



**PLANNING COMMISSIONER'S
BOARD MEETING AGENDA
Thursday, December 1, 2022, at 7:00 P.M.
To be held at the Carsten Board Room at 224 First Street.**

CALL TO ORDER

Chairperson Winter calls the meeting to order.

ROLL CALL

AGENDA APPROVAL / AMENDMENTS

Motion to approve agenda as is or approve agenda with amendment(s).

PUBLIC COMMENT*

Members of the audience are invited to speak at the Planning Board of Commissioners' meeting. Public Comment is reserved for citizen comments on items not contained on the printed agenda. Citizen comments are limited to three (3) minutes per speaker. When several people wish to speak on the same position on a given item, they are requested to select a spokesperson to state that position.

CONSENT AGENDA

The Consent Agenda is a group of routine matters to be acted on with a single motion and vote. Council or staff may request an item be removed from the Consent Agenda and placed under Business for discussion.

1. Minutes – July 7, 2022

PUBLIC HEARING (See exhibit A)

2. NWC Reeman Lateral Natural Gas Pipeline Special Review Use – Vince Harris, Baseline Corp.

BUSINESS

ADJOURN

** If you have public comment but are not comfortable attending in person due to COVID-19, please send the comments to wesley@eatonco.org by noon on the day of the meeting, and the comment will be read into the record or otherwise shared with the Board during the meeting.*

AMERICANS WITH DISABILITIES ACT NOTICE

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at (970) 454 - 3338 within 48 hours prior to the meeting in order to request such assistance.

EXHIBIT A
RULES FOR THE HEARING

- A. All questions and comments by applicant, staff, or the public are to be directed to the governing body.
- B. The Mayor will ask each member of the governing body to disclose any conflicts requiring recusal, or the specific substance of any ex-parte communications made by them.
- C. No applicant, staff member, or the public will be subject to cross examination except by the governing body.
- D. Public comments shall be taken at the hearing and are limited to five (3) minutes per individual. Any unused time may not be given to another.
- E. Disruptive behavior will not be tolerated.

PUBLIC HEARING PROCEDURE

- 1. Open public hearing.
- 2. Receive information from staff.
- 3. Receive information from applicant.
- 4. Receive information from public.
 - a. Ask to hear from anyone who supports the matter.
 - b. Ask to hear from anyone who opposes the matter.
- 5. Receive rebuttal from applicant. (*If any.*)
- 6. Additional questions from Board, if any. (*Board may ask questions at any time until the hearing is closed.*)
- 7. Close the public hearing.
- 8. Discussion and deliberation among Board.
- 9. Make a decision and/or motion from Board.

Proposed Motions:

For Approval:

I move to approve _____.

For Approval with Conditions:

I move to approve _____ with the following conditions: _____.

For Denial:

I move to deny approval of _____.



**TOWN PLANNING COMMISSION
BOARD MEETING
224 First Street, Eaton, CO
Thursday, July 7, 2022, 7:00 P.M.**

MINUTES

CALL TO ORDER

Chairperson Winter called the meeting to order at 7:00 p.m.

ROLL CALL

PRESENT

Chairperson Karla Winter Commissioner Glenn Babcock Commissioner Kevin Ross

Staff present: Assistant Administrator Greg Brinck, Baseline Planners Vince Harris, and Lauren Richardson

AGENDA APPROVAL

Commissioner Ross moved to approve the agenda as is, motion carried 3-0.

CONSENT AGENDA

Commissioner Ross moved to approve the Consent Agenda, with one listed item, motion carried 3-0.

1. Minutes – March 3, 2022, Regular Board Meeting

PUBLIC COMMENT – None

STUDY SESSION

Eaton Zoning & Subdivision Code – Vince Harris, AICP with Baseline Corporation, reminded the board that when all the updating of the code has met the board's expectation, there will need to be a repeal of the entire active code and re-enactment of the new updated code. The board then focused on the first sixty-nine (69) pages of the clean version document.

