



**PLANNING COMMISSION  
REGULAR MEETING**

**August 7, 2019 // 7:00 p.m. // Town Board Chambers  
301 Walnut Street, Windsor, CO 80550**

**MINUTES**

**A. CALL TO ORDER**

Chairman Schick called the regular meeting of the Planning Commission to order at 7:00 p.m.

**1. Roll Call**

The following Planning Commission Members were present:

- Gale Schick
- Victor Tallon
- Doug Dennison
- Cindy Scheuerman
- Jerry Bushelman
- Daniel Foreman

- |                    |                 |
|--------------------|-----------------|
| Town Board Liaison | David Sislowski |
| Town Attorney      | Ian McCargar    |

- |               |                      |                 |
|---------------|----------------------|-----------------|
| Also Present: | Director of Planning | Scott Ballstadt |
|               | Chief Planner        | Carlin Malone   |
|               | Deputy Town Clerk    | Trisha Conway   |

**2. Review of Agenda by the Planning Commission and Addition of Items of New Business to the Agenda for Consideration by the Planning Commission**

**Mr. Tallon moved to approve the agenda as presented; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Tallon, Dennison, Scheuerman, Bushelman, Foreman; Nays – None; Motion carried.**

**3. Public Invited to be heard**

Mr. Schick opened the meeting up for public comment; None

Individuals wishing to participate in Public Invited to be Heard (non-agenda item) are requested to sign up on the form provided in the foyer of the Town Board Chambers. When you are recognized, step to the podium, state your name and address then speak to the Planning Commission.

Individuals wishing to speak during the Public Invited to be heard or during Public Hearing proceedings are encouraged to be prepared and individuals will be limited to three (3) minutes. Public comments are expected to be constructive. Written comments are welcome and should be given to the secretary prior to the start of the meeting. Written materials will not be accepted during the meeting in the interest of time.

**B. CONSENT CALENDAR\***

The Town of Windsor will make reasonable accommodations for access to town services, programs, and activities, and will make special communication arrangements for persons with disabilities. Please call 970-674-2400 by noon on the Thursday prior to the meeting to make arrangements.

1. Approval of minutes of June 5, 2019  
**Mr. Tallon moved to approve the consent calendar as presented; Mr. Foreman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Tallon, Dennison, Scheuerman, Bushelman, Foreman; Nays – None; Motion carried.**

C. BOARD ACTION

1. Public Hearing – Conditional Use Grant Extension – Gomer Oil & Gas Pad – Extraction Oil & Gas, applicant: Jeff Annable, Project Manager, applicant’s representative.
  - Quasi-judicial
  - Staff presentation: Carlin Malone, Chief Planner

Mr. Sislowski stated, “Mr. Chair, for the record I would like to disclose that I am a sitting member of the Town Board, and that I am here in my capacity as non-voting liaison to the Planning Commission. Although I will be present during this public hearing, I will not be giving my opinion or participating in the discussion. I will not let tonight’s proceedings influence or affect my review of this matter when it comes before the Town Board. I will make my decision at the Town Board level based only on the evidence presented during the Town Board public hearing.”

Mr. Schick opened up the public hearing; None

Per Ms. Malone, we did received some comments after the packet had gone out. Comments from the Windsor / Severance Fire District, and comments from a Doctor Wendell Bradley copies of both packets were distributed.

The applicant, Extraction Oil and Gas, is requesting a Conditional Use Grant (CUG) to allow oil and gas facilities on a parcel of land known as the Windsor North Annexation, in the Residential Mixed Use (RMU) zoning district, for what is known as the Gomer Pad. Oil and gas facilities are allowed as a conditional use in all zoning districts, per Section 16-7-60 of the Town’s Municipal Code, Oil and Gas Facilities. The Town Board will consider the Planning Commission recommendation on the CUG application on August 12, 2019.

The parcel is located ½ mile south of Weld County Road 76, ½ mile west of State Highway 257, ½ mile east of WCR 15, and ¾ mile north of WCR 74/Harmony Road; addressed 23753 County Road 76. The subject parcel includes 94 acres of agricultural land with a single-family home and a shed. The oil and gas site area (pad) includes 18.2 acres and the proposal includes eighteen wells with associated equipment. The subject pad site is surrounded by agricultural and single-family estate residential.

Gas production will utilize a pipeline and oil will be stored on-site and transported off-site via tanker trucks. However, applicant will consult with third-parties to determine the feasibility of installing oil pipeline for the transfer of oil off-site. The hauling route is proposed from the site to the property’s access point on WCR 76, east on WCR 76 to SH 257, south on SH 257 to WCR 74/Harmony Road, and west on Harmony Road to I-25. An alternative route is north on SH 257 to SH 14. Colorado Department of Transportation (CDOT) has reviewed the applicant’s traffic impact study has found the study acceptable. Truck traffic would primarily occur during daylight hours and the applicant has stated that truck hauling periods will avoid the peak times of school and

commuter traffic. This statement has been included as a recommended condition of approval for the subject CUG.

