Chairman Justman called to order a scheduled hearing of the Mesa County Planning Commission at 7:01 p.m. Chairman Justman led the Pledge of Allegiance. The hearing was held in the Public Hearing Room, Mesa County Administration Building, 544 Rood Avenue, Grand Junction, Colorado.

In attendance, representing the Mesa County Planning Commission, were: John Justman, Thomas Kenyon, Christi Flynn, Sam Susuras and Greg Robson.

In attendance, representing the Mesa County Department of Planning and Economic Development, were: Kurt Larsen, Christie Barton, Randy Price and Linda Dannenberger, Chy Arnett was present to record the minutes.

There were 7 citizens present throughout the hearing.

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**APPROVAL OF MINUTES**

April 24, 2008  
May 8, 2008  
May 22, 2008

**Motion** Commissioner Kenyon moved that the minutes from April 24, 2008, May 8, 2008 and May 22, 2008 be approved as written.

**Second** Commissioner Jones

**Motion Approved 5-0**

**ANNOUNCEMENTS**

NONE

**AGENDA CORRECTIONS**

NONE

**CONTINUED ITEMS**

**2008-018 CUP1**  
MESA COUNTY REGIONAL PUBLIC SAFETY TRAINING FACILITY CONDITIONAL USE PERMIT

Property Owner(s): Mesa County  
Representative(s): Connie Hahn  
Location: 115 S. Hwy 141, Whitewater 81527 (32 Rd & Hwy 50)  
Zoning: AFT
Planner: Randall Thompson, 244-1744, Randall.Thompson@mesacounty.us

Request: To construct a half-mile “S” curve loop for high speed pursuit training; a simulated city block for urban warfare training; a 300’ x 300’ gravel pad for CDL license training; a 120’ x 270’ paved skid pad inside the “S” curve; a 20’ x 40’ modular building for training room with new ISDS.

Item has been continued up to 6 months – no hearing dates at this time

Motion Commissioner Jones moved that Item 2008-018 CUP1 Mesa County Regional Public Safety Training Facility Conditional Use Permit be allowed to be continued for up to 6 month.

Second Commissioner Robson

Motion Approved 5-0

CONSENT ITEMS

2006-241 CP1 HARKER SUBDIVISION CONCEPT PLAN
Property Owner(s): John and Cheri Harker
Representative(s): Patrick R. Green, LANDesign
Location: 1427 17 Rd, Fruita 81521 (17 Rd & N 1/2 Rd)
Zoning: AFT
Planner: Christie Barton, 255-7191 or Christie.Barton@mesacounty.us
Request: A major subdivision to create 6 lots on a 61 acre parcel.

Staff Recommendation: Approval with Conditions
Board of County Commissioners Hearing Date: 06-24-08

Motion Commissioner Kenyon moved that Item 2006-241 CP1 be approved, with all of the agency comments and staff recommendations in consideration.

Second Commissioner Flynn

Motion Approved 5-0

HEARING ITEMS

2008-125 TXT1 SUPPORT SERVICES TEXT AMENDMENT
Petitioner: Mesa County Planning and Economic Development
Planner: Linda Dannenberger, Division Director
Request: Approval of text amendments to the Land Development Code to add Section 5.2.22 Oil and Gas Support Services, add 5.2.23 Temporary Employee Housing, modify Section 12.7.4.C Mining – Examples, and modify Table 5.1 to allow
‘Field Operations – Energy’ with a conditional use permit in the AFT zone district.

**Staff Recommendation: Approval**

**Board of County Commissioners Hearing Date:** 06-30-08

**Staff Presentation**

Linda Dannenberger entered into the record file 2008-125 TXT1 Support Services Text Amendment, the Mesa County Land Development Code, the Project Report, the Mesa County Master Plan, Exhibit A Powerpoint, and Exhibit G which is Delta Petroleum Corporation response to the latest draft of the proposed text amendments. This item had been continued from a public hearing in March for further discussion with the industry and other members of the public to refine the language. This text amendment is comprised of two components, one component makes provision for temporary employee housing and that is not just for the energy industry it can be major construction projects and any other industry in general needs for housing in the rural areas where they don’t have availability of rentals or motels, and hotels. She referred to Exhibit A to show what some of the benefits of having this kind of housing in the rural area would be, pointing out that it is only temporary and a permit would be granted on that basis. Ms Dannenberger also pointed out that the energy industry, specifically involving natural gas exploration and production, is increasing its presence in Mesa County. Various services are needed to support the drillers: equipment storage and servicing, production water hauling, field offices and housing among others.

