



ARAPAHOE COUNTY
PUBLIC WORKS & DEVELOPMENT

UASl21-003 Broncos Pipeline Use By Special Review/1041

Board of County Commissioners Public Hearing

July 12, 2022
Presenter: Kat Hammer



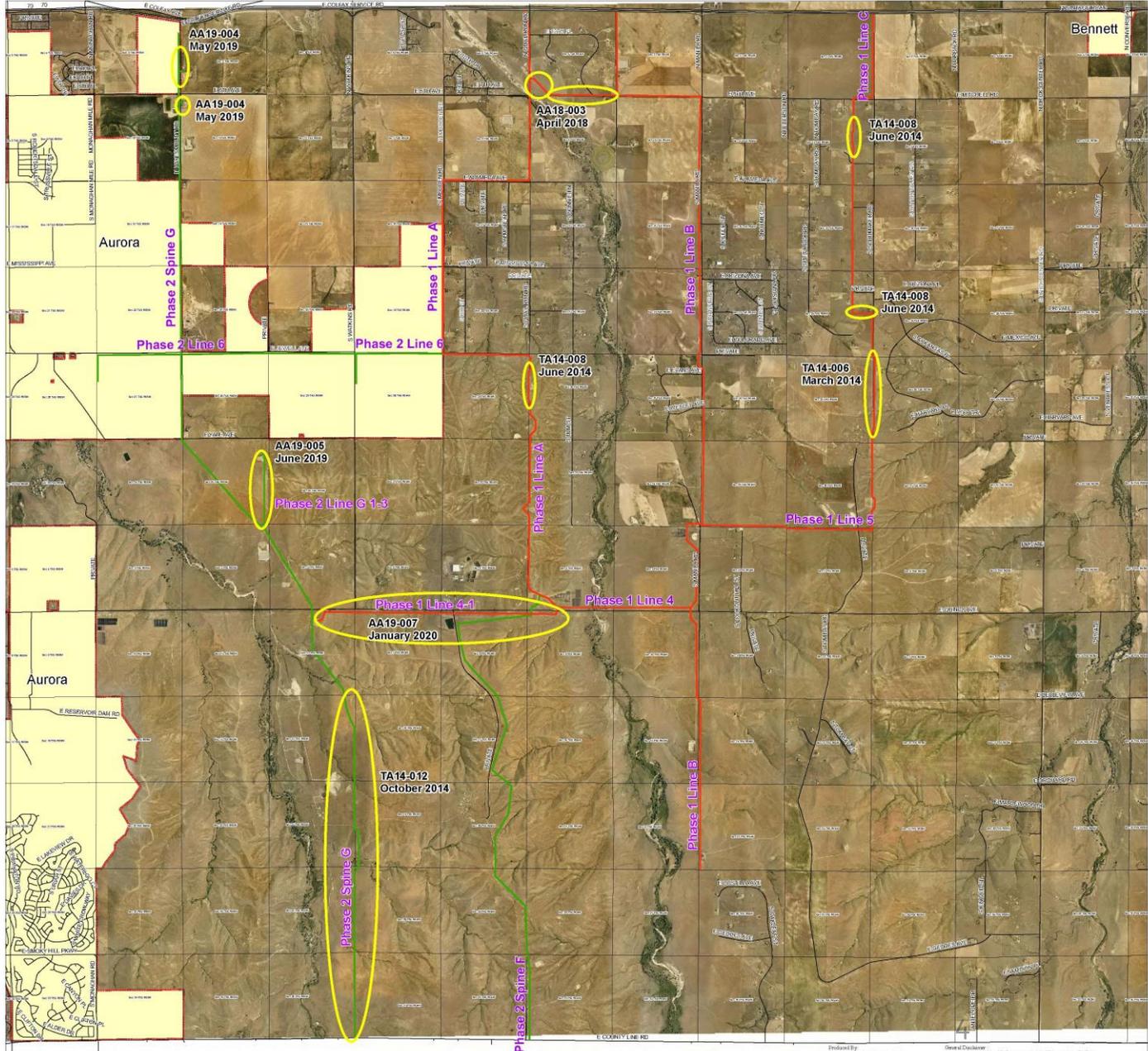
Applicant: Crestone Peak Resources
Midstream, LLC

Proposal: Amendment to Broncos
Pipeline Phase I & II USR with 1041
components to allow for:

1. *Inclusion of freshwater pipelines*
2. *Freshwater and/or produced water lines > 14 inches in diameter*
3. *Clarify types and total number of utilities*
4. *Increase maximum easement width from 75 feet to 100 feet*

Crestone Midstream Lines & Amendments

Bronco Pipeline
Phase
— Pipeline Phase 1
— Pipeline Phase 2



Phase I – U13-001
Approved June 18, 2013

Phase II – U14-001
Approved June 17, 2014

Existing & Surrounding Zoning & Uses:
A-1, I-2, I-2 PUD, MU-PUD, and RA

Primarily ranchland and dry-land farming with some rural large-lot development

Planning Commission Public Hearing



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- Public hearing June 7, 2022
- Planning Commission voted 4-2 recommending approval to the BoCC
- Five members of the public were present
- Rangeview Metropolitan District testified in opposition
- Two residents were in favor
- One resident was undecided



Discussion: Public Comment



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Staff received a letter expressing opposition from Rangeview Metropolitan District and a phone call from a nearby property owner.