Extraction will be utilizing electricity on this site for permanent projection facilities, which reduces the amount of noise associated with a standard oil and gas production operation, as electric motors are used rather than diesel.

A neighborhood meeting was held by the applicant on January 10, 2019, 6:00-8:00 p.m., at the Windsor Severance Fire and Rescue Station No. 1 conference room, 100 7th Street. Notifications for this meeting were as follows:

- December 15, 2018 – affidavit of mailing to property owners within 500 feet
- December 28, 2018 – display ad published in the newspapers

There were approximately 35 neighbors in attendance. Most had general questions about the proposal and some were concerned about the initial truck route proposed, which showed the truck route heading west on WCR 76, and the existing condition of the roadway. Since this meeting, the truck route was modified to run east on WCR 76 to SH 257. Additionally, Extraction Oil and Gas entered into a WCR 76 maintenance agreement with the Town to address the road's condition and the potential need for repair during and after hauling associated with this site has commenced.

Notifications for this public hearing were as follows:

- July 22, 2019 – affidavit of mailing to property owners within 500 feet
- July 22, 2019 – sign posted on property
- July 26, 2019 – published in the newspapers
- July 22, 2019 – posted to Town website

Section 16-7-60(c) of the Municipal Code lists the following standards and requirements for conditional use grants, with staff analysis below:

*(c) Based upon specific site characteristics, which include but shall not be limited to: nature and proximity of adjacent development; prevailing weather patterns, including wind direction; vegetative cover on or adjacent to the site; and topography of the site, the Town Board may, as a condition of approval of any conditional use grant, require any or all of the following methods to mitigate adverse impacts on surrounding properties:*

*(1) Visual requirements. To the maximum extent practical, abatement of negative visual impacts of oil and gas facilities shall be addressed through one (1) or more of the following methods:*

*a. Use structures of minimal size to satisfy present and future functional requirements.*

The proposed conditions of approval require that the applicant utilize equipment and tanks that are low profile.

*b. The facilities shall be kept clean and otherwise properly maintained.*

The proposed conditions of approval require that the facilities are kept clean and maintained. Maintenance of the facilities includes, but is not limited to, the tracking pads, associated oil and gas equipment, painting of tanks, fencing, landscaping and disposal of trash. The applicant shall keep public roadways free from mud and debris.

In conjunction with this proposal, the applicant entered into an agreement with the Town regarding Extraction Oil and Gas' obligations to maintain WCR 76.

*c. Construction of buildings or other enclosures may be required where facilities create visual impacts that cannot be mitigated because of proximity, density and/or intensity of adjacent residential land use.*

The sites are located on an agricultural property of 94 acres with one single-family home and shed located on the northern boundary of the property. The proposed wells would be situated on the southern half of the property. The closest occupied buildings (single-family homes) are located a distance of 994' from the boundary of the drilling pad; and a distance of 810' south of the drilling pad.

The residential subdivisions of Roth and Alexander Estates are located further west of the proposed drilling site, with the closest homes in both Alexander Estates and Roth Subdivision located approximately 2,400 feet from the drilling area. A residence is located 1,209 feet northwest of the drilling pad boundary. In addition to sound walls during the drilling phase and completions, the applicant has proposed mitigating the visual impacts from the site with berms with native grasses on the east and north side of the pad. Landscape screening is proposed to occur when the 94-acre parcel is further developed; however, this time frame is unknown.

*(2) Landscape requirements. Groundcover, shrubs and trees shall be established and maintained in order to adequately buffer the facility.*

The applicant proposes berms with native grasses until the property is developed. The drilling will occur in one phase (2019), planned for drilling 18 wells, and screen/sound walls be provided to the north, west and southeast corner. The applicant hired a consultant to prepare a sound study and will follow those recommendations, one of which was the sound wall buffering outlined above.

Staff has included a condition of approval that berms with native grasses (seeding) are installed no later than 60 days after the drilling phase.

*(3) Floodplain requirements. The oil and gas facilities shall comply with all applicable federal, state and local laws and regulations when located in a regulatory floodway or a special flood hazard area. All equipment at oil and gas facilities located within a special flood hazard area shall be anchored as necessary to prevent flotation, lateral movement or collapse. Any activity or equipment at any oil and gas facility within a special flood hazard area shall comply with the Code of Federal Regulations (C.F.R.) for the National Flood Insurance Program (NFIP), 44 C.F.R. Parts 59, 60, 65 and 70, and shall not endanger the eligibility of residents of the Town to obtain federal flood insurance.*

The pad sites are located outside of the floodplain.

