GUNNISON COUNTY PLANNING COMMISSION
PRELIMINARY AGENDA: Friday, March 6, 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. **Tomichi Gravel Pit – Amendment to LUC #2012-10 - Gunnison Valley Properties, LLC**, joint public hearing/possible action, request for an amendment to the land use change permit to modify the berm providing visual screening 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 and aspen 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**

10:00 a.m. **Spadafora Water Storage Facility, Gunnison Energy LLC (GELLC)**, work session/possible action, request 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. **Application # OG-14-00004**

11:00 a.m. ***Gunnison County Land Use Resolution*** **Amendments** – work session/possible action, recommendation to Board of County Commissioners:
- *Section 13-103: General Site Plan Standards and Measurements.* F. Minimum Residential Floor Area; delete minimum residential floor area of 600 square feet
- *Division 14-100: Large Parcel Incentive Process* – delete

11:30 a.m. **Staff** – Planning Commission training – Online data base

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
March 6, 2015
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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-Jack Diani
Commissioner- Tom Venard
Alternate Commissioner- Molly Mugglestone
Alternate Commissioner- John Messner

Director of Community Development- Russ Forrest
Assistant Director of Community Development- Neal Starkebaum
Community Development Planner-Cathie Pagano
Community Development Services Manager-Beth Baker
Others present as listed in text

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With a quorum present Chairman Kent Fulton opened the March 6, 2015, regular meeting of the Planning Commission.

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8:50:42 AM Moved by Cattles seconded by Venard to approve the February 20, 2015 PC minutes as amended. The motion passed unanimously.

Unscheduled Citizens:
Butch Clark was concerned with oil and gas comprehensive plans. He submitted some information to the commissioners.

Tomichi Gravel Pit – Amendment to LUC #2012-10; The Planning Commission and the Board of County Commissioners conducted a joint public hearing. They discussed the request for an amendment to the land use change permit to modify the berm providing visual screening 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 and aspen 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.

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

Community Development Services Manager-Beth Baker confirmed the applicant had submitted proof of posting and the certified mailing receipts, and the Planning office had the notice published in the Crested Butte News and the Gunnison Country Times.

Present representing the Planning Commission; Kent Fulton, Jeremy Rubingh, A.J. Cattles, Jack Diani, Tom Venard, Molly Mugglestone and John Messner.

Present representing the Board of County Commissioners; Paula Swenson, Phil Chamberland, and Jonathan Houck.

Present representing Community Development staff Director Community Development Russ Forrest, Assistant Director of Community Development Neal Starkebaum and Community Development Services Manager, Beth Baker.

Present representing the applicant; Richard Bratton, Lewiki and Associates, Ben Langenfeld.

Langenfeld explained this is a request to amend the prior Land Use Change approval. The largest component is the change of the berm. They are proposing decreasing the height of a berm from the approved 30 ft. to a 10 ft. berm. This berm will be between the highway and the processing plant. The top of the 10 ft. berm would have 15 ft. conifer

trees and 10 ft. aspen trees. The aspens will bridge the spaces in between until the pine trees grow. He noted this would accomplish mitigating the noise and visual impact issues.

Langefeld explained they are also requesting moving the noise monitors onto the applicant's property, closer to the pit. He noted that any changes to the approval would not change the original standards in place.

Planning Commissioners

Diani noted confusion in the submittal; Langenfeld agreed to revise the first page to include the aspen and pine trees.

Rubingh asked why the berms where ever proposed for 30 ft.; Langenfeld said there was no operator when the original application went through process, now that VARRA is the operator they have noted safety concerns and the lessening of the size of the pit as issues.

Venard suggested placing trees and landscaping around the pond when the mining of the pit has been completed.

Fulton asked where they will move the processing unit when mine is under the berm; Lagenfeld said it would go to the phase one floor.

Rubingh asked if the berm could have some texture and different elevations; Langenfeld said irrigating the landscaping would be very difficult.

Swenson asked if the Development Improvements Agreement (DIA) would cover the costs; Starkebaum said yes including the irrigation, and a requirement will be placed in the approval to include the life of the operation.

