condensate, gas, or wastes (including within limitation exploration and production wastes). ~~Oil and gas equipment or improvements used or installed at an oil and gas location for the exploration, production, withdrawal, gathering, treatment, or processing of oil or natural gas.~~

~~Oil and gas location.~~ A definable area where an operator has disturbed or intends to disturb the land surface in order to locate an oil and gas facility.

~~**Oil and gas pit.** Subsurface earthen excavation (lined or unlined) or subsurface open top tank used for the purpose of retaining or storing substances associated with the drilling or operation of oil and gas wells.~~

~~**Oil and gas transmission line.** A pipeline transporting oil, natural gas or any other products derived from oil and gas production, which is defined as a transmission line by the U.S. Department of Transportation regulations under the Natural Gas Pipeline Safety Act of 1968, as amended.~~

~~**Oil well.** A well, the principal production of which at the mouth of the well is oil, as defined by the Oil and Gas Conservation Act of the State of Colorado capable of producing crude petroleum oil.~~

~~**Operator.** When used in the context of Chapter 90, the same as “owner.”~~

Owner. Any person, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land. Shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such structure or land. In the context of chapter 74, the owner, developer, contractor or any other person or organization who is obligated or responsible for performing work for county acceptance. ~~When used in the context of chapter 90, the person who has the right to drill into and produce from a pool and to appropriate the oil or gas produced therefrom either for such owner or operator or others in accordance with chapter 90.~~

~~**Permanent equipment.** Equipment located on site for a duration of time greater than six (6) months effective one (1) year after the drilling and completion of a well.~~

Pipelines. Means any of the following:

- a. ~~Any pipeline and~~ A segment of pipe, piping system, or other appurtenant facilities designed for that transfers, or capable of, transporting crude oil, crude oil emulsion, condensate, natural gas, produced water, manufactured gas or other petroleum derivatives, or other produced fluids and that is not exclusively regulated or subject to exclusive regulation by the federal government, including without limitation by the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to 49 C.F.R. § 195 Subpart A. Flowlines are excluded from this definition of ten (10) inches or more in diameter which creates a hoop stress of twenty (20) percent or more at their specified minimum yield strength.
- b. Any pipeline for the transmission of power or water.

~~**Reciprocal setback.** The minimum distance required by this code between existing oil and gas development and a proposed new use, structure, or other development. The distance between (a) a wellhead, flowline or other pipeline, major oil and gas facility, structure, boundary, working pad surface or other aspect of an existing or county permitted OGL or OGF and (b) the closest projection of a proposed new dwelling unit, high occupancy building unit commercial or industrial building, public or private playgrounds, parks, permanent recreational fields or similar places of public assembly or community spaces.~~

Residential; residential use; residential development. Primarily and regularly used by its occupants as a permanent place of abode and which has housekeeping and cooking facilities, including real property platted and approved for potential future residential use. ~~When used in the~~

~~context of chapter 90, a property having an existing residence or platted subdivision lot within one-quarter mile of an oil and gas facility site.~~

~~**Security fencing.** When used in the context of chapter 90, a six (6) foot chain link fence topped by three (3) strands of barbed wire, or the equivalent, with a gate that can be secured.~~

~~**Setback.** A setback is an undeveloped open area of fixed width within a parcel along the front, side or rear property line or along the foundation of a structure and a property line, highway right-of-way or constructed highway, whichever is more stringent. Within the context of chapter 90, the distance between the following, including but not limited to, a wellhead, intermediate line, gathering line or major oil and gas facility structure boundary and the closest projection of a residential, commercial or industrial building, lot or property line, a permitted facility or a platted building envelope in a platted subdivision.~~

~~**Site.** Land devoted to or intended for development. When used in the context of chapter 90, any lands, including the surface of a severed mineral estate on which exploration for, or extraction and removal of oil or gas is authorized under a lease.~~

~~**Standard operating practices.** Criteria developed by the county for the protection of wildlife resources in the county during oil and gas development activities.~~

~~**Surface owner.** When used in the context of chapter 90, the owner of the surface property on which the facility will be constructed or the owner of property who receives notice pursuant to Section 90-77.~~

~~**Temporary use area.** When used in the context of chapter 90, disturbed lands adjacent to the well pad or right-of-way used by an operator during the construction or maintenance of a well, pipeline or other facility that will be reclaimed for permanent operations.~~