Standard Conditions:

The Town's standard conditions of CUG approval for oil and gas facilities are included in staff's recommendation. Not all of the Town's standard conditions represent the most current industry standards, rules and regulations, and/or best management practices. As such, four (4) recommended deviations or additions of the standard conditions are as follows:

h. Oil and gas equipment.

(1) The applicant shall utilize electric motors in order to mitigate the noise impacts to the neighboring properties.

*Addition:* The applicant shall utilize noise dampening methods consistent with the best management practices (BMPs) utilized in the basin. Such methods include, but are not limited to, sound walls, blankets, and other noise mitigation installed at the source of any equipment creating such noise.

*Staff comment:* Noise has historically been one of the largest generator of complaints from Windsor residents. In order to minimize such complaints and issues, the applicant shall utilize noise dampening methods consistent with the best management practices (BMPs) utilized in the basin.

e. Temporary screening. The applicant shall install a buffer to screen the initial drilling activities and installation of site improvements from surrounding neighborhoods and streets. The temporary buffer shall include hay bales to enclose the drilling operations to provide noise mitigation.

*Deviation:* The temporary buffer/sound walls shall enclose the drilling operations to provide screening and noise mitigation barriers in the direction of nearby homes, as appropriate.

*Staff comment:* The use of hay bales is no longer a standard practice for sound or visual mitigation. Utilization of sound walls is the standard practice for temporary buffering during the initial drilling activities. The applicant proposes sound walls during drilling and completions.

I. Air quality.

(3) The applicant shall submit to the Town copies of the Colorado Regulation 7 XII annual report, as required by the COGCC and/or the CDPHE's Air Pollution Control Division.

j. Water quality.

(1) The applicant shall ensure that any hydrocarbon discharges from the site comply with all state and federal water quality requirements.

*Addition:* Any hydrocarbon discharges shall be properly reported to COGCC, and remediated according to COGCC requirements in all cases. Reportable hydrocarbon discharges shall also be reported to the Windsor Local Government Designee (LGD).

*Staff comment:* No hydrocarbon discharges are allowed from any oil and gas site in Colorado. If any discharge occurs, the above condition describes the action that will be taken.

In addition to the Town's standard conditions, staff has included two site-specific conditions of approval. All conditions are included under staff's recommendation.

Relationship to Comprehensive Plan

The application conforms with Chapter 7, Community Facilities and Infrastructure.

Recommendation

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the Conditional Use Grant with the following conditions:

1. All Planning Commission and staff comments are addressed.
2. The truck hauling route shall remain in accordance with Exhibit A attached hereto, unless otherwise approved by the Town.
3. Truck hauling periods for oversize loads shall avoid before and after school traffic (7:30 a.m. – 8:15 a.m. and 2:45 p.m. - 3:30 p.m.), and avoid peak times of commuter traffic (7:00 a.m. – 8:30 a.m. and 4:30 – 6:00 p.m.).
4. Staff has included a condition of approval that berms with native grasses (seeding) are installed no later than 90 days after the drilling phase is completed.

7. The Town's standard conditions of approval for oil and gas facilities, with amendments, as noted:

1. Prior to the commencement of drilling, the applicant shall submit comprehensive "Drilling and Site Improvement Plans" for review and approval by the Town. Such plans shall address initial drilling activities, initial installation of site improvements and details, and on-going perpetual maintenance of the subject site including, but not limited to, the following:

- a. Site access plan. The Drilling and Site Improvement Plans and supplemental information shall address site access points and haul routes for review and approval.
- b. Public street clean-up and tracking prevention. The Drilling and Site Improvement Plans and supplemental information shall include a tracking pad for review and approval.
- c. Site grading. The Drilling and Site Improvement Plans and supplemental information shall address site grading, including any earth berms for emergency containment.
- d. Site lighting. The Drilling and Site Improvement Plans and supplemental information shall include details regarding site lighting fixtures and locations. Security and other site lighting shall utilize full cutoff light fixtures to mitigate light pollution.
- e. Temporary screening. The applicant shall install a buffer to screen the initial drilling activities and installation of site improvements from surrounding neighborhoods and streets. The temporary buffer/sound walls shall enclose the drilling operations to provide screening and noise mitigation barriers in the direction of nearby homes, as appropriate.
- f. Permanent screening. Given the close proximity to residential neighbors, the Drilling and Site Improvement Plans shall depict proposed long-term screening materials including landscaping, earth berms and any other screening methods to mitigate visual impacts.
- g. Fencing. The Drilling and Site Improvement Plans shall depict fencing of the perimeter of the site. Fencing materials shall be reviewed for approval by the Town based upon the character of the surrounding neighborhood.
- h. Oil and gas equipment.

