GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, January 23, 2015

8:45 a.m.

- **Call to order; determine quorum**
- **Approval of Minutes**
- **Unscheduled citizens:** A brief period in which the public is invited to make general comments or ask questions of the Commission or Planning Staff about items which are not scheduled on the day's agenda.

9:00 a.m. **Blue Mesa Vehicle Storage Facility - Colorado Department of Transportation (CDOT)**, represented by Joe Erjavec, Crestone Consultants, LLC, work session/no action. The application is for a 7--Bay Vehicle Storage Facility (VSF), a sand shed and storage yard for maintenance operations and housing of equipment required for maintenance of Highways 50 and 92. Road construction associated with the upcoming Blue Canyon Project requires relocation of the existing CDOT maintenance facility located further west on Highway 50. Also proposed is four builidng pads as an onsite option for staff housing. The site is located on a 35- acre parcel, located north of and adjacent to Highway 50, at mile marker (MM) 127, approximately 4 miles west of Blue Mesa dam, in part of Lots 33, 38 & Tract 38 (aka Tract 4), North of Highway 50, Section 1, Township 48 North, Range 5 West, NMPM. **Application # LUC-14-00026**
A site visit to the location will follow the work session.

Lunch

1:00 p.m. **Spadafora Water Storage Facility, Gunnison Energy LLC (GELLC)**, public hearing/no action. The application is for the construction and operation of a Centralized Exploration & Production Waste Management Facility, known as the Spadafora Water Storage Facilty, consisting of three water storage pits (each approximately 220,000 barrels (bbl) or 9,240,000 gallons) and pump station, on approximately 14-acres, to provide storage, reuse and disposal of produced water from GELLC's existing and future gas production wells. The site is located within the NW ¼ NE ¼ Section 20, Township 11 South, Range 90 West, 6th PM. Possible direction to staff **Application # OG-14-00004**

2:00 p.m. **Tomichi Pit – Amendment to LUC #2012-10 - Gunnison Valley Properties, LLC,** work session/no action, request for an amendment to the land use change permit to modify the berm providing visual buffering of the processing plant area; in lieu of a 30 foot tall earthen berm with dryland vegetation, the request is to modify the berm to a 10 foot tall earthen berm, with 15 foot tall conifer trees. The property is located approximately ½ mile east of the City of Gunnison, south of Highway 50, legally described as being located in the NE/4 SE/4 NW/4 Section 4 and the NE/4NE/4 Section 5, Township 49 North, Range 1 East, N.M.P.M., 43188 Highway 50 **Application #LUC-12-00010**

End of Meeting

- Report of actions taken by BOCC.
- A brief period in which Commission debriefs on the day's processes, etc. No discussion or action on any specific Land Use Change Permit applications will take place at this time.

Adjourn

DRAFT

GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING
January 23, 2015

The Gunnison County Planning Commission conducted a regular meeting, in the Commissioners' Meeting Room in the Blackstocks Government Center, Planning Commission meeting room. **Present were:**

Chairman- Kent Fulton
Vice-Chairman- Jeremy Rubingh
Commissioner- A.J. Cattles
Commissioner-Warren Wilcox
Alternate Commissioner- Tom Venard
Alternate Commissioner- Jack Diani

Director of Community Development- Russ Forrest
Assistant Director of Community Development- Neal Starkebaum

Community Development Services Manager-Beth Baker
Others present as listed in text

Absent; Commissioners Susan Eskew

****

8:50:18 AM With a quorum present Chairman Kent Fulton opened the January 23, 2015, regular meeting of the Planning Commission.

****

8:59:53 AM **Blue Mesa Vehicle Storage Facility- CDOT-** The Gunnison County Planning Commission conducted a work session/ with no action and a site visit to review the application for a 7--Bay Vehicle Storage Facility (VSF), a sand shed and storage yard for maintenance operations and housing of equipment required for maintenance of Highways 50 and 92. Road construction associated with the upcoming Blue Canyon Project requires relocation of the existing CDOT maintenance facility located further west on Highway 50. Also proposed is four building pads as an onsite option for staff housing. The site is located on a 35- acre parcel, located north of and adjacent to Highway 50, at mile marker (MM) 127, approximately 4 miles west of Blue Mesa dam, in part of Lots 33, 38 & Tract 38 (aka Tract 4), North of Highway 50, Section 1, Township 48 North, Range 5 West, NMPM.

With a quorum present Chairman Kent Fulton opened the work session.