~~**Water pump station.** A facility that receives produced water via gathering lines for the purpose of lowering gathering line water pressure.~~

~~**Well site.** Areas that are directly disturbed during the drilling and subsequent operation of or affected by production facilities directly associated with any oil well, gas well or injection well and its associated well pad.~~

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Sec. 62-6 Abbreviations and acronyms

II. Acronyms.

The following acronyms are used in this code and by staff and are intended to have the following meanings:

ADT	Average daily trips
AES	Agricultural Exemption Subdivision
<u>ALA</u>	<u>Alternative location analysis</u>
ANSI	American National Standards Institute
APWA	American Public Works Association
<u>AQCC</u>	<u>Air Quality Control Commission of Colorado</u>
AVLUP	Animas Valley Land Use Plan

ASTM	ASTM International
AWWA	American Water Works Association
BLM	Bureau of Land Management
<u>BMP</u>	<u>Best management practice</u>
BOA	Board of Adjustment
BOCC	Board of County Commissioners
CAFO	Confined Animal Feeding Operation
<u>CBM</u>	<u>Coalbed methane</u>
CDNR	Colorado Department of Natural Resources
CDOT	Colorado Department of Transportation
CDOWR	Colorado Division of Water Resources
CDPHE	Colorado Department of Public Health and Environment
CDRMS	Colorado Division of Reclamation, Mining, and Safety
CGS	Colorado Geological Survey
C.F.R.	Code of Federal Regulations
CO	Certificate of occupancy
COGCC	Colorado Oil and Gas Commission
C.R.S.	Colorado Revised Statutes, as amended
CPW	Colorado Parks and Wildlife
CDD	Community Development Department
CRD	Clustered Rural Development
dB(A)	Decibels (A-weighted scale); unit of measuring sound levels
DIA	Development improvement agreement
EPA	United States Environmental Protection Agency
ESAL	Equivalent single axle load
FCC	Federal Communication Commission
FEMA	Flood Emergency Management Association. Provides maps of 100-year floodplain and floodway areas. During a flood, Floodplains are typically standing water; Floodways are typically running water.
FIRM	Flood Insurance Rate Maps
FHWA	Federal Highway Administration
GIS	Geographic Information Systems
GPM	Gallons per minute
HPRC	Historic Preservation Review Commission
IBC	International Building Code

IFC	International Fire Code
ICA	Implied consent agreement. Agreement entered between the City of Durango and a landowner; sets forth conditions of their possible future annexation into the City.
IGA	Intergovernmental agreement
JPC	Joint City of Durango and La Plata County Planning Commission
<u>LGD</u>	<u>Local government designee under COGCC rules</u>
MED	Colorado Department of Revenue, Marijuana Enforcement Division
MSHA	Mine Safety and Health Administration
MUTCD	Manual on Uniform Traffic Control Devices
NMFS	National Marine Fisheries Services
NRCS	Natural Resource Conservation Service
NSF	NSF International
<u>OEM</u>	<u>La Plata County Office of Emergency Management</u>
<u>OGF</u>	<u>Oil and gas facility</u>
<u>OGL</u>	<u>Oil and gas location</u>
OSMRE	Office of Surface and Mining Reclamation and Enforcement
OWTS	On-site wastewater treatment system
PC	La Plata County Planning Commission
P.E.	Professional engineer or engineer, professional
P.G.	Professional geologist or geologist, professional
P.H.	Professional hydrologist or hydrologist, professional
<u>PHMSA</u>	<u>U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration</u>
<u>PUC</u>	<u>Colorado Public Utilities Commission</u>
PUD	Planned unit development
ROW	Right-of-way
RLUIPA	Religious Land Use and Institutionalized Persons Act of 2000
SCS	Soil Conservation Service
SJBPH	San Juan Basin Public Health
SOPs	Standard operating practices
SUIT	Southern Ute Indian Tribe
<u>SUIT/CEC</u>	<u>Southern Ute Indian Tribe/State of Colorado Environmental Commission</u>
UBC	Uniform Building Code
UFC	Uniform Fire Code
USACE	United States Army Corps of Engineers

U.S.C.	United States Code
USDCM	Urban Storm Drainage Criteria Manual
USDOT	United States Department of Transportation
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Services
USGS	United States Geological Survey

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Sec. 66-13 Actions following decision-making official or body decisions