Staff is recommending a two COAs to address concerns, specifically:

The applicant provide Arapahoe County with documentation from Water Court, a water provider, or certification by the Division of Water Resources identifying all sources of water, the duration of the water use, certification that the water is authorized for oil and gas usage, and that the water is allowed to be used in Arapahoe County/the destination basin.

The fresh water pipe line can only be used to provide service to oil and gas facilities, firefighting activities and not provide service to agricultural, commercial, residential, or other uses.



Discussion: Comprehensive Plan



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Comprehensive Plan: Rural Area

“The County will discourage non-residential uses from occurring in the Rural Area, including uses permitted by special review, unless they are agriculture-related or are a **public facilities and services.**”

GOAL PFS 12 – Minimize Impacts of Local and Regional Public Facilities and Utility Facilities.

POLICY PFS 12.2 – Consider Utility Needs to Support Needs to Support Growth and Development of the Region.

POLICY PFS 12.3 – Require Land Use Compatibility when Siting Local and Regional Utility Facilities.

POLICY NCR 7.5 – Minimize the Impacts of Oil and Gas Development on the Environment, Surrounding Land Uses and the Roadway Network.



Discussion: Land Development Code - USR



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The Board of County Commissioners may approve a Use by Special Review application, if the proposal meets all of the nine criteria in Section 5-3.4 of the Land Development Code:

- Not anticipated to have any negative impact on water, sewer or drainage needs, present or future. (Staff is recommending a COA to address source of water).
Improvement are not anticipated to require support from existing or future water or sewer systems and not impact existing drainage patterns since pipeline infrastructure is underground and water sources will be required to be confirmed prior to construction.
- Adjacent land uses (livestock grazing and dry-land farming) are anticipated to have minimal disturbances during construction.
- Water will be used to control dust at the time of construction and restrictions on speed of construction vehicles.



Discussion: Land Development Code - USR



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The Board of County Commissioners may approve a Use by Special Review application, if the proposal meets all of the nine criteria in Section 5-3.4 of the Land Development Code:

- No substantial impact to surface and groundwater quality and quantity
- *Applicant will be required to provide documentation from water court and the Division of Water Resources.*
- Staff discussed this application with the Water of Division Resources and this office did not have any concerns with requiring documentation from Water Court, a water provider, or certification by the Division of Water Resources identifying all sources of water, the duration of the water use, certification that the water is authorized for oil and gas usage, and that the water is allowed to be used in Arapahoe County/the destination basin prior to construction.
- *Grading, Erosion, Sediment Control (GESC) Permit*
- *Floodplains, wetlands and streams/drainages will be crossed in accordance with U.S. Army Corps of Engineers (UASCE) 404 Permit (Use of Horizontal Directional Drilling (HDD) or boring techniques)*



Discussion: Land Development Code - USR



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The Board of County Commissioners may approve a Use by Special Review application, if the proposal meets all of the nine criteria in Section 5-3.4 of the Land Development Code:

- Minimal impacts to terrestrial and aquatic plant life
 - *COA to reduce impacts by scheduling construction outside of nesting and breeding times*
- Existing facilities in the gathering system corridors and no significant impacts/issues with soils, geological conditions, or natural hazards.
- No impacts to recreational opportunities because infrastructure is below grade.
- Arapahoe County Sheriff's Office did not have concerns.
- Bennett-Watkins Fire Protection has no specific objections.



Discussion:1041 Regulations



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The 1041 Permit approval criteria for a Major Electrical, Natural Gas and Petroleum Derivative Facilities of a Private Company shall comply with the criteria set forth in the 1041 Regulations, Part V, Sections A and C, along with Appendix A.

- The applicant shall obtain all necessary property rights, permits and approvals prior to construction.
- Prior to construction the applicant shall provide a copy of all necessary recorded easements and obtain approval of a GESC plan and Street Cut & Right-of-Way (ROW) Use permits for any ROW crossings.
- The GESC plan shall be in accordance with the State of Colorado and Arapahoe County's Stormwater Management Manual.



Discussion:1041 Regulations



ARAPAHOE COUNTY
PUBLIC WORKS & DEVELOPMENT

The 1041 Permit approval criteria for a Major Electrical, Natural Gas and Petroleum Derivative Facilities of a Private Company shall comply with the criteria set forth in the 1041 Regulations, Part V, Sections A and C, along with Appendix A.

- Applicant and related entities have successfully budgeted, constructed and currently operates multiple facilities similar to the infrastructure proposed.
Capable to develop and operate the proposed project.
- County Finance reviewed financial documents from Crestone Peak Resources & Civitas Resources, Inc.