(1) The applicant shall utilize electric motors in order to mitigate the noise impacts to the neighboring properties. The applicant shall utilize noise dampening methods consistent with the best management practices (BMPs) utilized in the basin. Such methods include, but are not limited to, sound walls, blankets, and other noise

mitigation installed at the source of any equipment creating such noise. Noise mitigation methods known as "Quite Fleet Technology," utilized by Liberty Oilfield Services, shall be used as examples of BMPs to be replicated.

(2) The applicant shall ensure that the wells and tanks are of the minimum size required to satisfy present and future functional requirements to mitigate visual impacts.

(3) Low profile tanks shall be utilized and shall be installed in the least visible manner possible.

(4) All tanks and equipment shall be painted to blend-in with the surrounding landscape.

I. Air quality.

(1) The applicant shall participate in any required Environmental Protection Agency (EPA) air quality monitoring and/or testing by allowing EPA to install equipment on site for said monitoring and testing.

(2) The applicant shall install and operate an emissions control device (ECD) capable of reducing Volatile Organic Compound (VOC) emissions on the subject oil and gas equipment in accordance with Colorado Oil and Gas Conservation Commission (COGCC) and/or the Colorado Department of Public Health and Environment (CDPHE) rules and regulations.

(3) The applicant shall submit to the Town copies of the Colorado Regulation 7 XII annual report, as required by the COGCC and/or the CDPHE's Air Pollution Control Division.

j. Water quality.

(1) The applicant shall ensure that any hydrocarbon discharges from the site comply with all state and federal water quality requirements. Any hydrocarbon discharges shall be properly reported to COGCC, and remediated according to COGCC requirements in all cases. Reportable hydrocarbon discharges shall also be reported to the Windsor Local Government Designee (LGD).

(2) The applicant shall provide test results from Groundwater Baseline Sampling and Monitoring required by COGCC Rule 318A.e(4) to the Town.

k. Emergency containment. The secondary containment berm surrounding all storage vessels shall be designed and constructed to contain a minimum of 110% of the volume of the largest vessel located within the containment area or to State of Colorado standards, whichever requirements are more stringent.

l. Waste disposal. The applicant shall submit to the Town copies of all waste management reports, as required by the COGCC and/or the CDPHE rules and regulations.

m. The following certification blocks shall be included on the Drilling and Site Improvement Plans:

- (1) A signed owner's acknowledgement certification block.
- (2) A signed drilling operator's acknowledgement certification block.

- n. The following notes shall be included on the Drilling and Site Improvement Plans:
  - a) The applicant shall comply with all rules and regulations of the Colorado Oil and Gas Conservation Commission (COGCC).
  - b) The applicant shall comply with all rules and regulations of the Colorado Department of Public Health and Environment (CDPHE).
  - c) The applicant shall maintain on-going compliance with all conditions of the Town and Windsor-Severance Fire Rescue.
  - d) The facilities shall be kept clean and otherwise properly maintained at all times.
  - e) If access to the site is proposed from a Town of Windsor street, such access point(s) shall require approval from the Town of Windsor Engineering Department and any required access improvements, street clean-up, tracking pads, etc., shall be addressed accordingly.

2. The applicant shall address and comply with the conditions of Windsor-Severance Fire Rescue.

#### Attachments

Exhibit A – hauling route  
Application materials  
Neighborhood meeting notes  
PowerPoint presentation

Per Mr. Troy Owens; Development Engineer of Extraction. We've been working with Windsor since the company started back in 2015 with office located in Denver and Greeley. We are currently building a new office in Windsor, which will be open in December 2019. Extraction strives to be the safest and most responsible operator in Colorado, while providing the energy we all need. Introduction of lifecycle of a well Drilling; 2 – 4 days per Well, Hydraulic Fracturing; 3 – 8 days per Well, Production; 20+ years Land Reclaimed. Extraction has a typical drilling rig, and displays the sound wall during the drilling phase. Colorado has the most comprehensive air quality protection rules in the United States. Vapor Recovery Units ("VRUs") captures vapors from storage tanks, Vapor Recovery Towers ("VRTs") eliminate vapors from oil storage tanks, Automated measurement and transfer of ("LACTs") eliminates emissions from measurement and loading, Leak Detection and Repair ("LDAR") inspections continuous monitoring of facilities to detect and eliminate emissions otherwise invisible to naked eye.

