



PLANNING AND ZONING COMMISSION

REGULAR MEETING AGENDA

November 1, 2018

7:00 PM

151 Grant Avenue

Firestone, CO 80520

- 1. Call to Order & Roll Call**
- 2. Pledge of Allegiance**
- 3. Approval of Agenda**
- 4. Approval of Minutes**
 - a. September 20, 2018 - Regular Meeting
- 5. Public Comment *** (maximum time permitted for all Public Comment is 30 minutes)
- 6. Public Hearings**
 - a. Resolution PC-18-21 Crestone Peak Resources Special Use Permit, Bighorn 4A-17H through 4S-17H Wells
- 7. Staff Reports**
- 8. Commissioner Comments**
- 9. Adjournment**

* Individuals that desire to address the Planning and Zoning Commission are requested to sign up at the table at the entrance to the meeting room. Each individual will be provided an opportunity to speak (limited to two minutes) during Public Comment. Maximum time permitted for all Public Comment is 30 minutes for each Public Comment noted on Agenda.

If you need special assistance in order to participate in a Planning and Zoning Commission meeting, please contact the Town Manager's Office at 303-833-3291 in advance of the meeting to make arrangements. A forty-eight-hour notice is requested.



Staff Report

Bighorn 17H-P267

Special Use Permit

**Prepared by the
Town of Firestone for the
Planning and Zoning Commission**

October 29, 2018

Applications

This staff report is for the Bighorn 17H-P267 Special Use Permit application. The applicant for this submittal is Crestone Peak Resources.

Notice

Pursuant to the Town Code and Development Regulations, proper notification of the public hearings was published. Proof of notification to owners of interest and surrounding property owners and a property posting log will be provided by the applicants prior to the hearings.

Location and Process

The approximate location of the site is within the boundaries of Sable Avenue (WCR 22) to the north and Pine Cone Avenue (WCR 20) to the south. Per Firestone's Municipal code it is required that before any person drills a well they must obtain a special use permit that has been granted by the Town.

Site Analysis

The entire proposed site will be approximately 19 acres in temporary disturbance, with the drill site being 6.5 acres. Construction of this site will require leveling the location of the pad to accommodate the drilling rig. The site will be accessed by an asphalt road and a temporary recycled asphalt road to be accessed from Pine Cone Avenue to the south.

Plan Analysis

Bighorn 17H-P267 is a well pad containing 19 wells whose location is not considered a high density area as described per COGCC Rule 603.a. The plan is proposed in three phases: Temporary Disturbance Phase, Interim Phase and Reclamation Phase. During the Temporary Disturbance Phase, the site will include a drill pad enclosed in fencing and a completions pad to be accessed by a temporary road (road base). Additionally, there will be an enclosed facility pad and tank pad with 30 tanks. In the Interim Phase, the drill pad, completion pad and proposed temporary road will be removed. In the Reclamation Phase all items will be removed and the site will be regraded to restore previous drainage patterns.

Fiscal Analysis

The Special Use Permit will provide revenue through taxes to the community and promote the local economy of the Town of Firestone.

Planning and Zoning Commission and Board of Trustees Conditions and Standards for Approval

For your general reference, attached are the conditions and standards of approval for a PUD district that are stated in the Firestone Development Regulations.

Conditions and Standards for Approval

The Planning Commission and the Town Board of Trustees may approve a PUD application if it meets the intent of these Regulations and complies with the Town Code and other controlling regulations and documents, including the development standards specified herein. The Planning Commission and Town Board shall consider the following in making their decision for approval, approval with conditions, or denial of a PUD:

- A. The proposed PUD district is compatible with present development in the surrounding area, and will not have a significant, adverse effect on the surrounding area;
- B. The proposed PUD district is consistent with the public health, safety and welfare, as well as efficiency and economy in the use of land and its resources;
- C. The proposed PUD district is consistent with the overall direction, intent of Titles 16 and 17 of the Town Code, and the intent and policies of the Town's comprehensive plan and other policy documents of the Town;
- D. The proposed PUD district provides for a creative and innovative design which could not otherwise be achieved through other standard zoning districts;
- E. The exceptions from the zoning regulations requested in the proposed PUD are warranted by virtue of innovative design and amenities incorporated in the PUD district;
- F. The PUD provides adequate circulation in terms of internal street circulation system, designed for the type of traffic generated, for separate living areas, convenience, safety, access, and noise and exhaust control. Proper circulation in parking areas shall be provided in terms of safety, convenience, separation and screening. The PUD should provide for buffering from collector and arterial streets through earthen berms, landscaping, and other methods;
- G. The PUD provides functional open space in terms of practical usability and accessibility, and optimum preservation of natural features, including trees and drainage areas, recreation, views, natural stream courses, bodies of water and wetlands;
- H. To the extent practicable, the PUD provides variety in terms of housing types, housing size, densities, facilities and open space;
- I. The PUD provides for pedestrian and bicycle traffic in terms of safety, separation, convenience, access, destination and attractiveness. If possible, there shall be an internal pedestrian circulation system separate from the vehicular system such that allows access to adjacent parcels, parks, open space, or recreational facilities within the PUD as well as links to trail systems of the Town;
- J. Building types in terms of appropriateness to density, site relationship and bulk;
- K. Building design in terms of orientation, spacing, materials, color, texture, storage, signs and lighting;