Staff
No comments

BOCC

Chamberland asked if the trees would be removed at the end of the operation; Langengeld said they would attempt to relocate them to somewhere else on the project.

Swenson asked if the trees could stay where they are planted; Ben the operator may want to mine under the berm.

Public

Aaron MacLennon said he would prefer an undulating berm.

Mary Kay Fry suggested including cottonwood trees. She was skeptical about the shorter berm with trees being as effective as a 30 ft. berm.

Clay Varra explained the safety concerns with the height and weight of a 30 ft. berm.

Mary Kay Fry asked about the berms; Langenfeld explained there are two berms. the highway berm will not be changed, the berm closer to the pit is changing.

Aaron MacLennon was concerned because this had not been factored in originally.

Bratton said this is a far better product, aesthetically.

Mugglestone asked about the aspen trees; Langenfeld said they will be used to fill in the gaps until the conifers grow.

Mary Kay Fry asked how fast the trees would grow; Swenson explained the aspens would grow faster than the conifers.

Aaron MacLennon asked if they would be required to keep the trees alive; Starkebaum said that would be part of the approval.

DRAFT

Butch Clark pointed out that flash flooding could be a problem with berms.

Rubingh asked if they would you use Cottonwood trees; Langenfeld said they would need too much water.

Fulton closed the public hearing at 9; 45 A.M.

The Planning Commission conducted a work session. They discussed the request for an amendment to the land use change permit to modify the berm providing visual screening 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 and aspen 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.

With a quorum present Chairman Fulton opened the work session.

Present representing the Planning Commission; Kent Fulton, Jeremy Rubingh, A.J. Cattles, Jack Diani, Tom Venard, Molly Mugglestone and John Messner.

Present representing Community Development staff Director Community Development Russ Forrest, Assistant Director of Community Development Neal Starkebaum and Community Development Services Manager, Beth Baker.

Present representing the applicant; Richard Bratton, Lewiki and Associates, Ben Langenfeld.

The commissioners reviewed the draft decision of approval.

Moved by Rubingh seconded by Venard to approve the recommendation to the BOCC of the amendment to LUC-12-00010 as amended, the motion passed unanimously.

PROJECT BACKGROUND/REQUEST:
Gunnison Valley Properties, LLC, represented by Ben Langenfeld, Project Engineer, Greg Lewicki and Associates, is requesting an amendment to the land use change permit approved on by the Board of County Commissioners, Board Resolution No. 2014-3, January 7, 2014, recorded with the Gunnison County Clerk and Recorder, Reception No. 625105, January 9, 2014, for the Tomichi Gravel Pit, to be used for the production of construction materials such as sand, gravel, concrete, and asphalt. This includes the mining pit, internal roads, berms, sediment ponds, processing area, office area, fuel storage, stockpiles, and all other operation related development.

As part of the County approval, a berm to provide visual screening of the processing plant area was incorporated into the overall berming/landscaping visual mitigation plan for the project.

This amendment includes the alteration of the berm for the processing plant. In the approved permit, the processing plant berm is 30 feet tall and vegetated with shrubs and a dryland seed mix from the reclamation plan. The applicant requests to change the details of the berm as follows: reduce the height of the earth berm to 10 feet tall, and add pine or other conifer trees, at least 15 feet in height and aspen trees, at least 10 feet in height, to the berm. The new berm/landscaping plan will provide a functional equivalent to the previously approved berm/landscaping. Additionally, the trees incorporated into the Signal Peak berm will be moved to the top of the berm to increase the berm's effectiveness. Maps showing the proposed change were submitted by the applicant.

In addition, the applicant proposes to relocate Air/Noise Monitor #1 from the north side of Highway 50 to the south side of the highway, and relocate Air/Noise Monitor #3 from the current location, onto the applicant's property. This will eliminate any issues with access to the monitoring sites. Maps showing the proposed changes of locations were submitted by the applicant.

DOCUMENTS INFORMING THIS REVIEW AND ACTION:
This review and recommendation incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application, including all exhibits, maps, references and

documents.

WORK SESSIONS:
The Planning Commission conducted work sessions on the Preliminary/Final plan on:
January 23, 2015.
March 6, 2015.

