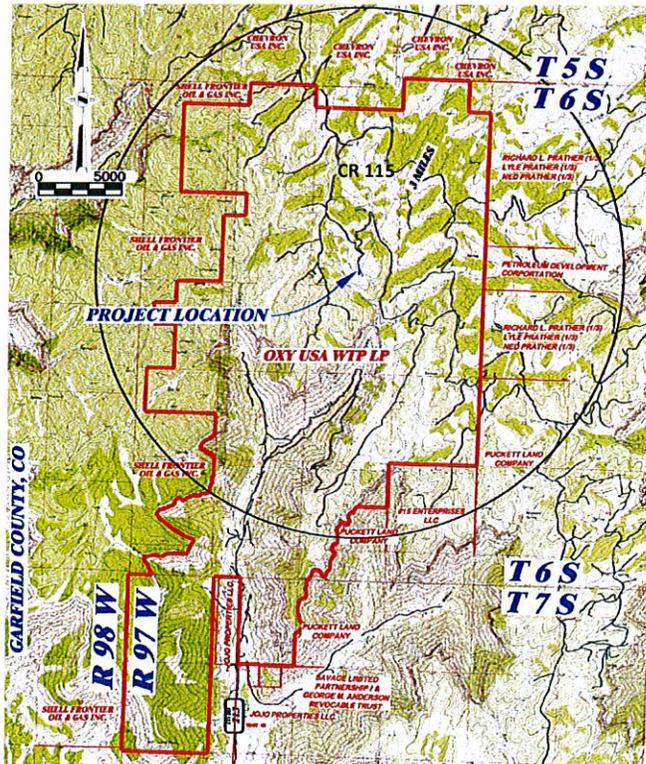


**PROJECT INFORMATION AND STAFF COMMENTS**

<u>REQUEST:</u>	Administrative Review for Storage (GAPA 7644)
<u>APPLICANT/PROPERTY OWNER:</u>	OXY USA WTP LP
<u>REPRESENTATIVE:</u>	Craig Richardson / Olsson Associates
<u>PARCELS ID:</u>	2169-214-00-026
<u>PROPERTY SIZE/SITE AREA:</u>	7,732.52 acres / 1.49 acres
<u>LOCATION</u>	SW¼ SE¼ of Section 9, T6S, R97W
<u>ACCESS</u>	Off of Conn Creek Road (County Road 213) and private roads
<u>EXISTING ZONING</u>	Resource Lands - Plateau
<u>COMPREHENSIVE PLAN of 2030:</u>	Resource Production/Natural (35+ AC/DU)

**I. GENERAL PROJECT DESCRIPTION**



The Applicant seeks a Land Use Change Permit for a laydown yard on an existing pad used for temporary housing in 2011(STEH 8-11-6960). The proposed site is currently being used to store materials and equipment for the gas industry. A Land Use Change Permit from Garfield County has not been obtained for this land use which the Applicant wishes to remedy.

The Applicant requests to waive the following submission requirements including Section 203.F Landscape Plan and 4-203.O Floodplain Analysis. No waivers of standards are requested.

**LOCATION AND SITE DESCRIPTION**

The project site is located approximately 23 miles northeast of the intersection of Interstate 70 and exit 62 and is northeast of the Town of DeBeque, Colorado. The site encompasses approximately 1.49 acres on a 7,732.52 acre parcel and is



**II. ZONING AND ADJACENT LAND USES**

The property is zoned Resource Lands - Plateau, a zone district which permits storage upon issuance of a Land Use Change Permit.

The zoning of adjacent properties of the subject parcel are Resource Lands – Plateau to the west, east, north and south and Public Lands to the north and south. The surrounding land uses are predominately natural gas operations, seasonal cattle grazing, and wildlife habitat. The subject parcel contains a mix of scrub-shrub upland dominated by sagebrush and Gambel oak.

**III. REFFERAL AGENCY COMMENTS**

Staff referred the application to the following State agencies and/or County Departments for their review and comment. Comments received are noted below and incorporated within the appropriate section of this memorandum. Comment letters are attached and labeled as noted.

