

BEFORE THE OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)	
CITY OF LONGMONT FOR AMENDED ORDER)	
CREATING OUTSIDE ACTIVITY AREA DESIGNATION)	Cause No.:
FOR PARTS OF THE NE ¼ of the NE 1/4 SECTION 7,)	
AND PART OF THE SE1/4 OF THE NE1/4 OF SECTION 7,)	
T2N, R68W, 6 th P.M., WELD COUNTY, COLORADO)	Docket No.:

**APPLICATION FOR AMENDED ORDER IN
CAUSE NO. 1, ORDER NO. 1-94**

The City of Longmont, Colorado, a municipal corporation ("City"), by its undersigned counsel, makes application to the Colorado Oil and Gas Conservation Commission ("Commission") for an Amended Order designating the soccer complex at Sandstone Ranch Community Park ("Sandstone") as a designated outside activity area pursuant to Commission Rule 603.d. The purpose of this application is to protect the City's significant investment in and prevent future adverse impacts to the park and its visitors from oil and gas operations. The City is working cooperatively with the operator that has mineral leasehold interest in the vicinity of Sandstone to identify mutually agreeable drilling locations to minimize adverse impacts to City resources and to allow the operator ("TOP") to conduct oil and gas exploration. The City has also conferred with Commission Staff concerning this application. If future drilling permits are granted, they should be subject to appropriate restrictions, setbacks and safeguards as contemplated by Rule 603.d. As grounds for this Application, the City states as follows:

BACKGROUND

1. **CAUSE NO. 1, ORDER NO. 1-94** In March 2001, the Commission held a hearing in the Matter of the Rules and Regulations of the Colorado Oil and Gas Conservation Commission, Weld County, Colorado, Cause No. 1, Order No. 1-94. The Commission issued its Report in that matter on April 4, 2001 *See* Exhibit "1", hereto. At issue in Order No. 1-94 was TOP's proposal to drill six wells in various locations on Sandstone, which was then well into the construction phase. Baseball/softball fields, concession stands, parking lots and other facilities had already been constructed. After a hearing, the Commission designated the NW1/4 NE1/4 of Section 7, T2N, R68W, 6th P.M. *See* Exhibit "2", hereto as an "outside activity area in accordance with Rule 603.b." The Commission further ordered that:

[A]ny well drilled in the above-described lands shall be located no less than three hundred fifty feet (350') from the boundary from

any constructed baseball/softball fields, concession stands, parking lots and associated facilities.

The Commission also directed the City and TOP to work together to determine suitable well locations in the Sandstone Ranch. The Commission expressly reserved the right to alter or amend its ruling.

2. The City is the owner in fee of the surface and some or all of the mineral rights at Sandstone, which lies within the corporate limits of the City and was developed by the City as a community park.

3. Sandstone was purchased by the City, in part, under a grant from the Great Outdoors Colorado Trust Fund and is intended to preserve the natural features and riparian areas of the park, as well as provide ball fields and other open areas to serve the community's recreation needs.

4. The City completed construction of the baseball fields in the first phase of the community park, at a cost to Longmont taxpayers of \$5.6 million. The baseball fields were put into operation in the spring of 2001.

5. After the Commission issued its Report, the City continued the phased construction of Sandstone. The Sandstone Soccer Complex, which includes soccer fields, additional parking lots and associated facilities, has been completed and constitutes a well-defined area located at the NE1/4 of the NE1/4 of Section 7 and part of the SE1/4 of the NE1/4 of Section 7, T2N, R68W, 6th P.M., Weld County, Colorado (Exhibit 2). The cost of constructing the Sandstone Soccer Complex was over \$5 million. The total cost of the baseball fields, soccer complex and associated park facilities was over \$15 million, excluding land costs.

6. The Soccer Complex is a well-defined outside area that is occupied by at least 20 or more persons on at least 40 or more days in any 12-month period, and/or by at least 500 people or more on at least 3 days in any 12-month period. During a 2011, the complex was occupied by players and spectators by over 81,000 persons, with over 500 persons on at least 44 days and over 20 persons on at least 91 days. During 2012, the soccer complex was reserved by the same tournament groups and will also be occupied by over 81,000 persons, with over 500 persons on at least 44 days and 20 persons on at least 91 days. As of June 1, 2012, the facility was occupied by 36,431 persons, with over 500 persons on 22 days and 20 persons for 45 days. The daily breakdown for 2011 and 2012 is confirmed in the attached Exhibit 3.