- Pages 21 & 22 – Two new Zone Districts, R-EH Single-Family Estate-Half Acre Residential District and R-2S Small Lot Single-Family Residential District which is still under discussion
- Pages 27 thru 32 – USE changes made to the complete Land Use Charts
- Pages 36, 40 & 41 – Accessory Dwelling Unit & Short-Term Rental Accommodations
- Page 63 – Special Use Permit and Neighborhood Meetings
- Oil & Gas regulations extracted and will mirror the Weld County O&G regulations

August 4th Study Session will continue reviewing the Eaton Zoning & Subdivision Code update.

ADJOURN

Chairperson Winter moved to adjourn at 8:22 p.m.

Margaret Jane Winter, Town Clerk

**TOWN OF EATON
PLANNING COMMISSION MEETING**

Date prepared: 11/22/2022
Meeting Date: 12/1/2022

STAFF REPORT

Project Name: NWC Reeman Lateral Natural Gas Pipeline
Project Address: Parcel Numbers: 070929200014 & 070929300013
Applicants: NWC Development, LLC (c/o Lance King),
presented by Ryder Riddick with Tetra Tech
Current Zoning: A-1 - Agriculture
Prepared by: Lauren Richardson- Baseline Corporation
Approved by: Vince Harris, AICP - Baseline Corporation
Reviewed by: Wesley LaVanchy - Interim Town Administrator



BACKGROUND:

NWC Development LLC, as the applicant, is a subsidiary company of Rimrock Energy Partners, LLC, and will be the operator of the natural gas pipeline. The proposed pipeline runs through two parcels that lie within the Town of Eaton. Both parcels 070929200014 & 070929300013 (outlined in red in *Figure 1- Vicinity Map*) are owned by Eaton Commons Inc. NWC Development, LLC has obtained all necessary easements from the property owners of those parcels. These two parcels are currently used as farmland. The northern parcel, 070929200014, also holds a potable water tank for the Town of Eaton. Current regulations require any new pipelines proposed within the Town of Eaton to have applicants submit a Special Review Use application. This application was submitted by the applicant and it is now in the public hearing process for the Planning Commission and the Town Board to review and decide if the application should be approved for the portion (approximately ½ mile) of the proposed gas line to be within the Town limits. The total length of the pipeline is approximately 3 ½ miles.



Figure 1- Vicinity Map

According to Weld County Code Chapter 21, Article 6, the proposed outside diameter 6.625-inch pipeline is a Use-by-Right in Weld County. The proposed pipeline will run north to south beginning in Southeast ¼ Section 19, Township 7 North, Range 65 West of the 6th P.M (*Figure 2 – Overall Permitting Map*) at an existing well pad north of the Town of Eaton, within unincorporated Weld County. The pipeline route will run south through two parcels (Eaton Commons, Inc.) within the Town of Eaton and continue on to another existing pad site in Unincorporated Weld County. Both pad sites have existing permits with Weld County.

The applicant has stated that the pipeline will be constructed using the trench and cover method and use underground boring techniques to cross under all public roadways and required utility crossings. The applicant will be required to locate all utilities before the construction of the pipeline and adhere to the minimum (2 feet) County separation standards from existing utilities. The applicant has stated that the open trenching will not be greater than 5 feet deep (60-inches) as a safety requirement requested by Chief Kane of the Town of Eaton Fire Protection District. The minimum depth requested by the Town is 36-inches, the pipeline is proposed to be installed and buried at a minimum of 60-inches below the lowest grade per the existing easement agreement with Eaton Commons, Inc.