Garfield County Road and Bridge: Exhibit A

Garfield County Vegetation Manager: Exhibit B

Garfield County Oil and Gas Liaison: No comments received.

County Consulting Engineer, Mountain Cross Engineering: Exhibit C

Garfield County Environmental Health: Exhibit D

Colorado Department of Transportation: No comments received.

Grand Valley Fire Protection District: Exhibit E

Colorado Parks & Wildlife: Exhibit F

**IV. REVIEW STANDARDS & STAFF COMMENTS**

This application is being reviewed under the Land Use and Development Code (LUDC). Administrative Reviews are required to adequately address topics in Section 4-203 (G) Impact Analysis, the general development standards found in Article 7, Divisions 1, 2, 3 and Section 7-1001 Industrial Use as codified in the LUDC. The following section provides the review criteria and standards in bold italics below followed by a staff response.

**Section 4-203 (E) Grading and Drainage Plan.**

Staff Response: A Grading and Drainage Plan is provided in the application.

**Section 4-203 (F) Landscape Plan.**

Staff Response: The Applicant requests to waive the submission of this material since the storage yard is in a remote location and unseen by the public. Due to the remoteness of the subject site, landscaping to screen this facility is not necessary. The Planning Director concurs with this reasoning.

**Section 4-203 (G) Impact Analysis.**

*Where the proposed development will impact specific features of the site, the Applicant shall describe both the existing conditions and the potential changes created by the project. The Impact Analysis shall include a complete description of how the Applicant will ensure that*

impacts will be mitigated and standards will be satisfied. The following information shall be included in the Impact Analysis:

1. **Adjacent Property.** *An address list of real property adjacent to the subject parcel, and the mailing address for each of the property owners.*

Staff Response: The names and addresses of the adjacent property owners are provided in the application.

2. **Mineral Owners.** *A list of separated mineral estate owners in the subject parcel, and the mailing address for each owner or lessee.*

Staff Response: The names and addresses of the mineral owners are provided in the application.

3. **Adjacent Land Use.** *Existing use of adjacent property and neighboring properties within 1500' radius.*

Staff Response: Land uses within 1,500 feet of the subject site include natural gas operations, seasonal cattle grazing, and wildlife habitat.

4. **Site Features.** *A description of site features such as streams, areas subject to flooding, lakes, high ground water areas, topography, vegetative cover, climatology, and other features that may aid in the evaluation of the proposed development.*

Staff Response: The proposed site is located at an approximate elevation of 8,300 feet above sea level. The project area is also located above Cascade Canyon and the Conn Creek drainages. Prior to the site being disturbed it contained a mix of scrub-shrub upland habitat dominated by sagebrush and Gambel oak. The site has been graded to provide a relatively flat surface.

5. **Soil Characteristics.** *A description of soil characteristics of the site that have a significant influence on the proposed use of the land.*

Staff Response: The soils within the subject site consist of 55-Parachute-Irigul complex, 5 to 30 percent slopes and 56-Parachute – Irigul – Rhone association, 25 to 50 percent slopes. The majority of the actual storage area is located on the 55-Parachute-Irigul complex soil type. Both soils are considered to have "well drained" qualities with no frequency of flooding or ponding. The characteristics of these soils will not create restrictions on the storage of equipment.

6. **Geology and Hazard.** *A description of the geologic characteristics of the area including any potential natural or manmade hazards, and a determination of what effect such factors would have on the proposed use of the land.*

Staff Response: The Geological and Soil Hazards Report prepared by Olsson Associates, (dated May 2013) indicates that overall geologic and soil hazards appear to be low for the subject site.