7. The 100 Series Definitions of the Oil and Gas Conservation Commission Rules provide that a Designated Outside Activity Area (DOAA) is a "well-defined outside area (such as a

playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by twenty (20) or more persons on at least forty (40) days in any twelve (12) month period or by at least five hundred (500) or more people on at least three (3) days in any twelve (12) month period.”

8. The public use of the Sandstone Soccer Complex, not including City maintenance personnel, far exceeds the minimum DOAA requirements, which applied in the Commission’s Report on Order No. 1-94.

9. Notably, the Commission’s Report described the fact that additional facilities were to be built at Sandstone Ranch:

The Commission found that Longmont has plans to construct sports fields and facilities for public use on other portions of the application lands but because these plans have not yet moved beyond the planning stage of these facilities and because the facilities are not yet under construction or in use by the public as of the date of the hearing, these lands do not constitute an outside activity area as defined by the Commission 100 Series Rules.

10. The City supports the efficient exploration and production of oil and gas resources in a manner consistent with the protection of public health, safety and welfare. As such, the City is currently negotiating a surface use agreement with TOP, to identify drilling locations that will support the operator’s right to drill and explore mineral rights and protect the City’s resources and public safety.

CERTIFICATE OF NOTICE

11. Undersigned counsel certifies that, to the best of his information and belief, a copy of this document has been served on all parties who are entitled to notice under Commission Rules 507.b. and 507.c.

WHEREFORE, the City respectfully requests that the Commission amend the existing Sandstone Ranch Outside Activity Area designation to include the Sandstone Soccer Complex, located in NE1/4 of the NE1/4 of Section 7 and part of the SE1/4 of the NE1/4 of Section 7, T2N, R68W, 6th P.M., Weld County, Colorado (or so much thereof as may be appropriate) in accordance with rules 603.d, that the boundary of this DOAA be conformed to the area currently

in use as noted in Exhibit 2, and that appropriate restrictions, setbacks, and safeguards be made part of the Amended Order.

DATED this 19th day of July, 2012.

Respectfully submitted,

CITY OF LONGMONT, COLORADO,
a municipal corporation

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By:

Kim Shugar

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing **APPLICATION FOR AMENDED ORDER IN CAUSE NO. 1, ORDER NO. 1-94**, has been mailed, first class postage prepaid, this 19th day of July 2012, addressed to the following:

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Lakewood, CO 80226

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Lakewood, CO 80227

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LONGMONT, CO 80504

SSH HOLDINGS LLC
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Honohan Gene T. & Karen
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BEFORE THE OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE RULES AND
REGULATIONS OF THE COLORADO OIL
AND GAS CONSERVATION COMMISSION,
WELD COUNTY, COLORADO

CAUSE NO. 1

ORDER NO. 1-94

REPORT OF THE COMMISSION

This cause came on for hearing before the Commission on March 19, 2001 at 9:30 a.m. in the City Council Chambers, Longmont City Hall Building, 350 Kimbark, Longmont, Colorado after giving Notice of Hearing as required by law, on the application of the City of Longmont for an order determining that certain lands in Township 2 North, Range 68 West, 6th P.M. constitute a designated outside activity area in accordance with Commission Rule 603.b.

FINDINGS

The Commission finds as follows:

1. The City of Longmont ("Longmont"), as applicant herein, is an interested party in the subject matter of the above-referenced hearing.
2. Due notice of the time, place and purpose of the hearing has been given in all respects as required by law.
3. The Commission has jurisdiction over the subject matter embraced in said notice and the parties interested therein, and jurisdiction to promulgate the hereinafter prescribed order.
4. On October 18, 2000, TOP Operating Company ("TOP") by its attorney, filed with the Commission a verified application for an order withdrawing the conditions placed administratively on seven (7) drilling permits issued for the Evans #1, 2, 3, 4, 5, 6 & 8 Wells based on the belief that the Commission Director has no statutory authority to resolve surface use conflicts by requiring directional drilling.
5. On November 3, 2000, Longmont, by its attorney, filed with the Commission an application to intervene in the TOP application and for an order determining the lands in TOP's application constitute a designated outside activity area in accordance with high density area Rule 603.b. At the December 2000 hearing, the Commission heard arguments from TOP recommending TOP's application and Longmont's application be heard as separate matters. The Commission voted to hold separate hearings on the two applications and to conduct a field tour of Longmont's application lands prior to the hearing on Longmont's application.
6. On December 11, 2000, Longmont supplemented its application to more completely describe the lands requested to be designated an outside activity area as follows:

Township 2 North, Range 68 West, 6th P.M.