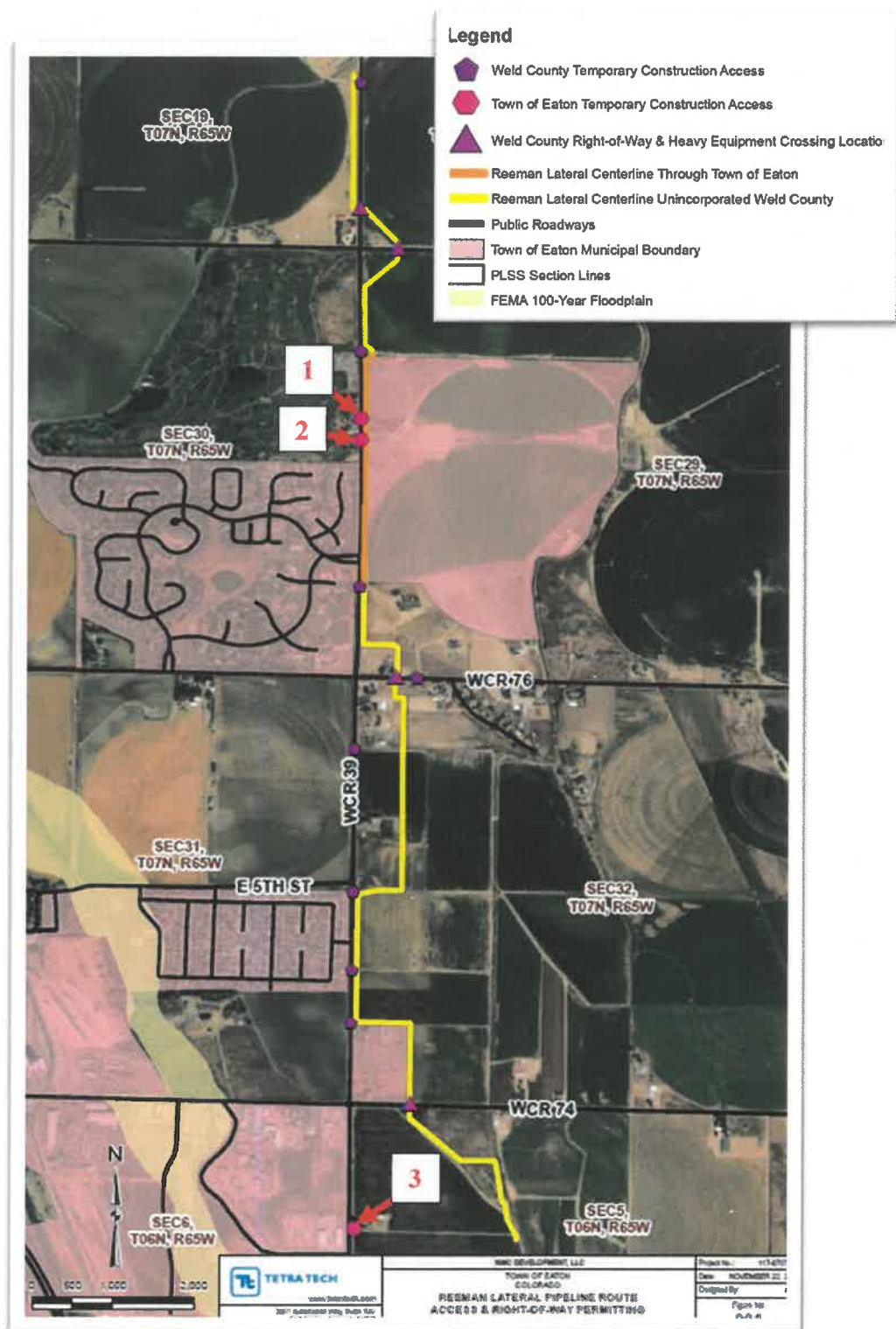


Figure 2- Overall Permitting Map

NWC Development, LLC has completed a private easement agreement with the property owner of the two parcels, Eaton Commons Inc. Within the easement agreement, NWC has agreed to restore lands

disturbed by the operations as nearly as practicable to the condition that existed at the time immediately prior to construction and installation of the pipeline.

Three temporary access locations within the Town of Eaton have been identified in *Figure 2*. The applicant will need approved applicable permits before commencing construction. These may include but are not limited to, access, right of way, or grading permits. No Town-maintained Right-of-Way is proposed to be crossed or impacted by the construction of the pipeline. The project area will be returned to its natural vegetative state and match pre-project contours.

The proposed easement does not cross within FEMA's 100-year floodplain. No above-ground infrastructure is planned within Town limits. The proposed 30-foot pipeline easement lies outside of the Right-of-Way of County Road 39.

Construction/ temporary workspace is proposed east of the pipeline easement and is identified by the pink dashed line in *Figure 3*. The proposed temporary workspace is shown 45 feet from the proposed pipeline easement. Access to the construction workspace within the Town of Eaton will require access and right-of-way permit approval.