JOINT PUBLIC HEARING:
The Planning Commission and the Board of County Commissioners conducted a joint public hearing on March 6, 2015, at that time several members of the public were present:

- Area residents Mary Kay Fry and Arron MacLennan had questions and comments regarding the changes to the berm, including the design of the berm, elements of the landscaping, and final reclamation.
- Butch Clark and Bob Gydesen noted concerns from past flash flooding in the area.

All testimony, both written and oral, is hereby incorporated as part of this record of review and evaluation.

FINDINGS:
The Commission finds that:

1. The proposed changes to the berm/landscaping for the processing plant area provides a functional equivalent from the original approved berm/landscaping, in providing visual screening/buffering of the processing plant area, as submitted by the applicant, February 27, 2015.

2. Relocation of Air/Noise Monitors #1 and #3 will appropriately place the monitors on the applicant's property, as shown on Map 4.1 – Initial Mining Tomichi Pit, submitted February 27, 2015, prepared by Ben Langenfeld, P.E., Greg Lewicki and Associates.

3. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Gunnison County Clerk and Recorder.

4. This review and Recommendation incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application, including all exhibits, references and documents, as included therein.

RECOMMENDATION:
The Gunnison County Planning Commission, having reviewed all the documentation submitted to the County and included within the Planning Office file relative to this Preliminary/Final Plan application, site observations and public testimony and having reached the above cited Findings, recommends to the Board of County Commissioners that LUC #2012-10, Gunnison Valley Properties, LLC, Tomichi Pit - 2015 Amendment be approved with the following conditions:

CONDITIONS:

1. This permit is limited to activities described within this application, and as depicted on the site plans submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution.*

2. A Development Improvement Agreement, subject to approval by the Gunnison County Attorney, shall be executed by the Board of County Commissioners, addressing the change in berming and landscaping, identified on the modified berm/landscaping plans: *Map 5.2 - Berm Designs, Landscape Plan – Tomichi Pit, and Landscape Plan 2 – Tomichi Pit,* submitted February 27, 2015, prepared by Ben Langenfeld, P.E., Greg Lewicki and Associates.

3. A performance bond, letter of credit or other means of surety, acceptable to the Board of County Commissioners, shall be required to cover the cost of the berming/landscaping, as identified on the modified berm/landscaping plans: *Map 5.2 - Berm Designs, Landscape Plan – Tomichi Pit, and Landscape Plan 2 – Tomichi Pit,* submitted February 27, 2015, prepared by Ben Langenfeld, P.E., Greg Lewicki and Associates, prepared by Ben Langenfeld, P.E., Greg Lewicki and Associates; such costs as detailed by the applicant's engineer, and that said surety is

retained by Gunnison County.

4. The applicant shall maintain all landscaping at the Tomichi Pit over the life of the operation, including, but not limited to: replanting of dead vegetation (consistent with existing species - height/dbh at time of replacement) and irrigation system maintenance and repairs. And, any other regular maintenance required to ensure the viability of the landscaping, including noxious weed control.

5. No construction of the berms/landscaping shall be permitted until the Development Improvements Agreement is executed.

6. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

7. These permits may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

8. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

9. Approval of this Plan is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

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Spadafora Water Storage Facility, Gunnison Energy LLC; The Planning Commission conducted a work session. request 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 10:03:07 AM ¼ NE ¼ Section 20, Township 11 South, Range 90 West, 6th PM.

With a quorum present Chairman Fulton opened the work session.

Commissioner Jeremy Rubingh had previously recused himself from the review of this application.

John Messner was seated for the review.

Present representing the Planning Commission; Kent Fulton, A.J. Cattles, Jack Diani, Tom Venard, Molly Mugglestone and John Messner.

Present representing Community Development staff Director Community Development Russ Forrest, Assistant Director of Community Development Neal Starkebaum and Community Development Services Manager, Beth Baker.

Present representing the applicant Gunnison Energy, Lee Fyock.

Following a discussion of the application the commissioners reviewed the draft decision of approval.