Section 7: E $\frac{1}{2}$

Section 8: W $\frac{1}{2}$ SW $\frac{1}{4}$

7. A tour of the application lands comprising Sandstone Ranch was conducted for the Commission prior to the hearing on designation of the lands as an outside activity area.
8. The Commission heard testimony from Leona Stoecker, Mayor of the City of Longmont describing how Longmont acquired Sandstone Ranch and Longmont's interest in developing the property for its citizens.
9. The Commission heard testimony from Paula Fitzgerald, City of Longmont Park Planner describing the acquisition of the 313 acres comprising Sandstone Ranch, the development of the master plan using stakeholder groups for public participation, the expenditures to date on the project and the planned phases of development. Ms. Fitzgerald estimated that approximately 57,228 people are anticipated to use the facilities in Phase 1 of the Sandstone Ranch development. She further estimated that approximately 244,288 visitors per year will use Sandstone Ranch facilities once development is complete. Ms. Fitzgerald testified that she became aware of TOP's mineral ownership in March, 2000 and that Longmont then began to identify central drillsites from which wells could be drilled.
10. The Commission heard rebuttal testimony from Rodney Herring, Vice President of TOP on TOP's acquisition of mineral leases as early as 1990 through 1998 when TOP obtained a mineral lease owned by Murray Herring. Mr. Herring described TOP's efforts to notify Longmont of their leasehold ownership and to communicate with Longmont's Planning Department regarding development proposed near TOP's leases.

11. Pursuant to Rule 510., Ken Wonstolen, Senior Vice President and General Counsel for the Colorado Oil and Gas Association, made statements regarding the concern that development plans may be made without consideration to the rights of the mineral owner and then those plans can be brought to the Commission for ratification.

12. Staff analysis was presented by Rich Griebing and Brian Macke which indicated that TOP has five (5) active permits-to-drill in the NW¼ of Section 7, Township 2 North, Range 68 West, 6th P.M.

13. The Commission finds that testimony and evidence presented at the hearing and on the field tour indicated Longmont has developed the NW¼ NE¼ of Section 7, Township 2 North, Range 68 West, 6th P.M. as four (4) baseball/softball fields, concession stands, parking lots and associated facilities to be placed in operation May 19, 2001. The Commission found that Longmont has plans to construct sports fields and facilities for public use on other portions of the application lands but because these plans have not yet moved beyond the planning stage of these facilities and because the facilities are not yet under construction or in use by the public as of the date of the hearing, these lands do not constitute an outside activity area as defined by the Commission 100 Series Rules.

14. The Commission directed Longmont and TOP to work together to determine suitable well locations in Sandstone Ranch. If the parties are unable to agree on well locations, the Commission will hear testimony on proposed locations at the May 31-June 1, 2001 hearing.

15. The Commission should designate the NW¼ NE¼ of Section 7, Township 2 North, Range 68 West, 6th P.M. as an outside activity area in accordance with Rule 603.b. and require any well drilled on these lands to be located no less than three hundred fifty feet (350') from the boundary of any constructed baseball/softball fields, concession stands, parking lots and associated facilities.

ORDER

NOW, THEREFORE IT IS ORDERED, that the NW¼ NE¼ of Section 7, Township 2 North, Range 68 West, 6th P.M. is hereby designated an outside activity area in accordance with Rule 603.b.

IT IS FURTHER ORDERED, that any well drilled in the above-described lands shall be located no less than three hundred fifty feet (350') from the boundary of any constructed baseball/softball fields, concession stands, parking lots and associated facilities.

IT IS FURTHER ORDERED, that the provisions contained in the above orders shall become effective forthwith.