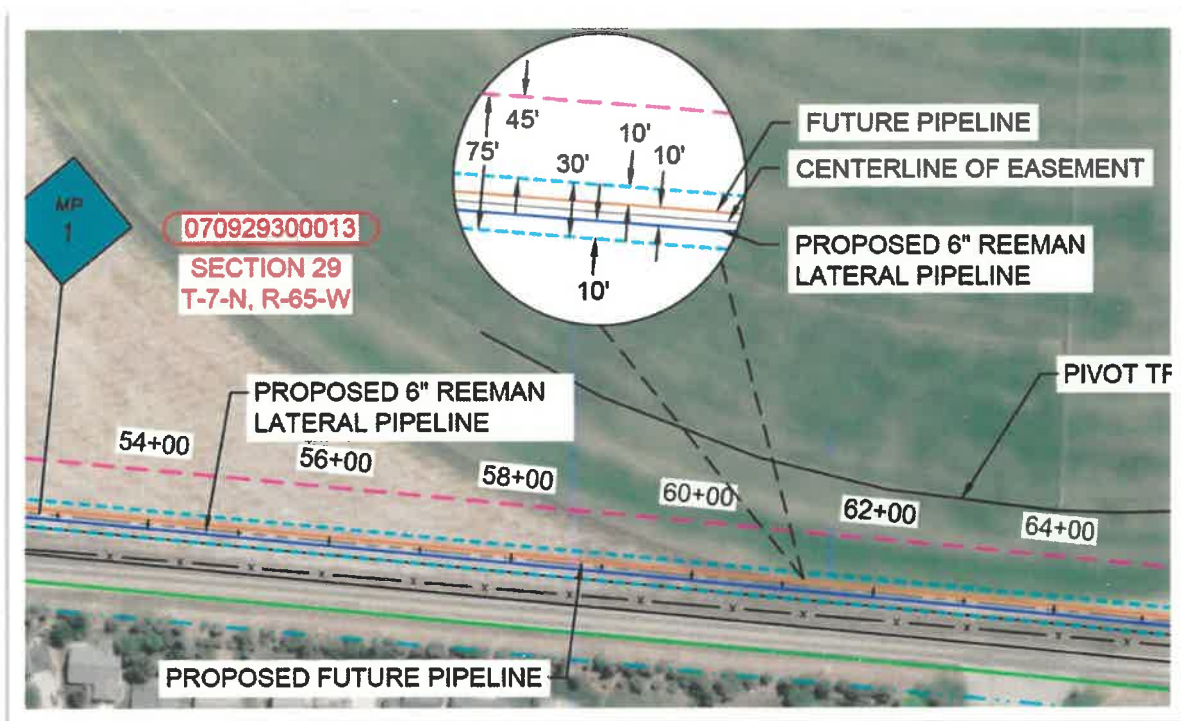


Figure 3- Alignment Sheet 4 Close-up

The applicant is aware of the required Weld County permits needed and the possibility for permit coordination between the Town of Eaton and Weld County. The applicant has also reached out to Larimer & Weld Irrigation Company regarding the Gale Lateral Ditch and the proposed route's proximity to the ditch. The area near the ditch does not cross Town of Eaton boundaries and lies within unincorporated Weld County. The applicant has come to an agreement with the ditch company to shift

their pipeline easement to have no overlap with the corresponding ditch easement. This shift does not impact the pipeline within the Town of Eaton.

APPLICATION:

Staff met with the applicant to discuss their request before submitting it as a formal application. Staff communicated to the applicant that a proposed pipeline would need to follow the Special Review Use process. Special Review Use regulations used to review this application are found in Section 7-2-42 of the Eaton Town Code.

The process for a Special Review Use application includes Town Staff reviewing the zoning and special review use regulations and the information submitted by the applicant related to the Special Review Use request. Staff then writes a report prepared for the Planning Commission to review and provide a recommendation for the Board of Trustees. The Board of Trustees is the governing body that either approves or denies the Special Review Use request. Staff provides an evaluation and recommendation to the Board of Trustees. This application is hereby forwarded to the Eaton Planning Commission for their December 1, 2022, agenda for review of the Special Review Use application for a recommendation.