7. **Groundwater and Aquifer Recharge Areas.** *Evaluation of the relationship of the subject parcel to Floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal, the Slope of the land, the effect of sewage effluents, and the pollution of surface Runoff, stream flow, and groundwater.*

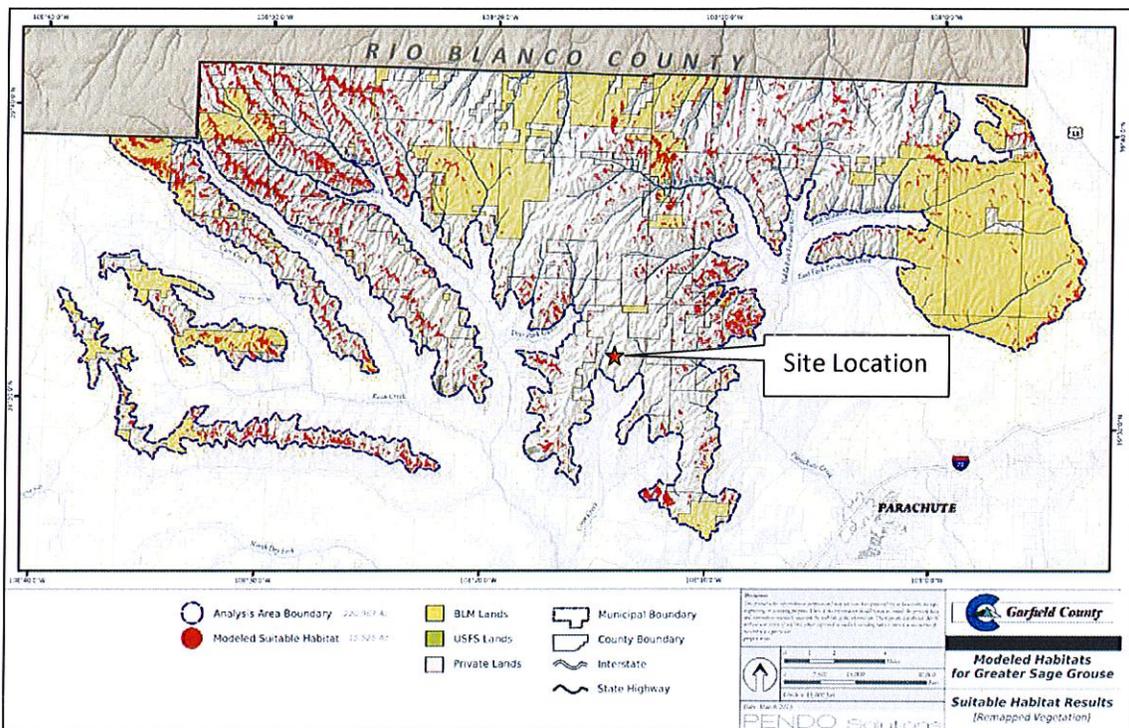
Staff Response: The site is not within a floodplain and no septic systems are proposed for the storage yard.

8. **Environmental Impacts.** Determination of the existing environmental conditions on the parcel to be developed and the effects of development on those conditions, including:

a. **Determination of the long-term and short-term effect on flora and fauna;**

Staff Response: The subject site is existing and all vegetation has been removed from the affected area. All adjacent slopes have been stabilized by a grass seed mix. The slope between the storage area and the existing well pad is crushed rock but appears to be stable.

A Biological Resource Memo prepared by ERO (dated July 15, 2013) indicates that the site has the potential for only one federally threatened, proposed and candidate species to occur in the project area. ERO surveyed the project site for the potential habitat for the greater sage grouse and found the area to be poor habitat for this species. Garfield County Greater Sage-Grouse Conservation Plan Suitable Habitat Results Map indicates that the subject site is not within a suitable habitat area for this species. See map below.



The report indicates that the subject site is located within deer and elk winter concentration, winter range, and production areas. There were no potential raptor nests observed near the laydown yard and Peregrine falcon potential nesting habitat is mapped approximately ¼ mile south of the site. Due to existing disturbances and human activity in the area, it is unlikely that this bird will forage in or near the subject site. The ERO report also provides recommendations to address new disturbance which this application isn't proposing and therefore is not applicable.

Noxious weeds will be controlled on the site during the life of the project. The site will be reclaimed after it is no longer required for natural gas field operations.

**b. Determination of the effect on designated environmental resources, including critical wildlife habitat;**

Staff Response: This is addressed under Section 4-203 (G)(8)(a).