IT IS FURTHER ORDERED, that the Commission expressly reserves its right, after notice and hearing, to alter, amend or repeal any and/or all of the above orders.

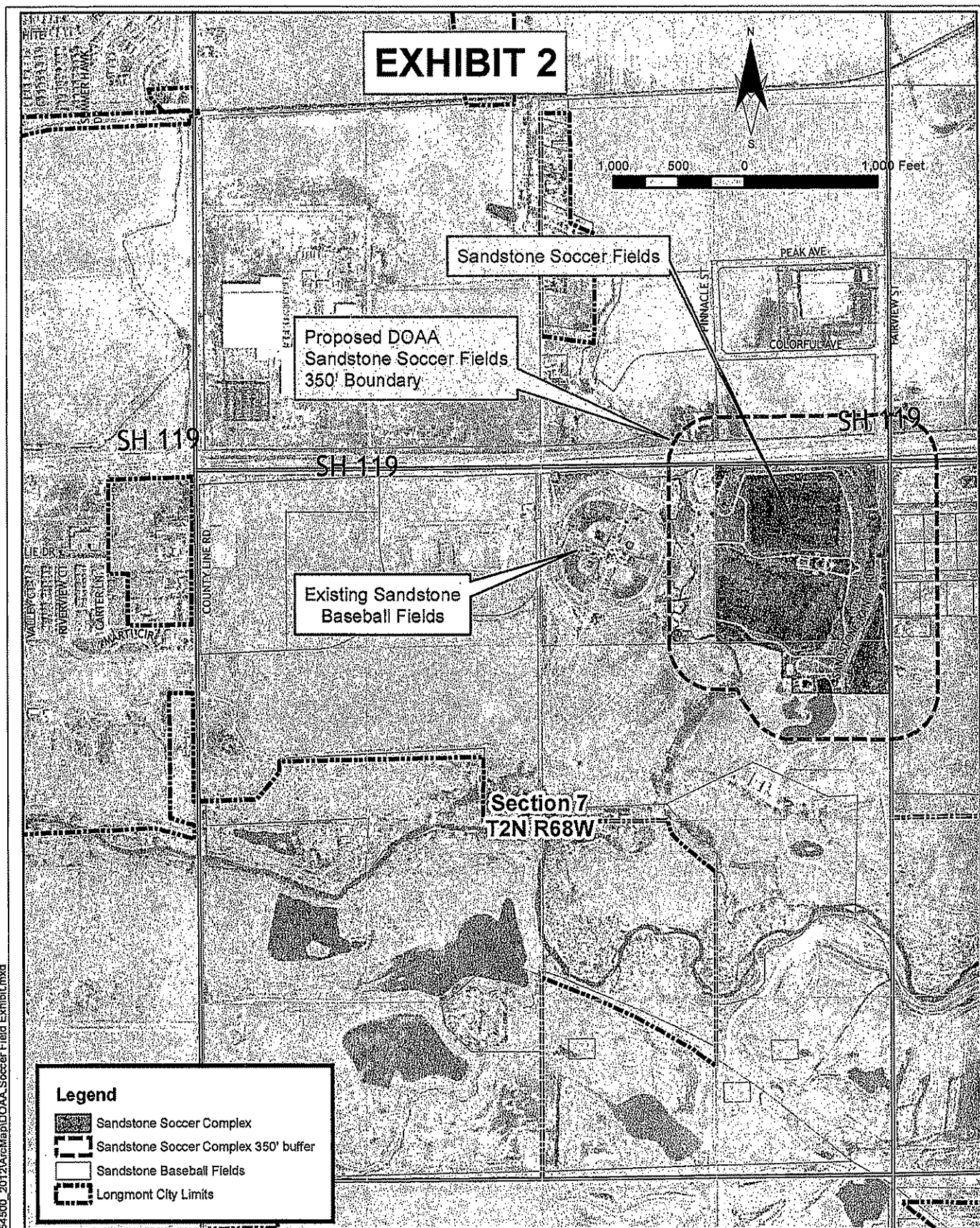
ENTERED this 4th day of April 2001, as of March 19, 2001.