- L. Landscaping of the site in terms of purpose, such as screening, types and materials used, maintenance suitability, water demands and effect on the area;
- M. Services including utilities, fire, police protection and other such services are available or can be made available to adequately serve the development;
- N. No structures in the PUD shall encroach on a floodplain except as permitted by the Town's floodplain ordinance;
- O. No occupied structure shall be located on ground showing severe subsidence potential without adequate design and study approved by the Town;
- P. Visual relief and variety of visual sitings shall be located within the PUD through building placement, shortened or interrupted street vistas, visual access to open space and other design methods;
- Q. The fiscal impacts on the Town, relative to expected service provision costs and anticipated revenue to the Town;
- R. Compliance with the provisions of any applicable intergovernmental agreements;
- S. The PUD incorporates a lighting plan and facilities to minimize of light drift outside the PUD in an effort to help preserve the night sky;
- T. To the extent reasonably practicable, the PUD shall strive to incorporate "green" building standards and design guidelines for all residential and commercial development in an effort increase energy efficiency and reduce energy consumption;
- U. To the extent reasonably practicable, the PUD shall strive to incorporate renewable energy technologies;
- V. To the extent reasonably practicable, the PUD shall strive to incorporate best management practices in recycling, water conservation, soils preservation and sustainable development practices;
- W. To the extent reasonably practicable, the PUD shall strive to incorporate Infrastructure design that emphasizes technology that will encourage the development of "knowledge workers" and will facilitate telecommuting.

Planning Commission or Board of Trustees Action

The Planning Commission Board or Board of Trustees has the following options relative to the action on applications in general. As necessary additional information relative to continuances, etc. can be provided by the Town Attorney.

- A. Make a decision and vote on the application, using the draft resolution previously prepared, as may be amended during the hearing; or
- B. Make a decision and vote on the application, but request the Town Attorney to prepare findings of fact and conclusions for approval and adoption at the next regular meeting; or
- C. Defer a decision and direct the Town Attorney to prepare findings of fact and conclusions to be submitted to the Board of Trustees at its next regular meeting,

with final deliberation, decision and adoption of the findings of fact and conclusion at that meeting; or

- D. Defer a decision until a date certain, as is mutually agreed upon by the Applicant and the Board of Trustees, by which time the record and all evidence can be reviewed. At that time the Board of Trustees can either adopt findings of fact and conclusions or direct the Town Attorney to prepare findings of fact and conclusions for adoption at the next regular meeting after the meeting to which the matter has been deferred.

RECOMMENDATION

The Town staff recommends the Planning Commission recommend approval of the application with a certain amount of conditions that will be provided in the form of a draft resolution prior to the Planning Commission public hearing.

FIRESTONE PLANNING AND ZONING COMMISSION

RESOLUTION NO. PC-18-21

A RESOLUTION RECOMMENDING APPROVAL OF SPECIAL USE PERMITS FOR CRESTONE PEAK RESOURCES TO LOCATE NINETEEN OIL AND GAS WELLS WITHIN THE TOWN OF FIRESTONE.