This Special Review Use application was submitted to the Town on September 16, 2022. Once confirmed complete, the application was sent out to referral agencies for comments. Agencies included in the referral request included ProCode (Town Building Department), Northern Engineering (Town Engineering), Eaton Fire District, Baseline Corporation (being the Town Planner), Eaton School District RE2, Larimer & Weld Irrigation Company, Great Western Trail Authority, Weld County, North Weld County Water District, and Xcel Energy.

Per Eaton Town Code Section 7-2-38, two public notice signs were posted near the alignment on November 14, 2022 (*Figure 4*). The posting date satisfied the code requirement of at least fifteen days before a public hearing. Town staff also sent a public notice to the local newspaper published in the North Weld Herald on November 10, 2022.

A copy of Section 7-2-42, Special Review Uses section of the Zoning regulations, is included at the end of this staff report for reference to the process, regulations, and criteria used.



Figure 4- Sign Posting

CRITERIA AND FINDINGS for SPECIAL REVIEW USE PERMIT APPROVAL:

Section 7-2-42 of the Town of Eaton Municipal Code establishes the criteria to be used for the evaluation of a Special Review Use Permit and indicates that the burden shall be upon the applicant to prove these requirements are met.

- a) *Uses which require a special use permit are those which may be allowed in the zoning district in which they are listed if it can be demonstrated that the use, in the proposed location, is compatible with the District Characteristics, purpose and objectives, dimensional regulations and supplementary regulations for the zoning district in which the use is proposed. Uses stipulated in this Section II, as requiring a special use permit shall only be allowed with prior approval of such permit by the Town Board as described below.*
- b) *Uses listed as special uses for the various zoning districts provided in this Chapter shall be allowed only if the Town Board determines that the following criteria are substantially met with respect to the type of use and its dimensions:*

- (1) The use will not be contrary to the public health, safety or welfare.*

Staff Findings: The applicant is required to adhere to the Colorado Oil and Gas Conservation Commission regulations with the construction of this pipeline.

The proposed pipeline will not cross within a FEMA 100-year floodplain.

Applicable permits will require areas within and/or adjacent to Town limits will be reviewed for drainage, access, erosion control, sediment and dust impact, and management of the public right-of-way, private drives, and adjacent properties.

- (2) The use is not materially adverse to the Town's adopted Comprehensive Plan.*

Staff Findings: The Town of Eaton Comprehensive Plan provides goals and policies that aim to guide decision-making regarding public investments, community form and function, and land use matters. The portion of the proposed pipeline route in Eaton is located along two parcels on Eaton's east side (*Figure 3*). Located outside of County Road 39's right-of-way, the pipeline will cross land owned by Eaton Commons Inc. It is the opinion of staff that the proposed location will not be materially adverse to the Town's adopted Comprehensive Plan. Oil and gas operations are generally supported within the Town of Eaton as well as Weld County.

- (3) Streets, pedestrian facilities and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.*

Staff Findings: The proposed pipeline easement lies outside of the right-of-way for County Road 39. The proposed temporary accesses will need to receive approval from the Town's Engineering Department. During the review process for temporary access, the Engineering department will view impacts on traffic patterns for the area during construction and may require coordination with Weld County permitting.

- (4) The use is compatible with existing uses in the area and other allowed uses in the district.*

Staff Findings: Due to the proximity to the underground oil & gas fields, many areas throughout Weld County contain oil & gas pipelines and infrastructure that are above ground as well as