Mr. Bushelman asked Mr. Owens if he had seen the public comment packet from Windsor / Severance Fire Department.

Mr. Owens stated; Yes

Per Mr. Jeff Annable 10433 Yosemite Street, Commerce City stated Expansion does a tactical response plan uniquely for every site.

Mr. Dennison asked Ms. Malone will the fire department codified on COA's for this approval.

Ms. Malone stated they are the very last condition of approval in your packet.



Mr. Bushelman commented on the purposed traffic route off of Harmony Road. He expressed concern on the ongoing construction happening on Harmony Road, and discussed the option of using the alternative route.

Mr. Ballstadt asked Mr. Owens to leave a copy of the presentation since it wasn't included in the packet.

Per Mr. Ballstadt the presentation will need to be put into the Town Board packet before it's distributed.

Mr. Ballstadt stated the following be entered into the public record the application, supplemental materials, memo, and supporting documents, testimony from the public hearing, and staff recommendation.

Mr. Ballstadt asked Mr. Owens about the quiet fleet, and if it's being used on both the Gomer and Otis pads.

Mr. Owens stated; Correct.

Mr. Schick opened the meeting up for public comment to which there was none

**Mr. Tallon moved to close the public hearing; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Tallon, Dennison, Scheuerman, Bushelman, Foreman; Nays – None; Motion carried.**

2. Recommendation to Town Board – Conditional Use Grant Extension – Extraction Oil & Gas, applicant; Jeff Annable, Project Manager, applicants representative.
  - Quasi-judicial
  - Staff presentation: Carlin Malone, Chief Planner

Mr. Schick asked if there was any additional comments or questions from the commission.

**Mr. Tallon moved to approve the conditional use grant extension with the following conditions recommended by staff; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Tallon, Dennison, Scheuerman, Bushelman, Foreman; Nays – None; Motion carried.**

3. Public Hearing – Conditional Use Grant Extension – Gomer Oil & Gas Pad – Extraction Oil & Gas, applicant; Jeff Annable, Project Manager, applicants representative.
  - Quasi-judicial
  - Staff presentation: Carlin Malone, Chief Planner

Mr. Sislowski stated, "Mr. Chair, for the record I would like to disclose that I am a sitting member of the Town Board, and that I am here in my capacity as non-voting liaison to the Planning Commission. Although I will be present during this public hearing, I will not be giving my opinion or participating in the discussion. I will not let tonight's proceedings influence or affect my review of this matter when it comes before the Town Board. I will make my decision at the Town Board level based only on the evidence presented during the Town Board public hearing."

Mr. Schick opened up the public hearing

Per Ms. Malone, the following packets handed out with the Gomer pad also apply to this application. Comments from the Windsor / Severance Fire District, and comments from a Doctor Wendell Bradley.

The applicant, Extraction Oil and Gas, is requesting a Conditional Use Grant (CUG) to allow oil and gas facilities on a parcel of land known as the Windsor North Annexation, in the General Commercial (GC) zoning district, for what is known as the Otis Pad. Oil and gas facilities are allowed as a conditional use in all zoning districts, per Section 16-7-60 of the Town's Municipal Code, Oil and Gas Facilities. The Town Board will consider the Planning Commission recommendation on the CUG application on August 12, 2019.

The parcel is located ½ mile north of Weld County Road 74/Harmony Road and ½ mile west of State Highway 257. The subject parcel includes 79 acres of agricultural land and no existing structures. The oil and gas site area (pad) includes 14.7 acres and the proposal includes eighteen wells with associated equipment. The subject pad site is surrounded by agricultural and single-family estate residential.

Gas production will utilize a pipeline and oil will be stored on-site and transported off-site via tanker trucks. However, applicant will consult with third-parties to determine the feasibility of installing oil pipeline for the transfer of oil off-site. The hauling route is proposed from the site to the property's access point on SH 257, south on SH 257 to WCR 74/Harmony Road, west on Harmony Road to I-25. An alternative route is north on SH 257 to SH 14. Colorado Department of Transportation (CDOT) has reviewed the applicant's traffic impact study has found the study acceptable. Truck traffic would primarily occur during daylight hours and the applicant has stated that truck hauling periods will avoid the peak times of school and commuter traffic. This statement has been included as a recommended condition of approval for the subject CUG.

Per Ms. Malone she will address the concerns from Mr. Bushelman with the applicant about the traffic routes on Harmony Road, and utilizing alternative routes.

Extraction will be utilizing electricity on this site for permanent production facilities, which reduces the amount of noise associated with a standard oil and gas production operation, as electric motors are used rather than diesel.