**Discussion**

Commissioner Kenyon wanted to know what the limitation was on the size of these facilities, Ms Dannenberger stated that they did not put a size limit on them but she feels it will be determined by the temporary nature of them. She feels that because of that they will not grow to a significant size or change the area that much. Ms Dannenberger stated that typically right now they use only a couple of acres.

Ms Dannenberger continued by stating that the County’s Land Development Code does not allow contractors’ operations in the AFT zone district. She presented Exhibit F and she explained how this would be setting the stage for adding this to the Code as an allowed use or Conditional Use in the AFT zone. This will be defined in Chapter 12 and we will add the ability to obtain a Conditional Use Permit in the AFT zone to Table 5.1 the use matrix in Chapter 5, under the Mining category called Support Services. Ms Dannenberger went to Exhibit D and focused on the text that had changed since the March meeting in order to show what language had been refined. She went over all the points that either one or both sides of the issue had a problem with in the wording. Ms Dannenberger stated that this language has been proposed as is for now but the chief building official would like to reserve the right to slightly refine the building permit language before it gets to the board.

Ms Dannenberger then presented Exhibit E pointing out the number of employees being allowed to be housed at the site. She pointed out that the industry asked that we don’t limit them as to how many employees are allowed at a time. After discussion with the County Staff and some of the industry representatives, they came
up with the number of 16 with the possibility of special circumstances allowing it to go up to 20 persons. She pointed out that the industry was hoping to use this text amendment to address permanently located industrial facilities in the rural areas. She pointed out to them that the nature of this amendment was for temporary use to move around as the resources move around. In order to have a permanent facility we would have to have a zoning district to support this kind of use by right, which will have to go through a Master Plan change.

Discussion

Mr. Kurt Larsen pointed out that with regards to the possibility of permanent changes he feels that there may be a need for that kind of activity at some point. He feels that we have not done enough research and processing to determine where we may want that and what the limitations might be. Permanent is different then temporary. The approach initially was, lets’ find some way that we can provide a location on a temporary basis that serves but does not adversely impact the community itself. Before you can have something more permanent you do have to have a Use by Right through Industrial classification. And before you can have an Industrial Zoning classification you have to go through a Master Plan change. He feels that one of the classifications we will have to consider is a Rural Industrial type of zoning classification. Mr. Larsen wanted it known that its not that we don’t think it may be desirable to continue to pursuing this but this is the first step in pursuing the immediate needs. Commissioner Kenyon agreed and stated that just in the last year he has heard of substantial property purchases of many energy companies are buying larger tracts of property so that they own both the surface and the mineral rights. He stated that it makes sense for our roads that if they have the ability to put an office out of site and out of mind in the area where they are working. They will be able to get their work done quicker and it will have less impact on the community.

Discussion

Ms. Dannenberger, Mr. Larsen and Commissioner Kenyon talked about the different possibilities of the sites being closer then what is classified and that even though these rules are being made there will always be exceptions to the rules, no matter what the rules are. Mr. Larsen feels that there should be some options that can be reviewed on the administrative level that they may be able to justify some of the request. They feel that this needs to be handled in an expedited manner as there are a lot of people waiting on the outcome.

Discussion

Discussion returned to the amount of employees that would be allowed to be housed on the site at one time. In doing this, staff feels that 16 are sufficient but the industry wants 20 as the limit. Mr. Larsen feels that when you allow up to 16 you are in fact creating temporary employee housing. He is not opposed to 16 on the site as long as you have 8 working and 8 sleeping. Commissioner Kenyon stated that he feels that it is important to get this number right so that the industry doesn’t feel that they have to cheat to be able to function. Ms. Dannenberger stated that the State of Colorado adopted a rule that they have to have self contained sanitary facilities during the drilling operations.
Discussion
Commissioner Robson stated that he would like a definition of what the letters SARA in Exhibit E section 3, stand for. Ms. Dannenberger stated that she would see to it.