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

By Patricia C. Beaver
Patricia C. Beaver, Secretary

Dated at Suite 801
1120 Lincoln Street
Denver, Colorado 80203
April 4, 2001

P:\h\Projects\PW0545 Oil & Gas\054500_2012\AerialMap\DOAA_Soccer Field Exhibit.mxd



Print Date: 06/20/2012

File Name: DOAA_Soccer Field Exhibit

Revisions:

Vert. Scale: As Noted

Horiz. Scale: 1 inch = 1,000 feet

SANDSTONE SOCCER FIELDS DOAA



CITY of LONGMONT

385 Kimbark Street
Longmont, Co. 80501
Phone: 303-651-6304 FAX: 303-651-8352

PUBLIC WORKS & NATURAL RESOURCES DEPT.

Project No.
PW0545

Year
2012

Designer:
Detailer: Mestas

Subset Sheet:

Sheet Number: 2

Exhibit 3
2011 Soccer Field Usage

Date	Usage (# of individuals)	Date	Usage (# of individuals)	Date	Usage (# of individuals)
March 12, 2011	2125	April 12, 2011	244	August 20, 2011	2620
March 13, 2011	680	April 13, 2011	270	August 21, 2011	680
March 19, 2011	2125	April 19, 2011	244	August 27, 2011	2620
March 20, 2011	680	April 20, 2011	270	August 28, 2011	680
March 26, 2011	2125	April 26, 2011	244	September 3, 2011	2620
March 27, 2011	680	April 27, 2011	270	September 4, 2011	680
April 2, 2011	2125	May 3, 2011	244	September 10, 2011	2620
April 3, 2011	680	May 4, 2011	270	September 11, 2011	680
April 9, 2011	2125	May 10, 2011	244	September 17, 2011	2620
April 10, 2011	680	May 11, 2011	270	September 18, 2011	680
April 16, 2011	2125	May 17, 2011	244	September 24, 2011	2620
April 17, 2011	680	May 18, 2011	270	September 25, 2011	680
April 23, 2011	2125	May 24, 2011	244	October 1, 2011	2620
April 24, 2011	680	May 25, 2011	270	October 2, 2011	680
April 30, 2011	2125	May 31, 2011	244	October 8, 2011	2620
May 1, 2011	680	June 1, 2011	270	October 9, 2011	680
May 7, 2011	2125	May 10, 2011	190	October 15, 2011	2620
May 8, 2011	680	May 11, 2011	190	October 16, 2011	680
May 14, 2011	2125	May 12, 2011	190	October 22, 2011	2620
May 15, 2011	680	May 13, 2011	190	October 23, 2011	680
May 21, 2011	2125	May 14, 2011	190	September 19, 2011	300
May 22, 2011	680	July 30, 2011	324	September 26, 2011	300
April 5, 2011	244	August 13, 2011	2620	October 3, 2011	300
April 6, 2011	270	August 14, 2011	680	October 10, 2011	300
				September 6, 2011	480
				September 13, 2011	480
				September 20, 2011	480
				September 27, 2011	480
				October 4, 2011	480
				October 11, 2011	480
				October 18, 2011	480
				October 25, 2011	480
				August 17, 2011	270
				August 24, 2011	270
				August 31, 2011	270
				September 7, 2011	270
				September 14, 2011	270
				September 21, 2011	270
				September 28, 2011	270
				October 5, 2011	270
				October 10, 2011	190
				October 11, 2011	190
				October 12, 2011	190
				October 13, 2011	190
				October 14, 2011	190