A neighborhood meeting was held by the applicant on January 10, 2019, 6:00-8:00 p.m., at the Windsor Severance Fire and Rescue Station No. 1 conference room, 100 7th Street. Notifications for this meeting were as follows:

- December 15, 2018 – affidavit of mailing to property owners within 500 feet
- December 28, 2018 – display ad published in the newspapers

There were approximately 35 neighbors in attendance. Most had general questions about the proposal and some were concerned about the initial truck route proposed for the Gomer Pad.

Notifications for this public hearing were as follows:

- July 22, 2019 – affidavit of mailing to property owners within 500 feet
- July 22, 2019 – sign posted on property

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Section 16-7-60(c) of the Municipal Code lists the following standards and requirements for conditional use grants, with staff analysis below:

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The proposed conditions of approval require that the applicant utilize equipment and tanks that are low profile.

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The proposed conditions of approval require that the facilities are kept clean and maintained. Maintenance of the facilities includes, but is not limited to, the tracking pads, associated oil and gas equipment, painting of tanks, fencing, landscaping and disposal of trash. The applicant shall keep public roadways free from mud and debris.

*c. Construction of buildings or other enclosures may be required where facilities create visual impacts that cannot be mitigated because of proximity, density and/or intensity of adjacent residential land use.*

The sites are located on an agricultural property of 79 acres with no existing structures. The proposed wells would be situated on the western portion of the property. The closest occupied buildings are located a distance of 582' to the west and 728' to the southwest of the boundary of the drilling pad.

In addition to sound walls during the drilling phase and completions, the applicant has proposed mitigating the visual impacts from the site with berms with native grasses on the west and south side of the pad. Landscape screening is proposed to occur when the 79- acre parcel is further developed; however, this time frame is unknown.

*(2) Landscape requirements. Groundcover, shrubs and trees shall be established and maintained in order to adequately buffer the facility.*

The applicant proposes berms with native grasses until the property is developed. The drilling will occur in one phase (2019), planned for drilling 18 wells, and screen/sound walls be provided to the north, west, and south. The applicant hired a consultant to prepare a sound study and will follow those recommendations, one of which was the sound wall buffering the outlined above.

Staff has included a condition of approval that berms with native grasses (seeding) are installed no later than 60 days after the drilling phase is completed.

*(3) Floodplain requirements. The oil and gas facilities shall comply with all applicable federal, state and local laws and regulations when located in a regulatory floodway or a special flood hazard area. All equipment at oil and gas facilities located within a special flood Page 3 of 7 hazard area shall be anchored as necessary to prevent flotation, lateral movement or collapse. Any activity or equipment at any oil and gas facility within a special flood hazard area shall comply with the Code of Federal Regulations (C.F.R.) for the National Flood Insurance Program (NFIP), 44 C.F.R. Parts 59, 60, 65 and 70, and shall not endanger the eligibility of residents of the Town to obtain federal flood insurance.*

The pad sites are located outside of the floodplain.

Standard Conditions:

The Town's standard conditions of CUG approval for oil and gas facilities are included in staff's recommendation. Not all of the Town's standard conditions represent the most current industry standards, rules and regulations, and/or best management practices. As such, four (4) recommended deviations or additions to the standard conditions are as follows:

h. Oil and gas equipment.

(1) The applicant shall utilize electric motors in order to mitigate the noise impacts to the neighboring properties.

*Addition:* The applicant shall utilize noise dampening methods consistent with the best management practices (BMPs) utilized in the basin. Such methods include, but are not limited to, sound walls, blankets, and other noise mitigation installed at the source of any equipment creating such noise.

*Staff comment:* Noise has historically been one of the largest generator of complaints from Windsor residents. In order to minimize such complaints and issues, the applicant shall utilize noise dampening methods consistent with the best management practices (BMPs) utilized in the basin.

e. Temporary screening. The applicant shall install a buffer to screen the initial drilling activities and installation of site improvements from surrounding neighborhoods and streets.

*Deviation:* The temporary buffer/sound walls shall enclose the drilling operations to provide screening and noise mitigation barriers in the direction of nearby homes, as appropriate.

*Staff comment:* The use of hay bales is no longer a standard practice for sound or visual mitigation. Utilization of sound walls is the standard practice for temporary buffering during the initial drilling activities. The applicant proposes sound walls during drilling and completions.

I. Air quality.

(3) The applicant shall submit to the Town copies of all air emissions reporting the Colorado Regulation 7 XII annual report, as required by the COGCC and/or the CDPHE's Air Pollution Control Division.

j. Water quality.

(1) The applicant shall ensure that any hydrocarbon discharges from the site comply with all state and federal water quality requirements.