Present representing the Gunnison County Planning Commission; Kent Fulton, Jeremy Rubingh, A.J. Cattles, Warren Wilcox, Tom Venard and Jack Diani.

Present representing Gunnison County Community Development staff; Assistant Director of Community Development, Neal Starkebaum, and Administrative Services Manager, Beth Baker.

Present representing CDOT- Happy Harrington and with Crestone Consultants Joe Erjavec .

Erjavec described the location as four miles west of the Blue Mesa Dam before Windy Point. It is a 35-acre parcel. The site contains a small cabin, the remnants of a mining quarry, a dirt access road to the quarry, and a power transmission line.

They are proposing improving a part of the road and relocateing it to access the new sand shed and Barn Shed Facility (BSF). The existing facility will be replaced and the new facility will be relocated.

The new site will include three pads for permanent mobile home pads and one pad for temporary housing. The site is up on a plateau.

The new site would be a much better access to Highway 50, and will have a significantly better line of site, for entering the highway. The site will drain to the north. The BSF will be located 25 ft. below the current access point sunken down into grade. The trailer pads would be 60 to 65 ft. lower than highway.

CDOT would widen and asphalt the access road to 24 ft. wide. This would accommodate all the large equipment. North of the property the road will be improved with a gravel road.

DRAFT

CDOT purchased the land because of the natural topography, providing a much better line of site for the highway, resulting in safer highway access.

Harrington said the BSF building will contain offices, a break area, and restrooms for personnel, and it will have seven vehicle bays. There are also two wash bays. The EPA now requires the sand dome to be in a contained area. The new location will allow for all operations to occur in one yard rather than two.

They have a well permit for the facility and three permanent residences, the temporary residence would have to bring in and provide its own water. The floor drains in the vehicle bays will drain into a system and will be recycled. The current system will be cleaned and tanks filled with sand or the tanks will be removed.

Diani asked if the mine shaft should be permanently closed; Harringtion said yes, it already is.

Rubingh asked about the disposal of the deicing materiel; Harrington said it will be done outdoors. It will be drained into tanks contained in a large concrete box surrounding them, the box will have 110% of capacity of the tanks.

Rubingh asked if the neighbors had been contacted; Harrington said they had. They have moved the mobile home pads to improve the neighbors to the east view corridor. They have located the BSF on the east side to lessen the noise for the neighbors.

Cattles asked if headlights from the vehicles would shine into the neighbor's house at night; Harrington said it was designed to avoid it to the maximum extent possible. She added the lighting on the site will be lights on each side of the doors, down cast lighting, and a few security lights on the backside. The fuel island will have a light sensor, so it will not remain on when not in use. Rubingh said larger trees might shield provide better shielding from the lights; Harrington noted there is not a lot of vegetation that grows well in the area.

Fulton asked about the septic tanks and leach field; Harrington said there would be two septic tanks and one leach field.

Fulton noted bear proof trash receptacles would be needed.

Starkebaum explained the Land Use Change impact classification is major but could be reduced to minor; following a discussion with the Commission there was a consensus to reduce the impact classification to minor.

Starkebaum noted there had been comments from the County Environment Health Official, Crystal Lambert, confirming septic systems are possible on this site. Comments Public Works Director, Marlene Crosby, was pleased the roads would be built to higher standards than required by CDOT. Fire Marshall Dennis Spritzer has been working with the applicant. The applicant is conferring with Fish and Wildlife Service concerning the Gunnison Sage-grouse.

There will be a public hearing conducted on February 20. 2015, the Commission directed staff to prepare a draft decision for review following the public hearing.

****

1:03:04 PM **Spadfora Water Storage Facility, Gunnison Energy LLC**- The Gunnison County Planning Commission conducted a public hearing/ with no action. They reviewed an application for the construction and operation of a Centralized Exploration & Production Waste Management Facility, known as the Spadafora Water Storage Facilty, consisting of three water storage pits (each approximately 220,000 barrels (bbl) or 9,240,000 gallons) and pump station, on approximately 14-acres, to provide storage, reuse and disposal of produced water from GELLC's existing and future gas production wells. The site is located within the NW ¼ NE ¼ Section 20, Township 11 South, Range 90 West, 6th PM.

With a quorum present Chairman Kent Fulton opened the public hearing.

Rubingh recused himself from the review of this application.

Administrative Services Manager, Beth Baker confirmed the public notice had been published in the Crested Butte News and Gunnison Country Times and the applicant had provided the certified mailing receipts.