**c. Impacts on wildlife and domestic animals through creation of hazardous attractions, alteration of existing native vegetation, blockade of migration routes, use patterns, or other disruptions; and,**

Staff Response: The subject site is not fenced and what is being stored on-site is not hazardous to wildlife or livestock. The site will not block the movement of wildlife. The report by ERO does not address migration corridors.

**d. Evaluation of any potential radiation hazard that may have been identified by the State or County Health Departments.**

Staff Response: A Geological and Soil Hazards Report prepared by Olsson Associates, (dated May 2013) indicates that the potential presence of radon is not expected to be geologic hazard or a significant exposure issue for workers on-site.

**9. Nuisance. Impacts on adjacent land from generation of vapor, dust, smoke, noise, glare or vibration, or other emanations.**

Staff Response: The Applicant states that adjacent lands will not be impacted by the generation of vapor, dust, smoke, glare or vibration. Water will be used for dust suppression during the operation of the facility.

**10. Hours of Operation. The Applicant shall submit information on the hours of operation of the proposed use.**

Staff Response: The site will be open 24 hours a day, seven days a week, and 365 days a year.

**Section 4-203 (L) Traffic Study**

A Basic Traffic Assessment Report was prepared by Olsson Associates (dated August 2013). This report indicates that based on the expected trip generation rates, the increase in average daily traffic is not expected to be significant on roads generally used by the public. Also, given the amount of traffic estimated to be generated from the laydown yard, it is not expected that additional improvements at the intersection of CR 204 and CR 213 are not needed at this time and the proposed site does not increase existing volumes to levels required for State or County permits.

**Section 4-203 (M) Water Supply and Distribution Plan**

Staff Response: The storage yard does not require potable water source to serve personnel for drinking or sanitary facilities. The landscape surrounding the site will also not be irrigated. No water is proposed since the site is an unmanned facility with personnel only on-site for short intervals. Personnel provide their own potable water carried in their vehicles and the Applicant has potable water available at their field office to staff and contractors. Portable toilets are located at numerous sites in the field therefore a water source for a sanitary facility is not required.

**Section 4-203 (N) Waterwater Management and System Plan**

Staff Response: Portable toilets are located at numerous sites in the field therefore a water source for a sanitary facility is not required at this facility. The portable toilets in the field are maintained by Western Colorado Waste of Rifle, Colorado. All waste is hauled to a licensed treatment facility. A "Will Serve" letter is provided in the application.

**ARTICLE 7: STANDARDS**

**DIVISION 1. GENERAL APPROVAL STANDARDS**

***Section 7-101 Zone District Use Regulations***

Staff Response: The subject property and site are zoned Resource Lands and "storage" is considered a permitted land use subject to Administrative Review. All development standards are met.

***Section 7-102 Comprehensive Plan and Intergovernmental Agreements***

Staff Response: The proposal is in general conformance with the Garfield County Comprehensive Plan 2030 and is not within an area governed by an intergovernmental agreement.

***Section 7-103 Compatibility***

Staff Response: The facility is located in an area of gas industry development and is compatible with these land uses.

***Section 7-104 Source of Water***

Staff Response: This is address under Section 4-203 (M) Water Supply and Distribution Plan.

***Section 7-105 Central Water Distribution and Wastewater Systems***

Staff Response: This is address under Section 4-203 (N) Waterwater Management and System Plan.

***Section 7-106 Public Utilities***

Staff Response: The application indicates that the laydown yard doesn't require public utilities to operate.

***Section 7-107 Access and Roadways***

Staff Response: The site is accessed from CR 204 (Roan Creek Road) and CR 213 (Conn Creek Road) and a series of private roads built and maintained for the exclusive use of the natural gas industry. The private road serving the site is constructed of gravel and native materials and is treated with a dust palliative as needed.

***Section 7-108 Use of Land Subject to Natural Hazards***

Staff Response: There are no natural hazards identified within or adjacent to the site.

***Section 7-109 Fire Protection***

Staff Response: The Grand Valley Fire Protection District does not have any concerns with this application, see Exhibit E.