*Addition: Any hydrocarbon discharges shall be properly reported to COGCC, and remediated according to COGCC requirements in all cases. Reportable hydrocarbon discharges shall also be reported to the Windsor Local Government Designee (LGD).*

Staff comment: No hydrocarbon discharges are allowed from any oil and gas site in Colorado. If any discharge occurs, the above condition describes the action that will be taken.

In addition to the Town's standard conditions, staff has included two site-specific conditions of approval. All conditions are included under staff's recommendation.  
Relationship to Comprehensive Plan  
The application conforms with Chapter 7, Community Facilities and Infrastructure.

#### Recommendation

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the Conditional Use Grant with the following conditions:

1. All Planning Commission and staff comments are addressed.
2. The truck hauling route shall remain in accordance with Exhibit A attached hereto, unless otherwise approved by the Town.
3. Truck hauling periods for oversize loads shall avoid before and after school traffic (7:30 a.m. – 8:15 a.m. and 2:45 p.m. - 3:30 p.m.), and avoid peak times of commuter traffic (7:00 a.m. – 8:30 a.m. and 4:30 – 6:00 p.m.).
4. Berms with native grasses (seeding) are installed no later than 60 days after the initial drilling phase is completed.

7. The Town's standard conditions of approval for oil and gas facilities, with amendments, as noted:

1. Prior to the commencement of drilling, the applicant shall submit comprehensive "Drilling and Site Improvement Plans" for review and approval by the Town. Such plans shall address initial drilling activities, initial installation of site improvements and details, and on-going perpetual maintenance of the subject site including, but not limited to, the following:

- a. Site access plan. The Drilling and Site Improvement Plans and supplemental information shall address site access points and haul routes for review and approval.
- b. Public street clean-up and tracking prevention. The Drilling and Site Improvement Plans and supplemental information shall include a tracking pad for review and approval.
- c. Site grading. The Drilling and Site Improvement Plans and supplemental information shall address site grading, including any earth berms for emergency containment.
- d. Site lighting. The Drilling and Site Improvement Plans and supplemental information shall include details regarding site lighting fixtures and locations. Security and other site lighting shall utilize full cutoff light fixtures to mitigate light pollution.
- e. Temporary screening. The applicant shall install a buffer to screen the initial drilling activities and installation of site improvements from surrounding neighborhoods and streets. The temporary buffer/sound walls shall enclose

the drilling operations to provide screening and noise mitigation barriers in the direction of nearby homes, as appropriate.

- f. Permanent screening. Given the close proximity to residential neighbors, the Drilling and Site Improvement Plans shall depict proposed long-term screening materials including landscaping, earth berms and any other screening methods to mitigate visual impacts.
- g. Fencing. The Drilling and Site Improvement Plans shall depict fencing of the perimeter of the site. Fencing materials shall be reviewed for approval by the Town based upon the character of the surrounding neighborhood.
- h. Oil and gas equipment.

(1) The applicant shall utilize electric motors in order to mitigate the noise impacts to the neighboring properties. The applicant shall utilize noise dampening methods consistent with the best management practices (BMPs) utilized in the basin. Such methods include, but are not limited to, sound walls, blankets, and other noise mitigation installed at the source of any equipment creating such noise. Noise mitigation methods known as "Quite Fleet Technology," utilized by Liberty Oilfield Services, shall be used as examples of BMPs to be replicated.

(2) The applicant shall ensure that the wells and tanks are of the minimum size required to satisfy present and future functional requirements to mitigate visual impacts.

(3) Low profile tanks shall be utilized and shall be installed in the least visible manner possible.

(4) All tanks and equipment shall be painted to blend-in with the surrounding landscape.

#### I. Air quality.

(1) The applicant shall participate in any required Environmental Protection Agency (EPA) air quality monitoring and/or testing by allowing EPA to install equipment on site for said monitoring and testing.

(2) The applicant shall install and operate an emissions control device (ECD) capable of reducing Volatile Organic Compound (VOC) emissions on the subject oil and gas equipment in accordance with Colorado Oil and Gas Conservation Commission (COGCC) and/or the Colorado Department of Public Health and Environment (CDPHE) rules and regulations.

(3) The applicant shall submit to the Town copies of the Colorado Regulation 7 XII annual report, as required by the COGCC and/or the CDPHE's Air Pollution Control Division.

#### j. Water quality.

(1) The applicant shall ensure that any hydrocarbon discharges from the site comply with all state and federal water quality requirements. Any hydrocarbon discharges shall be properly reported to COGCC, and remediated according to COGCC requirements in all cases. Reportable hydrocarbon discharges shall also be reported to the Windsor Local Government Designee (LGD).

