

RESOLUTION NO. 10- 43

A RESOLUTION APPROVING SPECIAL USE PERMITS FOR ENCANA OIL & GAS (USA), INC., TO LOCATE FOUR OIL AND GAS WELLS WITHIN THE TOWN OF FIRESTONE

WHEREAS, EnCana Oil & Gas (USA) Inc. (hereinafter “EnCana” or “Applicant”) has submitted an application and supporting materials pursuant to Chapter 15.48 of the Firestone Municipal Code for special use permits to locate within the Town four oil and gas wells referred to as the proposed Wandell 6-0-7, 6-4-7, 8-2-7 and 8-4-7 Wells; and

WHEREAS, all materials related to the requested special use permits have been reviewed by Town Staff and Firestone Planning and Zoning Commission and found with conditions to be in compliance with Town of Firestone subdivision, zoning, and oil & gas ordinances, Development Regulations, and related Town ordinances, regulations, and policies; and

WHEREAS, pursuant to Chapter 17.32 of the Firestone Municipal Code, the Firestone Planning and Zoning Commission held a properly noticed public hearing on the proposed special use permits and adopted its Resolution No. PC-10-11 forwarding to the Board of Trustees a recommendation of approval with conditions; and

WHEREAS, the Board of Trustees has duly considered the proposed special use permit and has held a properly noticed public hearing on the application, at which hearing the applicant and other interested persons presented testimony to the Board and at which a number of documents were made a part of the record; and

WHEREAS, the Board of Trustees finds that the proposed special use permits for the oil and gas wells should be approved subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO:

Section 1. The Board of Trustees hereby approves the special use permit requests of EnCana Oil & Gas (USA), Inc. for location of the Wandell 6-0-7, 6-4-7, 8-2-7 and 8-4-7 Wells within the Town of Firestone, in the location more particularly described in Exhibit A attached hereto, subject to the following conditions:

1. The production facilities, as developed or modified, shall be of a low profile style, with a maximum height not to exceed twelve (12) feet.
2. The Town’s special use approval shall expire on the date of expiration of the Oil and Gas Conservation Commission Permit to drill the well or one year from the date of Town approval, whichever is later, if operations for the well are not commenced by such date. In the event special use approval expires, the Applicant shall apply for a new special use permit pursuant to Chapter 15.48 of the Firestone Town Code.

3. Oil and gas operations shall be conducted in compliance with all federal, state, and local laws, rules and regulations, including but not limited to the Colorado Oil and Gas Conservation Commission permit for such well and the final special use permit application materials approved by the Town Board, which materials will be incorporated therein by reference. Applicant shall provide to the Town copies of all state approved permits, waivers, variances and subsequent notices filed with the state and affecting the well.
4. Prior to entering the site, Applicant shall obtain from the Town necessary building permits and notices to proceed.
5. Prior to commencement of any work within the Town the applicant, including contractors and subcontractors, shall obtain necessary Contractor's Licenses from the Town.
6. Prior to moving the drilling rig onto the well site, Applicant shall obtain from the Town and Weld County necessary permits to move the drilling rig equipment within the Town and County, specifically an Overweight Permit from the Town is required for moving the drilling rig.
7. Applicant shall provide to the Town copies of any executed surface damage agreements or memoranda thereof respecting operation of the well.
8. In the exercise of its rights pursuant to this special use approval, Applicant shall avoid any damage or interference with any Town installations, structures, utilities, or improvements. Applicant shall be responsible for all damages to such interests of the Town that are caused by the Applicant.
9. Applicant at its sole expense shall control fugitive dust at the well site and on access roads on an as-needed basis. Methods and chemicals used for dust control shall comply with Town ordinances and regulations.
10. The oil/gas well facilities shall utilize setbacks as specified in the Colorado Oil and Gas Conservation Commission Rules and Regulations or the Firestone Town Code, whichever is more restrictive. The well site and tank battery and separator areas shall be secured and screened by chain link fencing with "solid" tan aluminum or vinyl lathing using the Town's standard fence and screening detail.
11. Water sources for drilling activities shall be from the Town of Firestone, if a water tap is utilized.
12. Machinery at the site shall be well-oiled and well-maintained to mitigate noise.
13. To the extent reasonably possible, orient the drill rig and associated motors and exhaust systems such that they point away from existing residences in the vicinity.
14. Drill rigs shall, to the extent reasonably possible, be equipped with higher quality noise reducing mufflers.

15. During drilling, use a tarp around drilling floor and drawworks to muffle sound.
16. Deliveries and construction traffic to and from the site shall, whenever possible, be scheduled during daylight hours.
17. To the extent reasonably possible, keep the door to the drill rig engine closed.
18. The use of pump jacks shall be limited to those running on electric motors.
19. The drilling rig used for drilling operations shall be Model CAZA-54 or equivalent type of drill rig.
20. A gravel apron is required to be placed at the property line to prevent mud from being tracked across the Sports Complex parking lot.
21. A gravel apron is required to be placed at the Tilbury Avenue access point.
22. The primary existing access from Frontier Street is acceptable, but in the future when the Town completes the Sports Complex parking lot and road, the Town shall have the right to require EnCana to use the existing access off of Tilbury Avenue as the primary access.
23. Place frac tanks between nearby housing and the drill site, in order to assist in noise mitigation.
24. Incorporate point source noise mitigation techniques; also, incorporate additional noise mitigation techniques as available.
25. EnCana will post "No Oil Field Traffic" signage during drilling operations to direct their contractors not to use Tenderfoot Avenue in the Sagebrush Subdivision.
26. Primary access to the well site shall be from Frontier Street until the Sports Complex parking lot is improved. At that time, access to the well site shall be from Tilbury Street.

INTRODUCED, READ, AND ADOPTED this 28th day of October, 2010.

TOWN OF FIRESTONE, COLORADO

Chad Auer
Mayor

ATTEST:

Judy Hegwood
Town Clerk

EXHIBIT A: Location of Wells

**Proposed Wandell 6-0-7, 6-4-7, 8-2-7 and 8-4-7 Wells
EnCana Oil and Gas (USA) Inc.**

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 7,
TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF TRACT A 2 OF THE FIRESTONE COMMUNITY MINOR SUBDIVISION PLAT,
TOWN OF FIRESTONE, COUNTY OF WELD, STATE OF COLORADO RECORDED ON
03/22/2006 AT THE OFFICE OF THE WELD COUNTY CLERK & RECORDER AT
RECEPTION #3372263.