

City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS
August 8, 2023

1. Call to Order

Chair Yeater called the meeting to order at 1:15 PM.

2. Roll Call

The hearing clerk called the roll.

PRESENT

Chair Justin Yeater
Commissioner Louisa Andersen
Commissioner Briscoe
Commissioner Jeff Carlson
Commissioner Larry Modlin

ABSENT

Commissioner Brian Franzen
Commissioner Christian Schulte

3. Approval of Agenda

There were no corrections or additions to the agenda. The agenda was approved as presented.

4. Approval of July 25, 2023, Minutes

Commissioner Andersen moved to approve the minutes dated July 25, 2023, with one edit to an error in the vote count on item number 6. Commissioner Briscoe seconded the motion. Motion carried 5-0. (Commissioner Schulte and Commissioner Franzen absent)

5. A Public Hearing to consider a request for approval of a Use by Special Review on 13.67 acres of property to allow for Oil and Gas Well Pad Facility in the Planned Unit Development Zoning District located at the southwest corner of County Road 17 and County Road 56. Approximately 1 mile south of US HWY 34" (USR2023-0004).

Chair Yeater asked if anyone in attendance would like to see the presentation, seeing none he continued with questions for Staff. Chair Yeater began by asking what the municipal code allows for setbacks for a facility such as the one proposed in this request. Darrell Gesick (Interim Chief Planner) responded, typical setbacks are 150 feet from rights of way and/or trails, 200 feet from buildings/structures and additional setbacks could be 350 feet or 500 feet for some land use types such as Assembly Uses (church or education facility). Chair Yeater asked if that would mean that a future housing development or commercial use would require a 300-foot setback. Mr. Gesick replied that unless it included some type of Assembly Use it would most likely require a 200-foot setback.

Chair Yeater invited the applicant to speak if they wished.

Tracy Colling on behalf of Kerr-McGee Oil and Gas Onshore LP, 1099 18th Street Denver Colorado. She shared that the comment about 2000 feet is a state requirement and is not really a setback, but it is a designation, if there are any residential building units within 2000 feet of a facility you have to protect them with measures for example, installing sound walls or propose other possible locations suitable for development. It is a requirement from the State, not local government to ensure that that these facilities are protecting the use on these locations. Chair Yeater clarified that once the project has been completed, what would the setback requirement be and would it prohibit other growth or future development around the site. Ms. Colling replied that there is (2) separate types of setbacks for different process on active sites, one is for drilling and preparing the well and one is for when the well is in production, she indicated that once the well is in production the setback is set by local government, in Greeley it would be the setbacks discussed earlier. For instance, the Del Antero project would have those setbacks built into their PUD.

With no further questions for the applicant, Chair Yeater opened the Public Hearing at 1:22 p.m.

Harlen Hankins, 27001 WCR 17, Greeley, Colorado. This is right across from the proposed request is located. His family has been there for over 5 generations, he has been there for 77 years. He shared oil has been good to him and he is not against oil at all. He is concerned about where the proposed well site is going to be drilled in relation to the 2000-foot state requirement because the applicant has 800 acres that they could locate this, and they are choosing to position the site near his home and property instead of further away than the 200-foot local setback. He is also having concerns about the access points to the proposed well site, he indicated that the city should consider adding a turn lane on Road 17 as it is an arterial street it is very busy and getting worse every day. He thinks that a right only turn lane should be considered. The truck traffic is already busy on the roadway, and he is concerned that if they do not add a right only turn lane trucks will be backed up all the way to Highway 34 waiting to turn.

Without further public comment, the Public Hearing closed at 1:26 p.m.

Chair Yeater asked the applicant if they would like to speak. Tracy Colling on behalf of Kerr-McGee Oil and Gas Onshore LP, 1099 18th Street Denver Colorado, came to the podium and addressed Mr. Hankins concerns related to traffic. She shared that a traffic memo was submitted with the application, and it identified the different levels of service throughout this project. She shared Oil and Gas projects have short timeline for the construction phase when they drill and complete. After that time, it gets relatively quiet because they pipe all the oil and gas off location, and they do not have the additional truck trips. If the commission reviews the traffic memo you will see that it includes the truck traffic and the level of service required for the site and it does not trigger any kind of permanent improvement adding turn lanes. The construction phase is projected to be about 18 months in duration with a 6-month time frame following the completion of the construction phase that truck traffic increases, but it is the heaviest during that 6-month period and none of that traffic exceeds the service level for the impacted roads.

Chair Yeater turned the item back to the commission for action. Commissioner Andersen motioned, Based on the application received and the preceding analysis, the Planning Commission finds that the proposed Use by Special Review for an oil and gas operation that consists of 10 oil and gas wellheads and associated production facility equipment on 3.81 acres (permanent) of the 13.67 acre site, in the PUD (Planned Unit Development) Zone District is consistent with the Development Code criteria of Section 24-206 (Items 1 through 8) and the proposed oil and gas operations will meet the provisions contained in Section 24-1102, Oil and Gas; and therefore, approve the Use by Special Review. Commissioner Carlson seconded the motion.

