



**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
TUESDAY, JUNE 7, 2022**

ATTENDANCE	<p>A regular meeting of the Arapahoe County Planning Commission (PC) was called and held in accordance with the statutes of the State of Colorado and the Arapahoe County Land Development Code.</p> <p>The following Planning Commission members were in attendance: Kathryn Latsis, Randall Miller, Chair Pro-Tem; Jane Rieck, Richard Sall; Lynn Sauve; and Jamie Wollman, Chair.</p> <p>Also present were Robert Hill, Senior Assistant County Attorney; Jason Reynolds, Planning Division Manager (moderator); Molly Orkild-Larson, Principal Planner; Kat Hammer, Senior Planner; Sue Liu, Engineer; and twelve members of the public.</p>
CALL TO ORDER	<p>Ms. Wollman called the meeting to order at 6:30 p.m. and roll was called. The meeting was held in person and through the Granicus Live Manager platform with telephone call-in for staff members and public.</p>
GENERAL BUSINESS ITEMS:	
APPROVAL OF THE MINUTES	<p>The motion was made by Mr. Miller and duly seconded by Mr. Brockelman to accept the minutes from the May 17, 2022 Planning Commission meeting, with one correction:</p> <ul style="list-style-type: none">• On page 3, in the 1st paragraph, the; last word of the last line, change the word awarded to approved. <p>The vote was:</p> <p>Ms. Latsis, Yes; Ms. Rieck, Yes; Ms. Sauve, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Wollman, Yes; Mr. Brockelman, Yes.</p>
PUBLIC HEARING ITEMS:	
ITEM 1	<p>CASE NO UASI21-003, BRONCO PIPELINE COMPANY GATHERING SYSTEM PHASE 1&2 / USE BY SPECIAL REVIEW WITH 1041 PERMIT – KAT HAMMER, SENIOR PLANNER; SUE LIU, ENGINEER – PUBLIC WORKS AND DEVELOPMENT (PWD)</p>