2012 Soccer Field Usage

Date	Usage (# of individuals)	Date	Usage (# of individuals)	Date	Usage (# of individuals)
March 10, 2012	2125	April 10, 2012	244	August 18, 2012	2620
March 11, 2012	680	April 11, 2012	270	August 19, 2012	680
March 17, 2012	2125	April 17, 2012	244	August 25, 2012	2620
March 18, 2012	680	April 18, 2012	270	August 26, 2012	680
March 24, 2012	2125	April 24, 2012	244	September 1, 2012	2620
March 25, 2011	680	April 25, 2012	270	September 2, 2012	680
March 31, 2012	2125	May 1, 2012	244	September 8, 2012	2620
April 1, 2012	680	May 2, 2012	270	September 9, 2012	680
April 7, 2012	2125	May 8, 2012	244	September 15, 2012	2620
April 8, 2012	680	May 9, 2012	270	September 16, 2012	680
April 14, 2012	2125	May 15, 2012	244	September 22, 2012	2620
April 15, 2012	680	May 16, 2012	270	September 23, 2012	680
April 21, 2012	2125	May 22, 2012	244	September 29, 2012	2620
April 22, 2012	680	May 23, 2012	270	September 30, 2012	680
April 28, 2012	2125	May 29, 2012	244	October 6, 2012	2620
April 29, 2012	680	May 30, 2012	270	October 7, 2012	680
May 5, 2012	2125	May 7, 2012	190	October 13, 2012	2620
May 6, 2012	680	May 8, 2012	190	October 14, 2012	680
May 12, 2012	2125	May 9, 2012	190	October 20, 2012	2620
May 13, 2012	680	May 10, 2012	190	October 21, 2012	680
May 19, 2012	2125	May 11, 2012	190	September 17, 2012	300
May 20, 2012	680	July 28, 2012	324	September 24, 2012	300
April 3, 2012	244	August 11, 2012	2620	October 1, 2012	300
April 4, 2012	270	August 12, 2012	680	October 8, 2012	300
				October 12, 2012	190
				October 16, 2012	480
				October 23, 2012	480
				August 22, 2012	270
				August 29, 2012	270
				September 5, 2012	270
				September 12, 2012	270
				September 19, 2012	270
				September 26, 2012	270
				October 3, 2012	270
				October 10, 2012	270
				October 8, 2012	190
				October 9, 2012	190
				October 10, 2012	190
				October 11, 2012	190
				October 12, 2012	190

BEFORE THE OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)	
CITY OF LONGMONT FOR AMENDED ORDER)	
OUTSIDE ACTIVITY AREA DESIGNATION)	Cause No.:
FOR PARTS OF THE NE ¼ of the NE 1/4 SECTION 7,)	
AND PART OF THE SE1/4 OF THE NE1/4 OF SECTION 7,)	
T2N, R68W, 6 th P.M., WELD COUNTY, COLORADO)	Docket No.:

AFFIDAVIT OF JEFF FRIESNER

Jeff Friesner, having been duly sworn, states as follows:

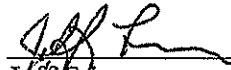
1. My name is Jeff Friesner and I am employed by the City of Longmont, Colorado. As part of my responsibilities I help manage and am aware of the public usage and visitations at the Sandstone Ranch Community Park. This is a popular area frequently visited by residents of Longmont and the surrounding communities who use it for outside activities such as soccer games, picnics, spectator parking and usage, jogging and other similar activities.

2. The City completed construction of the softball/baseball fields in the first phase of the community park, at a cost to Longmont taxpayers of \$5.6 million. The softball/baseball fields were put into operation in the Spring of 2001, and have been utilized on a weekly basis by approximately 37,000 Longmont citizens during the months of heavy use.

3. The Sandstone Soccer Complex is a well-defined outside area that is shown on Exhibit "2" to the City's Application, and is occupied by at least 20 or more persons on at least 40 or more days in any 12-month period, and/or by at least 500 people or more on at least 3 days in any 12-month period. During 2011, the complex was used by over 81,000 persons, with over 500 persons using the facility on 44 days and over 20 persons on 91 days. During 2012 the Sandstone Soccer Complex has been reserved by the same tournament groups and will also be occupied by over 81,000 persons, with over 500 persons on at least 44 days and 20 persons on at least 91 days. As of June 1, 2012, the facility has been occupied by 36,431 persons, with over 500 persons on 22 days and 20 persons for 45 days. The daily breakdown for 2011 and 2012 is in Exhibit "3" to the City's Application, which is true and correct to the best of my knowledge.

3. In conclusion, the Sandstone Soccer Complex at the Sandstone Ranch Community Park satisfies the requirements of a Designated Outside Activity Area under the COGCC Rules as I understand them.

FURTHER AFFIANT SAYETH NAUGHT



Jeff Friesner

STATE OF COLORADO)
)
County of Longmont) ss:

SUBSCRIBED AND SWORN to before me this 21st day of June, 2012, by Jeff Friesner.

My Commission Expires
01/14/2014

My Commission Expires: _____



Notary Public