Moved by Venard seconded by Cattles to approve OG-14-00004 as amended. The motion passed unanimously.

PROJECT SUMMARY:
Gunnison Energy LLC requests an Oil and Gas Operations Permit for the construction and operation of the Spadafora Water Storage Facility, a Centralized Exploration & Production Waste Management Facility. The Facility will consist of three water storage pits (each approximately 220,000 barrels (bbl) or 9,240,000 gallons and pump station, on approximately 19-acres, to provide storage, reuse and handling of produced water from GELLC's existing and proposed and future oil and gas production wells, to provide storage, reuse and handling of produced water for drilling and completion operations of multiple gas wells. Produced water and flowback fluids will be transported via existing,

buried pipelines. Engineering controls to be implemented to aid in monitoring and mitigating potential impacts to surface and groundwater include high level alarms, double liners (60-mil high density polyethylene [HDPE] fabric) separated by a synthetic drainage layer material (such as Geonet®), a sump collection system, and site specific monitoring wells. The pits may be used 24 hours per day, 7 days per week during operations. The site will be manned as needed during normal operations and during completion operations. The facility will operate in a limited capacity during the winter. At completion of the operation, the pits will be closed, the liners removed and the area reclaimed. The use of the Spadafora Water Storage Facility will:

- Substantially reduce the impacts of truck traffic associated with water transportation during drilling and completion operations.
- Substantially reduce the number of frack tanks required on individual well pads for completion/fracking operations.
- Nearly eliminate the use of fresh water resources for completion operations.

SURFACE OWNERSHIP:
Randy Spadafora
Hotchkiss, CO 81419
Edward Spadafora
Montrose, CO 81401

LOCATION:
The site within the NW ¼ NE ¼ Section 20, Township 11 South, Range 90 West, 6th PM.

ACCESS:
The access to the site will be via an existing, private ranch road, from Forest Road #851.

INSPECTION/CONSULTANT:
Gunnison County has engaged Western Water and Land, LLC, to perform on-site inspection/monitoring oversight of the construction of the proposed facility. Western Water and Land, LLC has extensive experience in environmental and regulatory compliance and has provided previous consultation for Gunnison County, as well as consultation for public and private sector clients, including State and Federal agencies.

DOCUMENTS INFORMING THIS REVIEW AND ACTION:
This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application, including all exhibits, maps, references and documents, applicant presentations and reports, public comment and testimony.

***GUNNISON COUNTY, COLORADO REGULATIONS FOR OIL AND GAS OPERATIONS*:** The application was reviewed for compliance with the *Gunnison County, Colorado Regulations for Oil and Gas Operations* and reviewed as an *Oil and Gas Permit for a Potentially Significant Impact Operation* under these Regulations.

WORK SESSIONS:
The Planning Commission conducted work sessions on the application on the following dates:
January 9, 2015
February 20, 2015
March 6, 2015

SITE VISIT:
The Planning Commission determined that a site visit to the location was not necessary due to their respective knowledge of the area in general and the presentation by Mike Pelletier, GIS Manager, with a Google Earth overview of the pit location and surrounding area.

PUBLIC HEARING:
A public hearing was conducted by the Planning Commission on January 23, 2015 and continued to February 6, 2015. Written public comment was allowed until February 13, 2015. At that time, several members of the public presented oral testimony and the following written comments have been entered into the record:

<u>Emails/Letters/Comments:</u>

Monica Ariowitsch – email 1/20/15
Eric Baumm, email 1/22/15
Jim Brett, email 1/22/15
Elaine Brett, email 1/27/15
Theresa Henry, Craig and Dax Burbank, email 1/28/15
Butch Clark, letter 1/13/15
Nicole Carpenter, email 2/1/15
Jim Ramey, Executive Director, Citizens for Healthy Community, letter 1/22/15
Jim Ramey, Executive Director, Citizens for Healthy Community, letter 1/5/15
Steve Danuff, email 2/5/15
Chris and Jenny DeFrates, email 2/11/15
Lisa Delaney, email 1/22/15
Kirsten and Gary Dotzler, email 1/19/15
Alan Eaglewolf, email 2/7/15
Susan Emery, email 2/5/15
Susan Eskew, letter 2/13/15
Alex Ewert, letter 2/5/15
Daniel and Jo Feldman, letter 2/11/15
Happy Fowler, email 1/21/15
Lincoln Fox, email 2/9/15
John and Susan Alima Friar, email 2/1/15
Jaima Giles, email 1/28/15
Elena Goldstein, email 2/2/15
John and Mary Lou Gregory, letter 2/5/15
Emma Stopher-Griffin, email 1/29/15
William Hamilton, email 1/22/15
Phillip Handmaker, email 1/22/15
Kay Hannah, email 2/2/15
Allison N. Melton, Public Lands Director, High County Conservation Advocates, letter 1/22/15
Allison N. Melton, Public Lands Director, High County Conservation Advocates, letter 2/5/15
Lawrence F. Herbert, email 1/27/15
Steve Hurn and Laurie Priddy, email 2/4/15
Deberah Imlah, email 2/4/15
Ingrid A. Gebavi, email 1/19/15
Dr. David W. Inouye, email 1/27/15
Tara Jacobs, email 1/22/15
Mary Jursinovic and Anthony Zimmerman, letter 2/2/15
Viva Kellogg, email, 1/22/15
Amber Kleinman, email 1/21/15
Joy Kuhlman, email 2/5/15
Lena Wilensky, email 1/22/15
Robert Leuallen, email 2/13/15
Brenda Miller, email 1/22/15
Steve Morris, letter of 2/4/15
Parry Mothershead, email 1/19/15
James C. and Suzanne A. Normandin, letter 1/31/15
Karen M Ortiz, email 1/22/15
Lee S. Overton, email 2/5/15
Cynthia Patterson, email 1/22/15
Robert Pennetta, email 1/22/15
Rachelle Fox, email 2/9/15
Jane Reed, email 1/22/15
Ramon Reed, letters 1/7/15, 1/23/15, 2/12/15
John and Micki Rogers, letter 2/12/15
Bob Schauer, email 1/20/15
Steven C. Schechter, letter 2/13/15
Maggie Shishim, email 2/5/15
Michele Simpson, email 1/22/15

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Paige Smith, letter 2/5/15
Joli Soule, email 2/5/15
Zach Springer, letter 2/11/15
Gail Srebnik, email 2/12/15
Tom Stevens, email 1/28/15
Marilyn Stone, email 1/22/15
Dana Stovern, email 2/5/15
Phyllis Swackhamer, email 1/21/15
Greg and Kathy Thompson, email 1/21/15
Greg Toohey, email 2/13/15
Patricia F. Del Tredici, email 1/19/15
John VanDenBerg, email 2/5/15
Nancy Wicks, email 1/20/15
Sue Williamson, email 1/20/15
Cortney L. Woycik, email 2/9/15
Dr. Brooke Ann Zanetell, email
F. Dave Zanetell, PE

Public Comment Concerns; Project Impacts
The majority of the comments were not in favor of the proposed facility and centered on:
• requiring a "closed containment system" for the facility
• requiring a "Comprehensive Development Plan"
• requiring a "closed-loop" system for the facility

The full record of the hearing, including all testimony and documents are hereby incorporated into this Decision.

FINDINGS:
The Gunnison County Planning Commission, having reviewed and considered the application, all exhibits, documentation and public comment and testimony, finds that:

1. Approval is limited to the location and activities described in the application, as amended, for the Spadafora Water Storage Facility. Any substantive change will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Regulations for Oil and Gas Operations*, or as those may be hereinafter amended.

2. That the applicant and the County will foster a greater understanding, among Gunnison County and its citizens, of the parameters of future oil and gas development associated with the Spadafora Waste Water Storage Facility, through a periodic public meeting between the applicant and the Planning Commission and Board of County Commissioners.

3. That the use of produced water from the existing wells and the reuse of the flowback water for multiple oil and gas operations is an efficient use of water and minimizes the consumption of fresh water for the proposed oil and gas operations.

4. That the use of the Spadafora Water Storage Facility will significantly reduce the amount of truck traffic associated with water transportation for the oil and gas operations, resulting in a reduction of dust and air pollution.