Present representing the Gunnison County Planning Commission; Kent Fulton, A.J. Cattles, Warren Wilcox, Tom Venard and Jack Diani.

Present representing Gunnison County Community Development staff; Assistant Director of Community Development, Neal Starkebaum, and Administrative Services Manager, Beth Baker.

Present representing Gunnison Energy LLC; Lee Fyock and Brad Robinson, Mike Cleary, Cortney Nugent, with Weston Solutions Dave Goetz and Ken Miller.

Property owners Ed and Randy Spadafora were present.

Rubingh recused himself from the review of the application.

Commissioners Diani and Venard was seated for the meeting.

Fulton noted he had received an e-mail concerning the project, but did not respond.

Fyock explained the application/ request. Weston Solutions engineered this facility and the Hotchkiss water storage facility. The Hotckiss water facility and this facility will be the only ones with a double liner protection in Colorado. It would be located near Paonia reservoir and Deadman Gulch, on private property surrounded by forest. The project is needed for their for their oil and gas operations; need to move and utilize a lot of water. This will reduce the commercial truck traffic significantly.

The Hotchkiss facility was approved in 2011, it is two ponds. The Spadafora would be three ponds; providing much more flexibility. The three ponds will be the same type and design using the same engineering practices. This will not be a dam, it is sunk into the ground; it will not breach, because it is not a dam.

The area contains shale bedrock and the very limited and discontinuous ground water has been addressed with a French drain system. Ground water conditions are monitored and sampled quarterly and the results are submitted to the state and county. The pit will have two 60 mil liners, with compacted soil underneath the liners. There will be a leak detection system between the two liners. The sump pump has an alarm system. They will use a monitoring well that will be tested quarterly.

GIS Director Mike Pelletier gave a presentation using Google Earth, to see the area.

Staff Comments;

Starkebaum noted County Public Works had responded to the referral comment request; Director of Public Works Marlene Crosby said they agree with the location of the pits and maintenance County Road 265. She requested more notice when they have a large mobilization of equipment.

Starkebaum noted 30 plus emails have been received and forwarded to the Commissioners and applicant and are now part of the public record.

Planning Commission Questions;

Diani asked the height of the fence and how deep it would be placed; Goetz said the fence will be eight ft. in height and buried 18 in. in depth.

Cattles asked how many trips would be saved by using the pits as opposed to trucking the water in and out; Goetz explained a truck would carry 1,000 gallons and the pits hold 660,000 barrels of water.

Public Questions;

Butch Clark said he had submitted a letter to the Commissioner earlier. He asked if the oil and gas operators cooperated with one another; Robinson said they share equipment and drilling rigs when possible. They also participate in joint maintenance of County Rd. 265.

Frank Coleman asked if the facility would be close to any of the wilderness sites; Fyock said this facility it is not applicable because the emissions are not sufficient enough to trigger anything; this is a water pit, not a well.

Marlene Zanatell asked;
What the pipeline system is used currently; Fyock said 12 pipes are used for gas flow and six specifically for water. They have been in use since 2009.
Has the Hotchkiss storage facility received a Gunnison County approval; Fyock said yes, it was approved in 2011.
Will the ponds hold produced water from the drilling process; Robinson said if a well has been fracked it is a mixture containing water and some chemicals and it will be held in the ponds.
Is the Commission concerned with the number of wells or is it open ended; Robinson explained there would be an application for each well site; the wells are not tied together.
Can the pits contain a precipitous rain event; Fyock said the pits are designed with enough free board to hold the rain, and there is a plan for the overflow.
When the ponds fill up where does the water goes; Robinson said the water uses the pipeline to go to a deep injection well.
Will they eventually expand this site to more than three pits; Fyock said no, there is not enough room at the site.
Does the Commission set the impact classification; Starkebuam said the Potentially Significant Impact classification is being used and it is determined by the Planning Commission.

HCCA representative Ally Melton agreed with questions & comments previously raised. She encouraged the commissioners to take the time to consider all the information available and it could help them make good informed decision.

Melton asked;
How deep each pit would be; Miller said 20 ft. deep with two ft. of free board.
Will there be any new roads: Miller only new a piping connection from system to the pumps.
How is a leak in the system corrected; Fyock said with three pits one would be emptied and taken out of service for welding and patching. It would be tested with fresh water and surveyed by a third party to make sure they are not leaking.
How long would it take for a person to reach the pit area in an emergency; Miller about 45 minutes in a car or it can be reached by helicopter.
How many ft. away are the wetlands; Fyock said there is a 150 ft. buffer.
Were any other locations considered; Robinson said yes, this was the better location.
How is the water disposed of; Fyock said in one of two disposal wells.