PUBLIC COMMENTS

Matt Sura, 405 25 road, Grand Junction, express his concerns about the fact that there are no provisions for land owners to give consent before a man camp is put on their property. He feels that it is one of the greatest takings of private property he has ever heard of if this goes forward as written. Minor Site Plans do not require a hearing and it does require land owner consent or consent of the representative. Mesa County considers a Surface Use Agreement, that agreement, makes the industry their representative of the land owner. However these surface use agreements aren’t read in that kind of detail and he has never read a surface use agreement that the industry has put forward that deals with the specifics of the land owner having to have employees housed on their property. He feels that this creates a real problem it is allowing the industry the rights that prior to this they have not had. He feels that it put the land owner in the position that he/she has to take the industry to court to be able to resolve this issue, when it could have been resolved right here and now in the proper wording of this Text Amendment.

Jon Anderson, of Holland & Hart, representing Stallion Oilfield Services, 555 17th street, suite 32000, Denver, Co. 80202. He feels that this is very balanced approach and in good form. He wanted to raise the point that in the last legislative session a new law was passed, House Bill 1319, which requires that every factory built structure be inspected and certified by the Colorado Division of Housing prior to occupancy under the international building code and he feels it is very significant. He feels that there are another 8 other layers of bureaucracy including, OSHA, Colorado Oil and Gas Commission, Colorado Department of Public Health and environment, Colorado Division of Wildlife regulations and these all pile up so its not just Mesa County as the only regulating entity there are whole layers of bureaucracy and they are just trying to keep some of the regulations to a minimum because there are already being regulated by at least three other entities regulating the same thing. Finally he stated that as far as the amount of employees housed he will leave it to the Operators to discuss more about the issue of 16 versus 20 being housed. He wants it known though that as far as directional drilling it takes more expertise to run directional drilling more safety staff and it may require more people. He stated that they are never going to put more people than needed on the site; it costs too much money and is not something that they are going to do. Through his company’s research and other studies they feel that 20 is a good cap.

Discussion
Commissioner Kenyon wanted to know more about the comments made by Matt Sura regarding the property owner’s rights. He wanted to know when the industry has the subsurface rights to come in and set up a rig and extract the resource, would the industry consider the land owners rights. Mr. Anderson stated that there has not
been any conflict regarding this issue. He stated that when the surface use agreements are signed there was an agreement then.

**Discussion**

**Dave Cesark, the Environmental Health and Safety Manager, for Delta Petroleum, 706 Washington Court. Grand Junction, CO.** He wants to commend Ms Dannenberger as did the last speaker. He feels the key is flexibility, He feels that the energy industries almost always over permit to cover the entire basis. They are asking for flexibility. In going down his list he starts with

1. Section 4, he would like in order to make it easier to get an exception requiring that no facilities are less than a mile from each other. He just wants flexibility on that rule and be able to amend that rule if substantial reasons are provided.

2. Section 18, it is a 24/7 operation it is very difficult to regulate the hours of operation. They want some flexibility to be able to conduct business with appropriate controls to minimize impact on our neighbors. They want to be good neighbors and they would like to comply with all the rules.

3. Temporary Employee Housing he feels it is important to draw the line between Man Camps and Rig Drill site Housing. Drill site housing is to him, housing that has always been standard and custom to have housing for what the industry terms as essential personnel. He classifies a Man Camp as a much larger scale more remote and more centralized facility and for that he feels you do need a much more permitting process.

This is why he is trying to make it clear that there is a very clear distinction between the two. He feels that by drawing the line for anything more then 20 people should be considered a “Man Camp”. He feels that it is not something normal to have that many people at one site at one time.

**Discussion** Commissioner Flynn asked about the rights of the property owners have if when they had purchased the property but not the mineral rights. Mr. Cesark stated that was a common problem but they have the right to extract that mineral and the owner has to allow them reasonable access to the property. He stated that you can not just show up on someone’s property and start drilling. Some sort of agreement has to be reached.

Mr. Cesark stated that he feels that Mesa County has a service on the web that should be commended about how the public is notified about where drilling is going to be taking place.

**John Martini, Manager, Government Affairs. With Plains Exploration & Production Company,** he wanted to commend the staff for all the help they have given to them. He had two points he wanted to make, one is to the private property rights and employees living on the drill site that he feels is a bit of a red herring. They do not drill with out a surface use agreement and most folks know when they sign that, each Surface Use Agreement is different but most state that it is a 24/7 operation. He wanted it known that the industry has not been very good at defining what a “Man Camp” is. They hope that this text amendment will clear up what that is. This is not going to be a 50 person camp with food and cleaning crew and such. This
is nothing more the necessary 16 person and up to 20 but no more then that on rare occasions. He wanted it known that it will not allow for 32 people to be there at once it will be 8 working 8 sleeping with some crossover or overlapping. He feels that this is not just a reason of convenience but a safety issue as well.