	<p>Ms. Hammer stated the case was properly noticed and that the Planning Commission (PC) had jurisdiction to proceed. She presented written, revised conditions of approval, additional letters, and a PowerPoint presentation, a copy of which was retained for the record. She reported Crestone Peak Resources Midstream, LLC was proposing an amendment to Broncos Pipeline Company Gathering System – Phase I and II / Use by Special Review (USR) narratives, Case Nos. U13-001 and U14-001. She explained the proposed amendment would allow for the inclusion of freshwater pipelines within the pipeline easements, freshwater and/or produced water pipelines greater than 14 inches in diameter and would clarify the types and total number of utilities proposed within the easements. Ms. Hammer said the previously approved USRs allowed for installation of three co-located gathering pipelines (oil, natural gas, and produced water) and a fiber optic cable installation. She added that the proposal included the introduction of a freshwater pipeline and clarified that the pipeline corridor could include different types of lines (one of each type, two oil lines, multiple water lines, etc.). She said there was no anticipated construction start date, but that the approval of the application would allow pipeline construction in the future. Ms. Hammer stated the amendment also proposed an increase of the maximum allowable width of easements obtained from landowners, from 75 feet to 100 feet. She said there would be a Phase I and Phase II to allow for a 75-foot permanent easement and a 50-foot permanent easement, respectively, with a 25-foot temporary construction easement. She explained the maximum easement width for both phases of the project would not exceed 100 feet. She concluded that staff was proposing a Condition of Approval (COA) requiring all necessary utility easements to be executed and recorded prior to the commencement of construction. Ms. Hammer outlined conditions of approval in slides 9-12 of the PowerPoint presentation.</p> <p>There were discussions/questions regarding the following:</p> <ul style="list-style-type: none"> • Were there property owners along the easement corridor who did not receive sufficient notice? • The map submitted seemed to show negative impacts on the detention area; was that being addressed? • Was the applicant seeking to become a water provider? Would there be a mechanism for addressing concerns about use of the infrastructure that could be developed after the wells stopped producing? • What did the expansion of the easement address? Would there be easement negotiations, and could they be accessed publicly? What would happen to infrastructure within easements at the end of a fracking well's life cycle?
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	<ul style="list-style-type: none"> • Was the expense of a water delivery system infrastructure in line with wells that would only produce for 10 years? Could this waterline become a provider? • Could firefighters use this water in an emergency? • Were preservation of wildlife and cultural or archeological interests addressed? <p>Ms. Hammer responded that 15-day notice was given for the hearing, signs were properly posted, and letters sent to property owners within 500 ft of the easement boundary.</p> <p>The applicant, Nancy Floyd of Crestone Peak Midstream Resources, a subsidiary of Civitas, stated that the company currently had no plans to start construction. She explained the application for approval did not review easements. She explained further that Condition 2 for approval addressed easement recording before any construction plans would be drawn and executed. She explained that the water for well operation was purchased from 4 different regulated sources, including Pure Cycle, the City of Aurora's vault system, and other non-potable sources. Ms. Floyd reported the company had no plans to become a water provider and the application addressed Colorado Department of Transportation (CDOT) and community concerns about water brought to and from sites by truck or temporary water lines. She explained that some wells had been operating for 20 years, so the infrastructure expense was in line with operations. She reiterated that purchased water was needed for the wells' operation and that the company did not sell that water to anyone. She said that the USB did not allow for selling the water. Ms. Floyd responded that easement expansion was needed to connect wells in Aurora, Adams, and Arapahoe counties and the water pipeline would take a lot of trucks off the road for well operations. She described how firefighting water valves were available at well sites for firefighting purposes. She explained that a consultant had been hired to address wildlife and cultural and archeological concerns at the time of the USB application and continued to monitor these per Federal, State, and Local Oil & Gas (O&G) regulations. Ms. Floyd explained that easement infrastructures would be removed or abandoned in place in accordance with landowner agreements that were recorded in the easement. She described these agreements were part of the public record and would be available after they were negotiated if the application was approved.</p> <p>Mr. Hill commented that the water pipes, in the expanded easement, were considered infrastructure to serve the well site. He added that 1041 regulations covered domestic water facility if those extended to provision of the community. He said the use was not a domestic water category. He stated that, in his opinion, O&G and firefighting</p>
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	<p>was the use in this case. He confirmed that O&G infrastructures were either abandoned in place or removed from easements when wells stopped producing. He described that the conditions outlined in the application would be binding. He explained if changes were sought in the future to serve a community as a water provider the applicant would have to apply for a 1041 permit to address water regulations. He explained that a water engineer would be consulted about enforcing water rights if there were violations down the road; however, violations would be reliant upon reported complaints.</p> <p>Ms. Wollman opened the hearing for public comments.</p> <p>There were 5 members of the public present, three of whom spoke. One citizen was opposed; two citizens were in favor; and one citizen was undecided.</p> <p>The public hearing was closed.</p> <p>The motion was made by Ms. Rieck and duly seconded by Ms. Sauve, in the case of UASI21-003, Bronco Pipeline Company Gathering System Phase I & II / Use by Special Review with 1041 Amendment, that the Planning Commissioners reviewed the staff report, including all exhibits and attachments, have listened to the applicant's presentation and any public comment as presented at the hearing, and moved to recommend approval of the application to the Board of County Commissioners based on the findings in the staff report, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Prior to signature of the final copy of the plans, the applicant shall 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, the 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 and 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
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	<p>but not limited to Grading Erosion and Sediment Control (GESC) permits, Street Cut and Right-of-Way Use Permits, Floodplain Development Permits, and Oversize/Overweight Vehicle Permits from Arapahoe County Public Works and Development.</p> <ol style="list-style-type: none"> 6. Prior to construction, if any pipelines are proposed to cross or be located within the County's right of way, the applicant shall enter into a License Agreement with the County. 7. The applicant shall provide Traffic Control Plans to the County prior to approval of construction documents and issuance of permits from County Engineering Services Division and the Building Division. 8. 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 were noted during the inspection by a third party consultant. 9. 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. 10. The applicant shall report to the County, appropriate emergency offices, personnel, any spill or release that is required to be reported by federal or state requirements. 11. The applicant shall comply with Tri-County Health Department or Arapahoe 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. <p>The vote was:</p> <p>Ms. Latsis, No; Ms. Rieck, Yes; Ms. Sauve, Yes; Mr. Miller, No; Mr. Sall, Yes; Ms. Wollman, Yes; Mr. Brockelman, Absent.</p>
ANNOUNCEMENTS	Mr. Reynolds reported on the following topics:



	<ul style="list-style-type: none">• The Arcadia General Development Plan (GDP21-002) was approved by the Board of County Commissioners (BOCC) on May 24, 2022, on a vote of 4-0.• Expedition Water Solutions (EWS) withdrew their application with Arapahoe County Public Works and Development for a commercial injection well facility (UASI18-001 and MISC18-001) that was planned on East Quincy Avenue, approximately one and one half miles east of the intersection of Watkins Road and East Quincy Avenue.• Availability for the July 5, 2022 PC Meeting was discussed.
ADJOURNMENT	There being no further business to come before the Planning Commission, the meeting was adjourned.