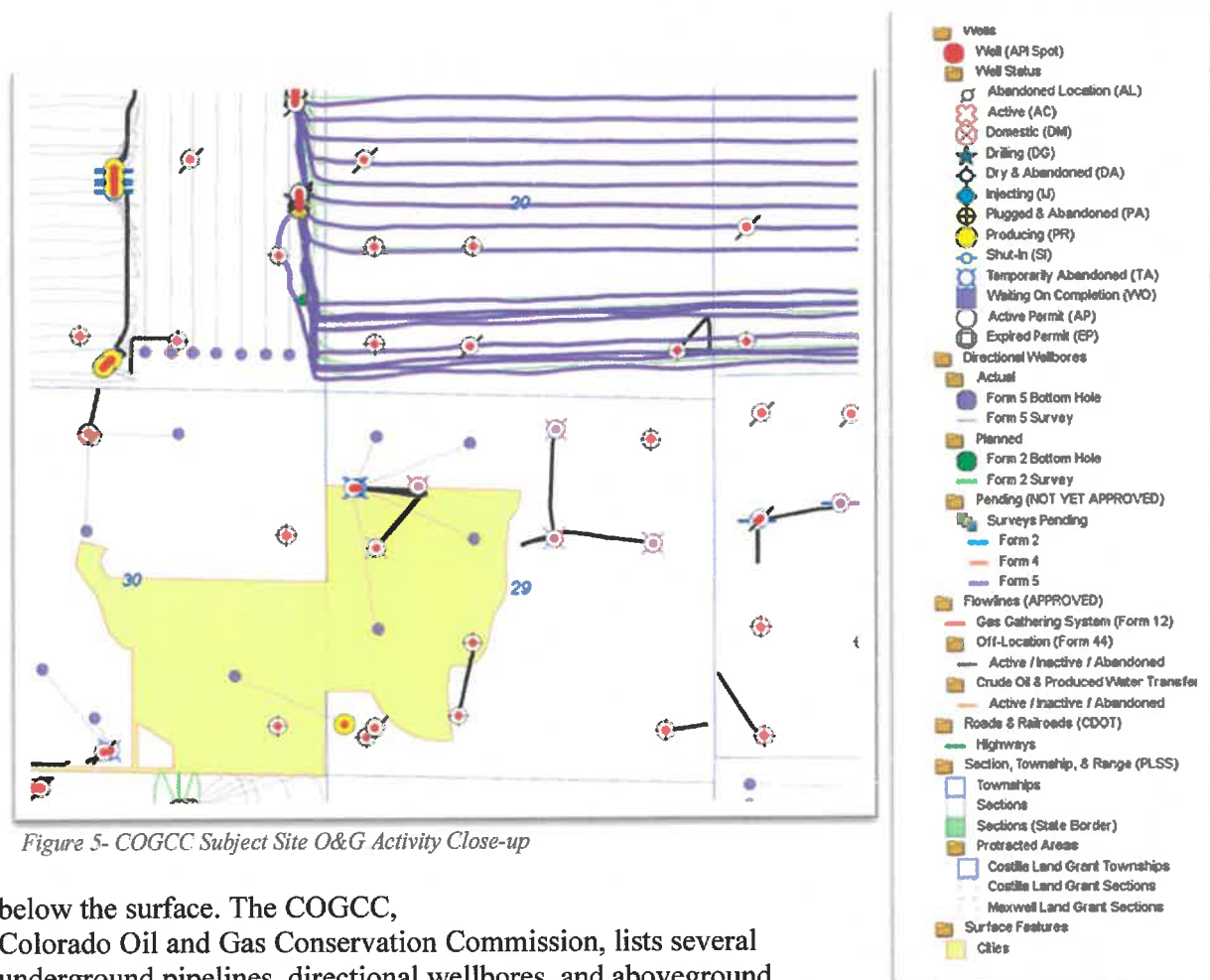


Figure 5- COGCC Subject Site O&G Activity Close-up

below the surface. The COGCC, Colorado Oil and Gas Conservation Commission, lists several underground pipelines, directional wellbores, and aboveground infrastructure in this area (Figure 5).

The pipeline is proposed to be underground, with no surface infrastructure within the Town's boundaries. The applicant has stated that once the construction is complete, full site remediation will be performed to bring the project back to pre-project contours and address any Town or private property owner issues directly caused by the development project.

(5) *The use will not have a material adverse effect upon other property values.*

Staff Findings: The proposed pipeline does not appear to materially affect property values for the property directly impacted or to neighboring properties. The applicant has already arranged for a temporary construction easement and permanent easement with Eaton Common, Inc (property owner) for this proposed pipeline.

(6) Adequate off-street parking will be provided for the use.