Question
Chairman Justman asked if they know how many people will be on a drilling rig at a time. Mr. Martini stated that it is different for each rig and some companies require more then others and it is almost impossible to guess.

Bret Crabb, 1411 13 road, He works for Encana Oil and Gas He wanted it known that they operate several “Man Camps”. His units operate with 24 people if they go to 25, they have to meet additional water and sewage requirements. They have full catering units and he wanted to offer his expertise to running “Man Camps”. He stated that one of the reasons they went with the man camps is for safety reasons. They wanted them to remain on site so as not to drive at night or when over tired. It has also helped with gas prices.

Question
Chairman Justman wanted to know if Ms. Dannenberger agreed with the 16 people or was it just what the industry wanted. She stated that they agree with 16 as long as 16 meant 16 and not 32, but the 20 cap is still up for discussion.

Discussion
Ms. Dannenberger stated that she wanted to respond to Matt Sura’s comment because she feels that he brings up a fair point. Our Code states that All other applications (paraphrasing) other then rezones must be initiated by owners of the property involved or the owners’ representative. She provided a little history, stating that they have gone back and forth with the State of Colorado trying to find out what our authority is for well pad permitting. We do not get a property owners signature on the Minor Site Plan Application. What we take is the copy of the APD from the state which has a copy of Surface use agreement which is the SIGNED agreement between the land owner and the operator. The Agreement makes the operator the land owners authorized agent. She feels that if it is changed it would be a procedural issue and not a regulation. She also stated that they will not even review a site plan with out that application to the state. Commissioner Kenyon stated that it seems that it is virtually impossible not to know that there is going to be a drilling rigs on his/her land and what is entailed with that. Randy Price of Mesa County Planning stated that when an application for a permit to drill is submitted to the COGCC it is also required that they submit a copy to the local government designee and so he gets a copy of what goes to state and in that copy there is a surface owner different then the drilling company, will be a surface use agreement. They are not very specific no details of how many buildings or the size of the disturbance. Ms. Dannenberger asked if he has received any complaints. Mr. Price stated that he has not received any complaints. Mr. Larsen stated that if they go to page 18 in the first paragraph it is very clear as to what Temporary Employee Housing is. More Discussion on how many men should be considered in the text amendment.
Motion Commissioner Kenyon moved that regarding project 2008-125 TXT1 Support Services Text Amendment, he recommends a favorable recommendation approval of text amendments to the Land Development Code to add section 5.2.22 Oil and Gas Support Service, add 5.2.23 Temporary Employee Housing, modify section 12.7.4 .c Mining examples and modify Table 5.1 Use Matrix to allow field operations energy with a conditional use permit for the AFT zone district proposed new text as shown in bold and in addition to those comments he recommends that staff modify in 5.2.22 section 4 number 4 that there be more language regarding the circumstances in which it could be less then a mile for spacing. With regards to section 18, on going repair that the days of the week include all days of the week and keep the hours of 8 to 5 with the additional language that is there of emergency repair activities can be conducted outside those hours as long as they comply with section 16. Then onto Temporary Housing 5.2.23 he recommends that 20 beds be approved on site.

Second Commissioner Jones

Clarification Mr. Larsen wanted clarification on the discussion of working with the industry in identifying an emergency of going from 16 to 20 is it your motion that we skip 16 and go straight to 20. Commissioner Kenyon stated that yes that was his motion that with bigger rigs coming then he feels that it is better to give them the 20 beds now and they can come back to us for more beds in the future should they need it.

Motion Approved 4-1

Mr. Larsen stated that he wanted all the industry to please continue to work with Ms. Dannenberger, this is the MCPC recommendation and Staff has a different recommendation. He feels that if we build in some more flexibility with criteria he feels we can go to 20 eventually.

Motion Commissioner Jones moved to adjourn

Second Commissioner Kenyon

Motion Approved 5-0

Hearing adjourned at 9:20p.m.

Respectfully Submitted,

___________________________________
Christi Flynn, Secretary