The Town of Windsor's Process and Requirements for Oil and Gas Drilling Operations

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Town Board

Oil and Gas

- Where local regulation operationally conflicts with state regulation the state regulation prevails

The Town cannot:

- Regulate technical aspects of oil and gas
- Regulate aspects of oil and gas that impact well spacing or location
- Impose requirements that contradict or duplicate state standards such as setbacks, noise, visual aspects
- Prohibit that which the state has explicitly authorized
- Negate a more specifically drawn statutory provision

Oil and Gas

- Given the state preemption of location regulation of oil and gas activities, the Town is limited in what it can and cannot require through the Condition Use Grant (CUG) approval process

CUG for Oil and Gas

- Oil and Gas facilities shall be permitted as a conditional use in all zoning districts.
- A Conditional Use Grant (CUG) for Oil and Gas Facilities application must be submitted to the Town for review and approval by the Town Board.

The following outlines the complete CUG process for Oil and Gas Facilities.

Initial Submittal

- Applicant submits the initial submittal

  Initial submittal typically includes CUG application and fee, narrative, applicable drawings and maps, and COGCC permit information

- Staff distributes the initial submittal to the Development Review Committee (DRC)

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Initial Submittal

- A staff deadline for comments is set at the DRC meeting
- Staff reviews the submittal and emails any redline comments and a transmittal sheet to the applicant

The applicant will re-submit drawings based on redline comments and the DRC will review. This is repeated until all redline comments have been satisfactorily addressed

Neighborhood Meeting

- Applicant submits a draft copy of the notification letter, mailing list and display ad for review by staff
- Applicant receives approval from staff of the notification letter and mailing list
- Applicant receives approval of display ad proof from staff

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Neighborhood Meeting

- Applicant sends display ad to both the Windsor Beacon and the Windsor Now for publication. Ads must be published 10 days prior to the date of the neighborhood meeting
- Applicant mails notification letter to surrounding property owners within 500 feet at least 10 days prior to the date of the neighborhood meeting
- Applicant provides affidavit that the letters have been mailed at least 10 days prior to the date of the neighborhood meeting

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Neighborhood Meeting

- Applicant facilitates the neighborhood meeting *(it is the applicant's responsibility to secure a location for the meeting)*
- Applicant provides meeting notes to Town staff within 20 days of the neighborhood meeting
- Director reviews the meeting notes and determines if further neighborhood meetings are required or if the application will be scheduled for a public hearing at Planning Commission

Planning Commission

- Applicant mails notification letters to surrounding property owners within 500 feet at least 10 days prior to the date of the Planning Commission public hearing
- Staff publishes legal ad in local paper at least 10 days prior to the date of the Planning Commission public hearing
- Staff posts the property with a CUG under review sign at least 10 days prior to the date of the Planning Commission public hearing

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Planning Commission

- Staff prepares memo and application materials for the Planning Commission packet
- Staff distributes the packet to the Planning Commission on the Friday prior to the meeting date
- A public hearing is held at Planning Commission

Town Board

- Applicant mails notification letters to surrounding property owners within 500 feet at least 10 days prior to the date of the Town Board public hearing
- Staff publishes legal ad in local paper at least 10 days prior to the date of the Town Board public hearing

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Town Board

- Staff prepares memo and application materials for the Town Board packet
- Staff distributes the packet to the Town Board on the Friday prior to the meeting date
- A public hearing is held at Town Board

Final Steps

- If the Conditional Use Grant for Oil and Gas Facilities is approved by the Town Board, then staff will continue working with the applicant to ensure that all the conditions of approvals are satisfied.

Standard Conditionals of Approval

Example conditions of approval in areas of little development and/or neighbors:

1. The applicant shall access the well site using the existing access road.

2. The applicant shall maintain the access road and top with gravel as needed to control mud tracking.

3. The applicant shall use low-profile tanks and paint the equipment an earth tone to match the surrounding colors.

4. In addition to an earthen berm, the applicant shall install a vinyl-clad chain link fence, six (6) feet in height, without slats, as a protective barrier around the entire site.