I. Vested rights.

- A. Purpose. The purpose of this section is to establish a system of vested property rights for these land use regulations, as authorized by C.R.S. § 24-68-101 *et seq.*
- B. Establishment.
 - 1. General. A vested property right shall be deemed established for a land use permit with the approval of a site specific development plan. Such vested property right shall attach to and run with the land for which the land use permit is approved and shall confer upon the real property owner the right to undertake and complete the development and use of the real property under the terms and conditions of the site specific development plan for a period of three (3) years from the date of its approval.
 - 2. Site specific development plan. For the purposes of this section, site specific development plan shall only mean:
 - a. Administrative land use permit: all developments except for special events;
 - b. Minor land use permit: all developments except for temporary uses;
 - c. Major land use permit: all developments except for sketch plans and preliminary plans and plats;
 - d. Minor and major oil and gas permits, subject to paragraph 90-4.1.C.Final approval by a decision-making body of an oil and gas facility.

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Sec. 66-14 Notice requirements

[Note to PD: This section is the graphic with notice requirements. It is not in a Word format that can be modified so PD/graphic designer will need to modify as required]

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Sec. 70-1 Applicability

Chapter 70 of this code contains the general site development standards that are applicable to all development, ~~except oil and gas,~~ in the unincorporated county; provided, however, Oil and gas development areis subject to the provisions of chapter 90 of this code, including select provisions of this chapter 70. The standards in this chapter cover a wide variety of subject areas, including

building setbacks and height, buffers, protection of critical lands and scenic resources, open space and parks, road design and vehicle access, off-street parking, outdoor lighting, neighborhood protection, utilities and services, and signs. The general site development standards of this chapter work together with the supplemental overlay standards in chapter 72, standards for specific uses in chapter 73, and the road standards in chapter 74 to comprise the substantive standards governing new development in the county. These standards are applied at all stages of the development review process and the applicant shall demonstrate compliance with all applicable standards. Unless otherwise specifically addressed by a section of this code, the development standards set forth in this chapter 70 shall apply to all new development on the effective date of this code.

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Sec. 70-6 Setbacks and structure height.

IV. Oil and gas reciprocal setbacks.

A. Purpose. The purpose of this section is to provide standards to separate dwelling units, including high occupancy building units, from existing industrial oil and gas uses to eliminate or minimize potential nuisances such as noise, glare, and odors; to minimize adverse impacts and to minimize risks posed by air pollutants, hazardous materials, site contamination or pollution or danger from fires or explosions.

B. Definitions and measurements. The terms “flowlines”, “high occupancy building units”, “minimize adverse impacts”, “oil and gas location”, “pipeline”, “well”, “well site” and “working pad surface” used in this section 70-6 shall have the meaning set forth in chapter 90. When determining the methodology for measuring the distances described in this section, the methodology of the COGCC shall be used, it being the intent that the setback requirements set forth in this section be consistent with and determined in the same manner as setback requirements imposed on new oil and gas development.

C. Minimum distances from oil and gas locations.

1. Unless the flowline(s) or pipeline(s) have been properly abandoned in place under chapter 90, no dwelling unit or high occupancy building units shall be allowed within fifty (50) feet of an existing or county permitted flowline or pipeline.

2. No dwelling units or high occupancy building units shall be allowed within four hundred (400) feet of an existing or county permitted working pad surface.

3. No commercial buildings, industrial buildings, public or private playgrounds, parks, permanent recreational fields or similar places of public assembly or community spaces shall be allowed within three hundred (300) feet of an existing or county permitted working pad surface.

4. No development of any kind shall be placed in a location that causes final reclamation of the nearby OGL to be impossible, including without limitation locations that restrict the access to the OGL in a manner that prevents access by the equipment anticipated to be necessary to perform final reclamation of the OGL.

D. Buffer reduction.

1. From plugged and abandoned or dry and abandoned wells. An applicant may request the decision-making body approve a reduced buffer distance from a plugged and abandoned well or a dry and abandoned well for which final reclamation has been completed in accordance with chapter 90 and the regulations of the COGCC, provided the approved reduced buffer is no less than one hundred fifty

(150) feet from the permanently abandoned well and the decision-making body determines the proposed alternative minimizes adverse impacts and reduces the nuisances referenced in this section equally well or better than the requirement set forth in subsection 70-6.IV.