Fulton asked how often a generator is checked; Goetz said it can be logged into at any time and there are regular physical inspections.

Ramon Reed noted there are positive impacts of reduction in the truck traffic in the area, horizontal drilling will help, and the reduction in the use of fresh water is a major plus. Reed said there were other impacts and concerns which are the unknowns, and the questions that haven't been asked or answered. There is a lot of information readily available which needs to be reviewed. The Hotchkiss water faultily approved by Gunnison County has been in operation since 2011.

Reed asked;
Have any commissioners looked at the Hotchkiss pits approval or looked at the specifics? The conditions were mostly dealing with water monitoring testing and reporting. He has never seen the reporting.
Have the ongoing dynamic operations been considered, during or after the operations?
What has changed in the industry since the approval of the Hotchkiss pits?
Has the LGD made any comments?

Melton encouraged the applicant to let the county know their future plans. The lack of transparency is a problem throughout.

Fulton and the Commission continued the public hearing to February 6 @ 9:00 A.M. in the Blackstocks Government Center.

2:53:18 PM **Tomichi Pit Amendment to Approval LUC-12-00010;**, The Gunnison County Planning Commission conducted a work session/ with no action to review the request for an amendment to the land use change permit to modify

the berm providing visual buffering of the processing plant area; in lieu of a 30 foot tall earthen berm with dryland vegetation, the request is to modify the berm to a 10 foot tall earthen berm, with 15 foot tall conifer trees. The property is located approximately ½ mile east of the City of Gunnison, south of Highway 50, legally described as being located in the NE/4 SE/4 NW/4 Section 4 and the NE/4NE/4 Section 5, Township 49 North, Range 1 East, N.M.P.M., 43188 Highway 50.

Fulton seated Commissioners Venard and Diani.

With a quorum present Chairman Kent Fulton opened the work session.

Wilcox recused himself from the review of the application.

Present representing the Gunnison County Planning Commission; Kent Fulton, Jeremy Rubingh, A.J. Cattles, Tom Venard and Jack Diani.

Present representing Gunnison County Community Development staff; Assistant Director of Community Development, Neal Starkebaum, and Administrative Services Manager, Beth Baker.

Present representing Tomichi Pit Dick Bratton, operators Jack and Clay Varra, and Lewiki and Associates engineer Ben Langenfield via phone conversation. .

Langenfeld explained they are asking to amend the processing berm currently approved. It was approved to be 30 ft. tall, using a lot of materials. They would rather have a smaller berm and use more trees for the same net effect. It would be more aesthetically pleasing. The larger berm would be cheaper to do but then they cannot mine as close as with the smaller berm and trees. Conifer trees at least 15 ft. in height will be used. Nothing else is being changed. Operator Clay Varra noted he had a concern with the static load of the berm on a sheer wall of excavation. This could cause a significant safety issue for anyone working at the site and rainfall would also increase the load. The proposed berm would look better, it would not take up as much space. They are proposing a smaller berm, planting taller trees and vegetating the berm. They would use Confier and Aspen trees. They will irrigate all the berms with a broadcast sprinkler, and water trucks, using water out of the pit.

Fulton questioned whether replacing the larger berm with the proposed berm would be as effective in limiting noise for the neighbors; Langenfeld said they would be constantly monitoring, but it could decrease effectiveness by a small amount. They will mitigate if need be.

Adjacent land owner Hal Hearn liked the idea of the trees, they will work better for dust mitigation and would have a better chance living with shorter berm

Varra added the applicants also are requesting to relocate the air and noise monitors numbers one and three. They are not located on the applicant's property. Monitor number two will remain in the same location.

The joint public hearing is scheduled for March 6, 2015 at 9 A.M., in the Blackstocks Planning Commission meeting room.

The commissioners requested a landscaping plan with costs, an estimate of the number of trees to be planted and the revised plan for the placement of the air and noise monitors.

The Commission directed staff to prepare a draft recommendation of approval to review following the joint public hearing.

END OF DAY DISCUSSION;

Fulton adjourned the meeting at 3:50 .

_____
/S/ Beth Baker
Community Development Department Services Manager
Gunnison County Community Development Department