**DIVISION 2: GENERAL RESOURCE PROTECTION STANDARDS**

***Section 7-201 Agricultural Lands***

The Applicant leases the parcel for seasonal cattle grazing on the subject property. The storage yard use will not directly affect this operation.

***Section 7-202 Wildlife Habitat Areas***

Staff Response: This is addressed under Section 4-203 (G)(8) Environmental Impacts.

**Section 7-203 Protection of Waterbodies**

Staff Response: There are no wetlands or water bodies within the subject site.

**Section 7-204 Drainage and Erosion**

Staff Response: The site is an existing disturbed area and no additional surface disturbance is proposed. The disturbed slopes around the site have been stabilized either through vegetation (grass) or rock rubble. The site is approximately 1,650 feet west from Cascade Canyon.

Best Management Practices (BMPs) found under the Reclamation Plan in the application are used to protect water bodies from storm water runoff for this site. The storage yard is more than 100 feet from a water body, and it does not create more than 10,000 square feet of impervious area.

**Section 7-205 Environmental Quality**

Staff Response: See the narrative under Section 4-203 (G)(8) regarding air quality.

The application indicates that the site will be operated in compliance with all applicable State and Federal hazardous material regulations. Dry chemicals are proposed to be stored at the facility and their containers will not be opened at this location. To ensure that this chemical is stored appropriately, staff recommends that a condition be set stating that all products shall be stored in compliance with all national, State, and local codes.

**Section 7-206 Wildfire Hazards**

Staff Response: The site is identified as a "Low Hazard" area on the Garfield County Wildfire Hazard Map. The Grand Valley Fire Protection District didn't have any concerns regarding the storage yard (Exhibit E).

**Section 7-207 Natural and Geologic Hazards**

Staff Response: This is addressed in Section 4-203 (G)(6) Geology and Hazard.

**Section 7-208 Reclamation**

Staff Response: A Reclamation Plan has been provided in the application. A Weed Management Plan has also been submitted and is found acceptable to the County Vegetation Manager (Exhibit B).

After the completion of the natural gas production in the area, the storage yard will be decommissioned and reclaimed in accordance with the reclamation plan provided in the application. All of the Applicant's surface disturbances (final reclamation requirements) are covered under a statewide bond.

**DIVISION 3: SITE PLANNING AND DEVELOPMENT STANDARDS**

**Section 7-301 Compatible Design**

Staff Response: Not applicable.

**Section 7-302 Off-Street Parking and Loading Standards**

Staff Response: Not applicable.

**Section 7-303 Landscape Standards**

Staff Response: Not applicable.

**Section 7-304 Lighting Standards**

Staff Response: The Applicant's representative indicates that "Deliveries will only occur during daylight hours. However, light duty vehicles may access the site at night if required. Lighting is not proposed nor will it be required for use after daylight hours." However, if lighting is needed in the future for this facility, staff recommends that condition of approval be set that all lighting be directed downward, directed towards the interior of the site, and shielded.

**Section 7-305 Snow Storage Standards**

Staff Response: Snow will be stored in a vacant section of the storage area. The site is graded to accommodate snowmelt to insure sufficient drainage.

**Section 7-306 Trail and Walkway Standards**

Staff Response: Not applicable.

**Section 7- 1001 Industrial Use**

**A. Residential Subdivision.**

Staff Response: Not applicable.

**B. Setbacks**

Staff Response: This land use complies with this standard.

**C. Concealing and Screening**

Staff Response: The storage yard is in a remote area not viewed by the public. Screening this facility from the public is not applicable for this project.

**D. Storing**

Staff Response: The application states that all products will be stored in compliance with all national, State, and local codes and will be a minimum of 100 feet from adjacent property lines. The application does not address the storage of dry chemicals on-site which was later indicated to staff during a site visit that chemicals were to be stored at the facility. To ensure that proper storage occurs, staff recommends that a condition be set that stating that all products shall be stored in compliance with all national, State, and local codes.

**E. Industrial Wastes**

Staff Response: The application indicates that this section shall be adhered to.