Crestone Peak Resources Midstream, LLC (subsidiary of Crestone Peak Resources American Inc.) acquired pipeline from Conoco Phillips

Funded by the Canadian Retirement Board and merged with two other companies to form Civitas Resources, Inc. in 2021.



Discussion:1041 Regulations



ARAPAHOE COUNTY
PUBLIC WORKS & DEVELOPMENT

The 1041 Permit approval criteria for a Major Electrical, Natural Gas and Petroleum Derivative Facilities of a Private Company shall comply with the criteria set forth in the 1041 Regulations, Part V, Sections A and C, along with Appendix A.

- Promote resource conservation reducing gasoline/diesel used in transporting freshwater via trucking and reduce impact to roadway system.
- Applicant will hire a third party consultant to monitor cultural resources and archaeological conditions.

Staff is recommending a COA requiring the applicant provide a copy of the inspection and report as well as mitigation measures if any issues are noted during the inspection



Discussion:1041 Regulations



ARAPAHOE COUNTY
PUBLIC WORKS & DEVELOPMENT

The 1041 Permit approval criteria for a Major Electrical, Natural Gas and Petroleum Derivative Facilities of a Private Company shall comply with the criteria set forth in the 1041 Regulations, Part V, Sections A and C, along with Appendix A.

- Proposal does not include the introduction of material classified as hazardous.
 - U13-001 & U14-001 approved natural gas, crude oil, produced water, and fiber optic cable.
 - Inclusion of freshwater pipelines (as opposed to produced water) are void of hydrocarbons and naturally occurring salts and sediments.
- No storage of fuels, lubricants, chemicals or waste except on a temporary basis during maintenance or construction.
 - Staff is recommending a COA requiring the applicant contact the County if a spill occurs.



Discussion: Referral Comments



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Staff recommending conditions of approval to address referral agency comments and concerns received from the following agencies:

- Tri-County Health Department
- Colorado Parks and Wildlife
- Bennett-Watkins Fire & Rescue
- Mile High Flood District
- Xcel Energy
- CDOT



Staff Findings:



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1. The proposed Use by Special Review/1041 application is in conformance with the overall goals and intent of the Arapahoe County Comprehensive Plan, in that it provides for development of public facilities and services within Arapahoe County.
2. The proposed application complies with the review and approval criteria of the Use by Special Review regulations, Section 5.3.4 of the Land Development Code.
3. The proposed application complies with the review and approval criteria of The Regulations Governing Areas and Activities of State Interest in Arapahoe County (1041 Regulations).



Recommendation:



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Staff and the Planning Commission recommend approval of this application with the following conditions of approval:

1. Prior to signature of the final copy of these plans, the applicant will address all Public Works and Development comments.
2. All necessary utility easements must be executed and recorded prior the commencement of construction.
3. Prior to water line construction, applicant shall provide Arapahoe County with documentation from Water Court, a water provider, or certification by the Division of Water Resources identifying all sources of water, the duration of the water use, certification that the water is authorized for oil and gas usage, and that the water is allowed to be used in Arapahoe County/the destination basin.
4. The fresh water pipe line shall only be used to provide service to oil and gas facilities, firefighting activities and shall not provide service to agricultural, commercial, residential, or other uses.
5. Prior to commencement of construction, the applicant shall be required to obtain all applicable permits, including but not limited to Grading, Erosion and Sediment Control (GES) permits, Street Cut and Right-of-Way Use Permits, Floodplain Development Permits, and Oversize/Overweight Vehicle Permits, from Arapahoe County Public Works and Development.
6. Prior to construction, if any pipelines are proposed to cross or be located within County's right of way the applicant shall enter into a License Agreement with the County.
7. The applicant shall report to the County, appropriate emergency offices, and personnel any spill or release that is required to be report by federal or state requirements.



Recommendation:



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8. The applicant shall provide Traffic Control Plans to the County prior to approval of construction documents and issuance permits from County Engineering Services Division and the Building Division.
9. Prior to construction, the applicant shall provide a copy of the inspection and report of paleontological, historic, or archaeological importance, as well as mitigation measures if any issues are noted during the inspection by a third party consultant.
10. The applicant shall conduct a nesting raptor survey prior to the commencement of construction, if construction begins during the nesting season, March 15 through August 31.
11. The applicant shall comply with Tri County Health Department regulations
12. The applicant shall construct, maintain and operate the pipeline in compliance with all applicable federal and state laws and regulations, including but not limited to: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT), Transportation Security Administration (TSA), and Colorado Public Utility Commission (COPUC).
13. The applicant shall comply with the measures and procedures described within the Product Spill Response and Emergency Plan.
14. The applicant shall obtain all necessary permits from Public Service Company of Colorado dba Xcel Energy.



Recommendation:



ARAPAHOE COUNTY
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Additional Conditions of Approval recommended by staff after Planning Commission Public Hearing

- 15. Condemnation shall not be used to acquire additional easements from property owners.**
- 16. Approval of a 1041 application for a major water and sewer project will be required if the infrastructure is proposed of domestic purposes.**





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