2. Uses by right. A setback imposed by subparagraph 70-6.IV.C.2 or 3 above may be reduced to no less than two hundred (200) feet from an existing or county permitted well if the proposed development does not require a land use permit under section 66-3 and is on a legal lot of record that existed before August 1, 2023.

Table 70-6 B: Setbacks from Oil and Gas Facilities
[need to revise Table “70-6” to be “70-6 A”]

	<u>Commercial building, industrial building, public or private playground, park, permanent recreational field, or similar place of public assembly or community space</u>	<u>Dwelling unit or high occupancy building unit</u>	<u>All development, including commercial and industrial buildings, dwelling units, and high occupancy building units</u>
<u>Working pad surface</u>	<u>300 ft.</u>	<u>400 ft.</u>	<u>Sufficient setback to not render final reclamation to be impossible</u>
<u>Flowline or pipeline</u>	<u>n/a</u>	<u>50 ft.</u>	<u>Sufficient setback to not render final reclamation to be impossible</u>
<u>Plugged and abandoned well or dry and abandoned well</u>	<u>150 ft.</u>	<u>150 ft.</u>	<u>n/a</u>
<u>Existing or county permitted well</u>	<u>200 ft.</u> <u>(If the use does not require a land use permit under section 66-3 and is proposed on a legal lot of record that existed before August 1, 2023)</u>	<u>200 ft.</u> <u>(If the use does not require a land use permit under section 66-3 and is proposed on a legal lot of record that existed before August 1, 2023)</u>	<u>Sufficient setback to not render final reclamation to be impossible</u>

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Sec. 70-9 Grading, drainage, and erosion control

I. Purpose and applicability.

- A. Purpose. The purpose of this section is to minimize the potential adverse impacts of development on stormwater quality and quantity for both construction and post-construction runoff. These standards protect the community's water resources, streams, creeks, rivers, and their availability for existing and future use.
- B. Applicability. These provisions apply to all development except for:
 - 1. Development not requiring a land-use permit;
 - 2. Wildland fire remediation;
 - 3. Plat adjustments and modifications.
 - 4. Lot consolidations and boundary adjustments;
 - 5. Special events and temporary uses;
 - 6. Additional dwelling units that do not require a major land use permit pursuant to section 73-3.5;
 - 7. ~~Development governed by chapter 90.~~

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Sec. 70-21 Noise and vibration

III. Exceptions. The noise standards in this section shall not apply to the following land uses:

- A. Noises of agricultural vehicles, farm operations, ~~oil and gas extraction operations regulated under chapter 90~~, motor vehicles as preempted by state law, home appliances, and chain saws in private use, occasionally used safety signals, warning signals, emergency pressure relief valves, discharge of firearms and temporary construction operations.

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Sec. 79-1 Purpose and applicability

- I. **Purpose.** Within the county there are existing uses of real property, structures, lots, facilities and signs that were legally established or created but do not comply with the current requirements of this code. These are referred to as nonconformities. The purpose of this chapter is to establish provisions that recognize the interests of owners in continuing to use and maintain their property but that also reasonably limit expansion of nonconformities, re-establishment of nonconformities that have been discontinued or destroyed, and relocation and change of use of nonconformities. This chapter also addresses the unique circumstances where uses and structures may be destroyed as a result of a disaster.
- II. **Applicability.**

- A. This chapter applies to nonconformities throughout unincorporated areas of the county. This chapter shall not apply to any nonconformities related to oil and gas locations or oil and gas facilities except as described in section 90-19 development subject to the provisions of chapter 90 of this code.

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Sec. 81-1 Authority

XIII. Article 8 of Title 25 (Colorado Water Quality Control Act)

XIV. Article 60, Title 34 (Oil and Gas Conservation Act)

XV. All other powers authorized by the Constitution of the State of Colorado, the Colorado Revised Statutes, federal law, state or federal regulations, or by common law including those for the regulation of land uses, land use planning and development, subdivision, environmental protection, police powers, and the power to abate nuisances.

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Chapter 81 Appendix

Z. La Plata County Road Classification and Right of Way Width prepared by La Plata County Public Works Department, July 2020

AA. COGCC Rules of Practice and Procedure, Appendix VII: High Priority Habitat Maps

BB. COGCC GIS online interactive maps

CC. National Pipeline Mapping System

DD. Maps published by Pipeline Association for Public Awareness

EE. La Plata County Visual Mitigation Guidelines for Oil and Gas Operations

FF. Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development as published by the BLM (also referred to as “The Gold Book”)