**F. Noise**

Staff Response: The Applicant's representative indicates that there will not be noise generating equipment at this laydown yard. The noise generated on-site will be limited to light duty vehicles with trailers and will comply with both COGCC and the State of Colorado Noise Statute at all times. The storage facility is also situated approximately five miles from the nearest residence and 1.4 miles from the nearest property boundary.

**G. Ground Vibration**

Staff Response: The application indicates that the facility will not generate ground vibrations perceptible beyond the boundary line of the property.

**H. Interference, Nuisance, or Hazard**

Staff Response: The application indicates that this section shall be adhered to.

**VIII. RECOMMENDED FINDINGS**

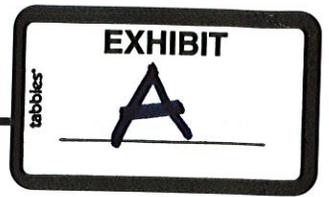
Should the Board of County Commissioners approve the request of OXY USA WTP LP for "Storage" through an Administrative Review, staff suggests the following findings:

1. That the proper public notice was provided in accordance with Section 4-103 of the Land Use and Development Code.
2. That the review of this application was extensive and complete, that all pertinent facts, matters and issues were submitted or could be submitted and that all interested parties had an opportunity to be heard before the given Director's Determination approval date of October 11, 2013.
3. That for the above stated and other reasons the proposed Land Use Change Permit for "Storage" is in the best interest of the health, safety, convenience, order, prosperity, and welfare of the citizens of Garfield County.
4. That with the adoption of conditions, the application is in general conformance with the 2030 Comprehensive Plan.
5. That with the adoption of conditions, the application has adequately met the requirements of the Garfield County Land Use and Development Code at the time the application was deemed by the Community Development Department to be technically complete.

**IX. STAFF RECOMMENDATION**

Should the Planning Director **approve** the request for a Land Use Change Permit for "Storage" on property owned by OXY USA WTP LP the following list of conditions could be applied to assure compliance with required regulations and standards.

1. That all representations made by the Applicant in the application shall be conditions of approval unless amended herein.
2. Operation of the storage yard must be in accordance with all Federal, State and Local regulations and permits governing the operation of these types of facilities.
3. To ensure the proper storage of dry chemicals at the facility, the Applicant shall store all products in compliance with all Federal, State, and local laws.
4. All exterior lighting shall be the minimum amount necessary and shall be directed inward and downward, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.



## Molly Orkild-Larson

---

**From:** Wyatt Keesbery  
**Sent:** Wednesday, September 04, 2013 1:32 PM  
**To:** Molly Orkild-Larson  
**Subject:** Oxy- core pad

Molly,  
After reviewing the referral form of the core pad that Oxy wants to build up CR 213. The Road and Bridge department has no objection to the plan, but we do ask that if CR 213 needs gravel or mag that Oxy be willing to help with those projects, like they have in the past.

*Wyatt Keesbery*

Garfield County Road & Bridge  
District Foreman  
0298 C.R. 333A  
Rifle, Co. 81650  
Office: 970-625-8601  
Cell: 970-309-6073



# Garfield County

Vegetation Management



September 11, 2013

Molly Orkild-Larson  
Garfield County Community Development Department GAPA 7644

RE: OXY Core Pad Storage Area

Dear Molly,

Thanks for the opportunity to comment.

**Noxious Weeds**

The noxious weed plan submitted in the application is acceptable.

**Revegetation**

The Reclamation Plan and proposed seed mixes are acceptable. It is my interpretation that the proposed project falls under the jurisdiction of the Colorado Oil and Gas Conservation Commission as it is a well pad site.

Please let me know if you have any questions.

Sincerely,

Steve Anthony  
Garfield County Vegetation Manager



# MOUNTAIN CROSS ENGINEERING, INC.

Civil and Environmental Consulting and Design



September 10, 2013

Ms. Molly Orkild-Larson  
Garfield County Building & Planning  
0375 County Road 352, Building 2060  
Rifle, CO 81650

**RE: Core Pad Storage Area: GAPA 7644**

Dear Molly:

This office has performed a review of the documents provided for the Administration Review Application of the Core Pad Storage Area. The submittal was found to be thorough and well organized. The review generated the following comment:

1. The Applicant states that the site will not exceed COGCC noise standards. The Applicant should explain in greater detail why this will be the case.