(2) The applicant shall provide test results from Groundwater Baseline Sampling and Monitoring required by COGCC Rule 318A.e(4) to the Town.

k. Emergency containment. The secondary containment berm surrounding all storage vessels shall be designed and constructed to contain a minimum of 110% of the volume of the largest vessel located within the containment area or to State of Colorado standards, whichever requirements are more stringent.

l. Waste disposal. The applicant shall submit to the Town copies of all waste management reports, as required by the COGCC and/or the CDPHE rules and regulations.

m. The following certification blocks shall be included on the Drilling and Site Improvement Plans:

(1) A signed owner's acknowledgement certification block.

(2) A signed drilling operator's acknowledgement certification block.

n. The following notes shall be included on the Drilling and Site Improvement Plans:

- a) The applicant shall comply with all rules and regulations of the Colorado Oil and Gas Conservation Commission (COGCC).
- b) The applicant shall comply with all rules and regulations of the Colorado Department of Public Health and Environment (CDPHE).
- c) The applicant shall maintain on-going compliance with all conditions of the Town and Windsor-Severance Fire Rescue.
- d) The facilities shall be kept clean and otherwise properly maintained at all times.
- e) If access to the site is proposed from a Town of Windsor street, such access point(s) shall require approval from the Town of Windsor Engineering Department and any required access improvements, street clean-up, tracking pads, etc., shall be addressed accordingly.

2. The applicant shall address and comply with the conditions of Windsor-Severance Fire Rescue.

Attachments Exhibit A – hauling route

Application materials

Neighborhood meeting notes

PowerPoint presentation

Mr. Schick asked Mr. Owens if he had an additional presentation for the Otis Pad.

Mr. Owens stated; No.

Mr. Bushelman asked Ms. Malone if the Windsor / Severance Fire Department memo would be included as a requirement for the permit.

Ms. Malone stated; Yes, that's a requirement that there comments are addressed. It was noted that some of the standards for these facilities have changed.

Mr. McCargar stated Chair the comment from the applicants representative may have not made it into the record. Will you please request he step forward, and identify his request, and confirm that his presentation would eventually be identical to his prior presentation.

Mr. Schick asked Mr. Owens to step to the podium.  
Per Mr. Owens stated his presentation would be exactly the same outside of a different site name and location.

Mr. Schick asked if there was any additional comments or questions from the commission.

Mr. Schick opened the meeting up for public comment to which there was none

**Mr. Tallon moved to close the public hearing; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Tallon, Dennison, Scheuerman, Bushelman, Foreman; Nays – None; Motion carried.**

4. Recommendation to Town Board – Conditional Use Grant Extension – Otis Oil & Gas Pad – Extraction Oil & Gas, applicant; Jeff Annable, Project Manager, applicants representative.

- Quasi-judicial
- Staff presentation: Carlin Malone, Chief Planner

Mr. Schick asked if there was any additional comments or questions from the commission.

**Mr. Tallon moved to approve the conditional use grant extension with the following conditions recommended by staff; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Tallon, Dennison, Scheuerman, Bushelman, Foreman; Nays – None; Motion carried.**

D. COMMUNICATIONS

1. Communications from the Planning Commission
  - None
2. Communications from the Town Board liaison
  - None
3. Communications from the staff

Ms. Malone stated since our last meeting our Senior Planner; Millissa Berry resigned. The Town of Windsor is currently searching for another planner.

Mr. Ballstadt stated he wanted to draw attention to the 3 site plan reviews, and if there was any questions or comments from the Commission.

Ms. Scheuerman stated she isn't seeing an actual site plan for item 3A only the memo.

Per Mr. Ballstadt he will send an additional email with that information.

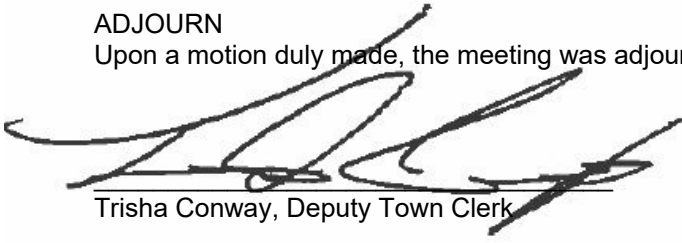
Ms. Scheuerman asked Mr. Ballstadt about item B Mash Lab expansion about Expansion scheduled to develop East between the existing building, and Highland Meadows Parkway.

Mr. Ballstadt stated the expansion will be toward the North of the existing building on the vacant lot.



ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:39 p.m.

A handwritten signature in black ink, appearing to read 'Trisha Conway', is written over a horizontal line. The signature is stylized and somewhat cursive.

Trisha Conway, Deputy Town Clerk