Motion carried, 5-0 (Commissioner Schulte and Commissioner Franzen absent)

6. A Public Hearing to consider a request for approval of a Use by Special Review for a solar panel garden on approximately 35.2 acres of land zoned I-M (Industrial Medium Intensity) located south of and adjacent to County Road 62, approximately 750 feet west of County Road 45 (USR2022-0017).

Chair Yeater asked if anyone in attendance would like to see the presentation, seeing none he continued with questions for Staff, there were none. Chair Yeater asked if the applicant would like to speak. The applicant, Kyle Sundman on behalf of Pivot Energy, 1601 Wewata Street, Denver came to the podium and stated that he had no comments unless the commission had any questions. Commissioner Modlin asked if this proposal would be designed in a way that the ground can be used for raising crops. Mr. Sundman responded that his company tries to graze these sites with sheep and livestock. This is an airport site, and they will have to do that within FAA regulations. Some sites that are wider and they do design them with enough space to accommodate for farm equipment. At a minimum they will seed the site with low growth, generally a native, prairie mix. Commission Andersen asked if reflection would be an issue with airplane operations since they would be facing south, and the runway is to the south. Mr. Sundman responded that his team has completed robust studies utilizing innovative tools to determine that this will not create an issue. These studies included a yearlong "Focused Environmental Assessment" that was done with the airport and the regional offices of the FAA to determine if there would be any issues with air traffic or operations if the project was developed in the proposed location. There were not any further questions for the applicant.

Chair Yeater opened the Public Hearing at 1:32 p.m.

Constance Wood, 21878 County Road 62, Greeley. Her property is located just to the east of the solar fields. Her home is located on the northwest corner of her property about 20 feet from the access road to the solar field, and this will impact the noise in her home greatly. Last year a solar site was built a half mile to the northwest of her home, and they could hear jack hammering at 7 a.m. in the morning when the poles were being installed. She assumes this project will be exponentially louder as it will be 20 feet from her home rather than half a mile. She shared that she raises livestock and has a hobby farm. She is concerned because all her livestock is on the west end of her property and that the noise and commotion will impact her animals. She wanted to know the plan of how the property will be accessed since it is over 30 acres and if the applicant could use the west side of that property as access it would help them. She is also concerned because the other solar farm near them is so overgrown that the solar panels are not visible, although she is not certain if this is the same company or not. She also has pictures that she took this week of the weeds. She is concerned that this could create a breeding ground for wildlife such as racoons and it would cause further impact to her farm. Both her and a neighbor to the east have water rights on their properties as well. The ditch that feeds their properties go through the proposed solar site and she would like to ensure that it continues to flow, weed mitigation is important and with the fencing installed they may not be able to access the ditch for maintenance. The other concern that there are 3 cottonwood trees on the property that appear to be about 100 years old, a hawk family comes every year, and she would like to make sure that their habitat is safe.

With no further public comment, Chair Yeater asked if the applicant would like to speak. Kyle Sundman on behalf of Pivot Energy, 1601 Wewata Street, Denver began with confirming that the access that the project would use would be on the west side of the property due to the sand creek that runs through the property. In reference to the concerns about weeds, Mr. Sundman shared the solar property to the north is not a property his company owns. Practically weeds do need to be

maintained around the panels to ensure they are operating at full capacity. If they are surrounded by weeds, they will not produce the energy they need them to produce. His company has operations and maintenance teams that are contracted by local companies, grazers and weed mitigation plans to keep the sites in good condition during construction and in the future as well. Regarding the ditch, they will not have any impact on the ditch. They will utilize maintenance teams to ensure that it is good working conditions and there is not an impact on water flow to the adjacent properties. He does understand the concerns on the noise during construction. His company is happy to work with the neighbors during construction to ensure that there is a commitment on scheduling, ensuring that activities are not started early in the morning or even a stipend to stay off site temporarily. The construction phase is a month or two and the bulk of the noise creating construction is generally a much shorter period than that.

With no further comments, Chair Yeater closed the public hearing at 1:39 p.m. and turned it back to the commission for action. Commissioner Briscoe motioned, based on the application received and the preceding analysis, the Planning Commission finds that the proposed Use by Special Review for a solar panel garden on approximately 35.2 acres of land zoned I-M (Industrial Medium Intensity) located south of and adjacent to County Road 62, approximately 750 feet west of County Road 45 is consistent with the Development Code criteria of Section 24-206.b (Items 1-8) and therefore approves the Use by Special Review. Commissioner Modlin seconded the motion.

Motion carried, 5-0 (Commissioner Schulte and Commissioner Franzen absent)

7. Staff Report

Caleb Jackson, Planner III, shared that Brian McBroom (Community Development Director) and Don Threewitt (Chief Planner, Interim Community Development Director) were absent from the meeting because they were at a conference focused on Brownfields and that there was not a staff report for this meeting.

8. Adjournment

With no further business before the Commission, Chair Yeater adjourned the meeting at 1:41 PM.

DocuSigned by:

Justin Yeater

Justin Yeater, Chair

DocuSigned by:

Don Threewitt

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Don Threewitt, Interim Community Development Director