5. Subject to the land use permit conditions of approval included in this Decision, below, the application would comply with *Section 1-108: Oil and Gas Operation Standards* of the County Regulations.

6. That the County use of a qualified consultant to perform monitoring/inspection of the construction of the Spadafora Water Storage Facility is necessary to ensure that the Spadafora Water Storage Facility is constructed in conformance with the land use permit conditions imposed herein.

7. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

8. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

9. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

DECISION:
The Gunnison County Planning Commission, having considered the submitted application, all exhibits, documentation and public testimony, and having reached the above Findings, hereby approves Gunnison Energy LLC - Spadafora Water Storage Facility - Oil and Gas Operations Permit No. OG-14-00004, with the following conditions:

1. This approval is limited to the location and activities identified in the application, for the Spadafora Water Storage Facility. Any substantive change will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the County Regulations, or as those may be hereinafter amended.

2. The applicant has agreed to meet periodically with the Planning Commission and the Board of County Commissioners, at a minimum of once per year, to discuss the reasonably foreseeable oil and gas development that would utilize the Spadafora Water Storage Facility. This would include a status update on the operation of the Facility, including the number of wells fracked by the Facility, and the pace, capacity, intensity of development, and geographic area served by the Facility; unless or until such time that the use of the Spadafora Water Storage Facility is incorporated into a comprehensive plan.

3. Prior to construction of the Spadafora Water Storage Facility, the applicant shall execute and fund a Monitoring and Inspection Compliance Agreement, as directed by the Planning Commission and developed by the County Attorney's office and the applicant. The agreement shall constitute the applicant's agreement to fund a County approved inspector to provide inspections/monitoring at identified milestones during the construction of the Spadafora Water Storage Facility to ensure compliance with land use permit conditions.

4. Prior to the construction of the Spadafora Water Storage Facility, the applicant shall provide copies of all applicable state and/or federal agency permits for the facility, to the Community Development Department.

5. No produced water or flow-back water from completion operations shall be utilized for any dust suppression on roads.

6. The applicant shall provide copies of all reports to the Colorado Oil and Gas Conservation Commission regarding all water sampling associated with the Spadafora Water Storage Facility, as required by the Colorado Oil and Gas Conservation Commission, to the Community Development Department, for the life of the pit operations through closure.

7. The applicant shall provide copies of all Sundry Notices submitted to the Colorado Oil and Gas Conservation Commission associated with the Spadafora Water Storage Facility, for the life of the pit operations through closure.

8. Prior to the commencement of operation of the Spadafora Water Storage Facility, the applicant shall provide a copy of the final Operating Plan and final Spill Prevention, Containment and Countermeasure Plan to the Community Development Department.

9. The applicant shall provide copies of all Spill Reports associated with the Spadafora Water Storage Facility, as required by the Colorado Oil and Gas Conservation Commission, to the Community Development Department, for the life of the pit operations through closure.

10. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

11. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

12. Approval of this permit is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

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***Gunnison County Land Use Resolution* Amendments;** The Planning Commission conducted a work session. 11:02:58 AM They discussed amendments to

- Section *13-103: General Site Plan Standards and Measurements.* F. Minimum Residential Floor Area; delete minimum residential floor area of 600 square feet
- *Division 14-100: Large Parcel Incentive Process* – delete

Present representing the Planning Commission; Kent Fulton, Jeremy Rubingh, A.J. Cattles, Jack Diani, Tom Venard, Molly Mugglestone and John Messner.

Present representing Community Development staff Director Community Development Russ Forrest, Assistant Director of Community Development Neal Starkebaum and Community Development Services Manager, Beth Baker.

Moved by Rubingh seconded by Venard to approve the recommendation to the BOCC of amendments to *Section 13-103 General Site Plan Standards and Measurement F. Minimum Residential Floor Area, delete minimum residential floor area of 600 sq. ft. and deletion of Division 14-100 Large Parcel Incentive Process.*

END OF DAY DISCUSSION;
Fulton adjourned the meeting at 11:20 P.M.

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

DRAFT