Feel free to call if you have any questions or comments.

Sincerely,  
Mountain Cross Engineering, Inc.

Chris Hale, PE

**Molly Orkild-Larson**



**From:** Morgan Hill  
**Sent:** Friday, September 06, 2013 1:38 PM  
**To:** Molly Orkild-Larson  
**Subject:** Oxy USA WTP-LP Core Pad Storage Area

Hi Molly,

My comments for the Oxy Core Pad Storage Area are fairly limited as this is an existing disturbance and there are few liquids to be stored on site.

- Applicant should adhere to Fugitive Dust Mitigation Plan to minimize dust coming from the storage pad during construction and operation.
- Proper stormwater management/maintenance should be used to minimize sediment loading and transport of other pollutants into the Cascade Creek drainage.

Thanks,

***Morgan Hill***

Environmental Health Specialist II  
Garfield County Public Health  
195 W. 14th Street  
Rifle, CO 81650

Phone: (970) 665-6383

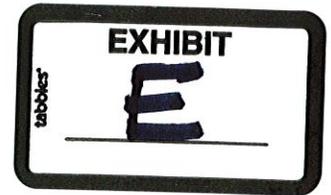
Email: [mhill@garfield-county.com](mailto:mhill@garfield-county.com)

[www.garfield-county.com/environmental-health](http://www.garfield-county.com/environmental-health)



## GRAND VALLEY FIRE PROTECTION DISTRICT

0124 STONE QUARRY RD  
PARACHUTE, CO 81635  
PHONE: 285-9119, FAX (970) 285-9748



September 11, 2012

Molly Orkid-Larson  
Garfield County Planning and Building Department  
108 8<sup>th</sup> Street, Suite 401  
Glenwood Springs, CO 81601

Subject: OXY USA WTP LP – Core Pad Storage Area

Ms. Orkid-Larson,

I have reviewed the OXY USA WTP LP – Core Pad Storage Area project. The Fire District doesn't have any objection for this company to have this storage area here or any requirements from the Fire District.

Even with the Fire Districts review of the plans and or business it is the responsibility of the owner to make sure the building complies with the International Fire Code 2009 Edition and all possible code requirements. If you should have any further questions please feel free to contact me.

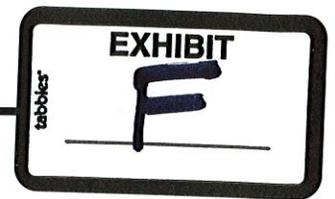
Rob Ferguson  
Deputy Fire Chief – Operations

Cc: Chief Blair  
File

### Mission Statement

We, the members of the Grand Valley Fire Protection District, dedicate our efforts to the protection of the lives, property, and environment of the citizens of, and visitors to the Grand Valley Fire Protection District.

**Molly Orkild-Larson**



**From:** Romero - DNR, Albert [albert.romero@state.co.us]  
**Sent:** Monday, September 09, 2013 2:49 PM  
**To:** Molly Orkild-Larson  
**Cc:** JT Romatzke - DNR; Michael Warren - DNR  
**Subject:** GAPA 7644 - OXY USA WTP LP - Core Pad Storage Area

Molly -

Colorado Parks and Wildlife is in receipt of the permit application for file name GAPA 7644 (OXY USA WTP LP - Core Pad Storage Area).

Colorado Parks and Wildlife (CPW) is familiar with the site. Based on both the location and type of action being proposed, CPW believes the impacts to the wildlife resource to be negligible. We appreciate being given the opportunity to comment on this and future development applications in Garfield County. Please feel free to contact me at 970-216-3847 should you have any questions or require additional information.

Sincerely,

*Albert Romero*

**Colorado Parks and Wildlife**

**Albert Romero**  
**District Wildlife Manager - De Beque**  
**Cell: 970.216.3847**  
**Email: [albert.romero@state.co.us](mailto:albert.romero@state.co.us)**