WHEREAS, Crestone Peak Resources (hereinafter “Crestone” or “Applicant”) has submitted to the Planning and Zoning Commission of the Town of Firestone an application for special use permits to locate within the Town oil and gas wells referred to as the proposed Bighorn 4A-17H P267 through Bighorn 4S-17H P267 Wells; and

WHEREAS, Crestone has submitted the application and supporting materials pursuant to Chapter 15.48 of the Firestone Municipal Code; and

WHEREAS, all materials related to the proposed special use permit have been reviewed by Town Staff and found with conditions to be in compliance with Town of Firestone subdivision, zoning, and oil and gas ordinances, Development Regulations, and related Town ordinances, regulations, and policies; and

WHEREAS, pursuant to Chapter 17.32 of the Firestone Municipal Code, the Firestone Planning and Zoning Commission held a properly noticed public hearing on the special use application; and

WHEREAS, after this duly-noticed public hearing, at which evidence and testimony were entered into the record, the Planning and Zoning Commission finds the special use request for the well should be approved subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF FIRESTONE, COLORADO:

Section 1. The Planning and Zoning Commission hereby recommends approval of the special use permit requests of Crestone Peak Resources for the location of the 4A-17H P267 through Bighorn 4S-17H P267 Wells within the Town of Firestone, in the location more particularly described in Exhibit A attached hereto, subject to the following conditions:

1. The Town’s special use approval shall expire on the date of expiration of the Oil and Gas Conservation Commission Permit to drill the well or one year from the date of Town approval, whichever is later, if operations for the well are not commenced by such date. In the event special use approval expires, the Applicant shall apply for a new special use permit pursuant to Chapter 15.48 of the Firestone Town Code.

2. Oil and gas operations shall be conducted in compliance with all federal, state, and local laws, rules and regulations, including but not limited to the Colorado Oil and Gas Conservation Commission permit for such well and the final special use permit application materials approved by the Town Board, which materials will be incorporated therein by reference. Applicant shall provide to the Town copies of all state approved permits, waivers, variances and subsequent notices filed with the state and affecting the well.
3. Prior to entering the site, Applicant shall obtain from the Town necessary building permits and notices to proceed.
4. Prior to commencement of any work within the Town the applicant, including contractors and subcontractors, shall obtain necessary Contractor's Licenses from the Town.
5. Prior to moving the drilling rig onto the well site, Applicant shall obtain from the Town and Weld County necessary permits to move the drilling rig equipment within the Town and County, specifically an Overweight Permit from the Town is required for moving the drilling rig.
6. In the exercise of its rights pursuant to this special use approval, Applicant shall avoid any damage or interference with any Town installations, structures, utilities, or improvements. Applicant shall be responsible for all damages to such interests of the Town that are caused by the Applicant.
7. Applicant at its sole expense shall control fugitive dust at the well site and on private access roads on an as-needed basis. Methods and chemicals used for dust control shall comply with Town ordinances and Colorado Oil and Gas Conservation Commission ("COGCC") regulations.
8. The oil/gas well facilities shall utilize setbacks as specified in COGCC Rules. The well site and tank battery and separator areas shall be secured and screened by fencing approved in writing by the Town.
9. Machinery at the site shall be maintained to mitigate noise.
10. Deliveries and construction traffic to and from the site shall, whenever possible, be scheduled during daylight hours.
11. The use of pump jacks shall be limited to those running on electric motors.
12. Oil and gas operations at the well site shall comply with COGCC Rule 802, noise abatement regulations. Operations are subject to the maximum permissible noise levels for Residential/Agricultural/Rural Zones, as measured at a point twenty-five (25) feet from an occupied structure, toward the noise source. Short-term increases shall be allowable as described in COGCC Rule 802.c. Stimulation or re-stimulation operations are governed by

COGCC Rule 802. All rig engines are to be muffled with the exhaust directed away from adjacent residences in the vicinity, and the door to the engine kept closed to the extent reasonably possible.

13. Revise application materials to include on the Vicinity Map the location of the proposed drill site within the larger site boundary.
14. Revise application materials to include on the Vicinity Map the name and address of the operator and the name of the person preparing the site plan or map.
15. As a result of anticipated impacts to the Town's roadway system and the bridge over the Coal Ridge Ditch, applicant must enter a special use permit agreement with the Town, in a form to be approved by the Town Attorney, to contribute to the 2.5 inch asphalt overlay for the roadway between the drill site access point and the bridge over the Coal Ridge Ditch and replacement of the bridge over Coal Ridge Ditch next to the drill site access point.
16. Revise application materials to reflect all access and roadways will be a minimum of 26 feet in width, constructed of all weather surface, and capable of supporting 75,000 pounds.

PASSED AND ADOPTED this 1st day of November, 2018.

Chairperson

ATTEST:

Secretary

EXHIBIT A
Legal Description

A parcel of land located in the Southeast Quarter of the Southeast Quarter of Section 17, Township 2 North, Range 67 West of the 6th Principle Meridian, Town of Firestone, Weld County, Colorado.