Standard Conditionals of Approval

Example conditions of approval near developed areas and/or with neighbors:

1. Prior to the commencement of drilling, the applicant must submit the following information for review and approval by the Town:

   a. The applicant shall submit a comprehensive Initial Drilling and Site Improvement Plan regarding drilling activities and initial installation of related site improvements that includes, but is not limited to, details pertaining to all of the following:

      1) Site access plan

      2) Public street clean-up and tracking prevention. This item shall include a tracking pad and wash bay to be reviewed and approved by the Town.

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Standard Conditionals of Approval

3) Site grading. This item shall address proposed site grading, including any earth berms for emergency containment.

4) Temporary screening. This item shall address the screening of the initial drilling activities and installation of site improvements from surrounding neighborhoods and streets.

5) The following notes and certification blocks shall be included on the Initial Drilling and Site Improvement Plan:

   i. The applicant shall comply with all rules and regulations of the Colorado Oil and Gas Conservation Commission.

   ii. The facilities shall be kept clean and otherwise properly maintained at all times.

   iii. A signed owner's acknowledgement certification block.

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Standard Conditionals of Approval

b. The applicant shall submit a comprehensive Perpetual Maintenance Plan regarding the on-going life of the wells that includes, but is not limited to, details pertaining to all of the following:

1) Site access plan.

2) On-going public street cleaning. This item shall include a tracking pad and wash bay to be reviewed and approved by the Town.

3) Landscaping/perpetual screening. The plan shall address the location and details of all plant materials, decorative earth berms for screening, irrigation of plant materials, etc.

4) Site lighting. This item shall include details regarding the site lighting fixtures and locations. Security and other site lighting shall utilize full cutoff light fixtures to mitigate light pollution.

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Standard Conditionals of Approval

5) The following notes shall be included on the Perpetual Maintenance Plan:

   i. The applicant shall maintain compliance with all rules and regulations of the Colorado Oil and Gas Conservation Commission.

   ii. The facilities shall be kept clean and otherwise properly maintained.

   iii. A signed owner's acknowledgement certification block.

c. The applicant shall obtain any applicable building permits from the Town prior to constructing any improvements on site.

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

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Standard Conditionals of Approval

e. The applicant shall address and comply with the conditions of the Town's Engineering Department.

2. The following conditions of approval shall be incorporated into the aforementioned plans for review and approval.

   a. The applicant shall utilize electric motors in order to mitigate the noise impacts on the adjacent residential neighbors.

   b. 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.

   c. The applicant shall bury the tanks as much as possible to decrease their overall visibility.

   d. The applicant shall paint all equipment an earth tone to match the surrounding colors.

Notification from the State

- The COGCC sends notice of permits that are filed for oil and gas operations proposed in or near Windsor to the Director of Planning.
- Planning staff reviews notice to determine where the operation is proposed and the status of the permits.
- It is important to note that much of the oil and gas activity around Windsor is taking place in unincorporated Weld and Larimer counties.

Notification from Weld County

- Weld County considers “oil and gas production facilities” to be uses by right in the Agricultural (A) and Industrial (I) zoning districts and Windsor does not receive referrals.
- Weld County considers “oil and gas production facilities” in Residential, Commercial or Estate (E) zoning districts to be uses by special review (USR) and referrals are sent to Windsor for Planning Commission review and recommendation.
- Agricultural zoning comprises the majority of unincorporated Weld County surrounding Windsor.

Notification from Larimer County

- Per a recent agreement, Larimer County will notify the Director of Planning of proposals received from the COGCC for oil and gas operations even though Larimer County does not have a formal process for addressing these operations.

Additional Information

Permitted but un-tested potential areas of local regulation:

- Protection of public water supplies
- Prevention of soil erosion
- Protection of wildlife and vegetation
- Protection of livestock
- Prevention of geologic hazards
- Protection of cultural and historic resources
- Protection of recreational resources
- Regulation of permit duration

*All subject to the State's authority to regulate operations