Staff Findings: The proposed temporary workspace should provide adequate off-street parking for the duration of construction. No additional or permanent off-street parking is proposed. Temporary Access Permits will be required to be submitted for access points on Town-maintained roads.

(7) The location of curb cuts and access to the premises will not create traffic hazards.

Staff Findings: The applicant is not proposing curb cuts to any Town-maintained public roadways. The applicant is aware of the requirement that the proposed alignment and infrastructure shall not hinder access to existing utilities, public rights of way, or public safety services. Additionally, the access permits required for the construction of the pipeline will include a review of traffic impacts and will not be approved if proposed daily construction activities create traffic hazards.

(8) The use will not generate light, noise, odor, vibration or other effects which would unreasonably interfere with the reasonable enjoyment of adjacent property.

Staff Findings: The applicant has stated that construction operations will be limited to daylight hours and as such will not require nighttime lighting. No odors or vibrations are anticipated by the construction that would impact adjacent properties. Stated in the Response to Referral Comments, the applicant will, during and immediately after construction, if there are dust impacts, then NWC will use water trucks to mitigate those dust impacts. Once the project is complete, full site remediation will be performed to bring the project area back to pre-project contours and to address any Town or private property owner issues directly caused by the development.

The estimated completion date for the project is second quarter of 2023.

(9) Landscaping of the grounds and the architecture of any buildings will be reasonably compatible with that existing in the neighborhood.

Staff Findings: No additional landscaping is proposed. The applicant has stated that once the construction is complete, full site remediation will be performed to bring the project back to pre-project contours and address any Town or private property owner issues directly caused by the development project.

STAFF SUMMARY

Based on the thorough application and supplemental materials submitted to the Town for this Special Review Use Permit request, staff suggests the proposed pipeline is compatible with the surrounding land uses and conforms to the Eaton Comprehensive Plan and Municipal Code.

FINDINGS

Planning Commission may recommend that the Board of Trustees *approve, conditionally approve, or deny* a Special Review Use Permit. To support this proposal, the following findings can be used:

The proposed NWC Reeman Lateral Natural Gas Pipeline meets the intent of the special review use permit criteria outlined in Section 7-2-42 (b) items (1) through (9) of the Municipal Code as noted and evaluated in the staff memo presented to Planning Commission.

RECOMMENDATION:

Staff recommends the Planning Commission forward this application request to the Board of Trustees with a recommendation that the Board of Trustees make a motion of approval with conditions:

MOTION TO APPROVE WITH CONDITIONS Resolution xx-2022, a resolution approving the Special Review Use Permit allowing the alignment of the NWC Reeman Lateral Natural Gas Pipeline subject to the following conditions:

1. NWC Development, LLC shall construct the pipeline to match the proposal set forth in the Application;
2. Prior to the commencement of construction of the pipeline within the Town of Eaton, the applicant shall submit construction plans, exhibits, and applications to the Town for review and approval, which shall include, but not be limited to, access points (permanent, temporary and emergency), permits, sediment and erosion control, traffic control (detours and closures) and reclamation of disturbed areas;
3. The special use permit is subject to the limitations outlined in Section 7-2-42(d) through (h) of the Eaton Municipal Code.

Attachments:

- Application
- Legal Description
- Survey and Site Plan Exhibit
- Cover Letter and Project Narrative
- IFC Alignment Sheets
- Reeman Lateral Pipeline Route Access & ROW Permitting Overview Map
- Town of Eaton Municipal Code Sec. 7-2-42
- COGCC Map showing Town of Eaton and surrounding area related O&G activity



**TOWN OF EATON
LAND DEVELOPMENT APPLICATION**

223 1ST Street, Eaton, CO 80615 • (970) 454-3338 • Fax (970) 454-3339 • www.colorado.gov/townofeaton

COMPLETE ALL BOXES

Applicant Name: NWC Development, LLC (c/o Lance King)	Applicant Address & Zip Code: 1138 N. Robinson Avenue, Suite 102, Oklahoma City, OK, 73103
Applicant Phone: (405)400-9672	Applicant Email: L.King@Rimrockenergy.com
Property Owner Name: Eaton Commons, INC	Property Owner Address & Zip Code: 3384 Mulberry Street, Fort Collins, Colorado 80524
Property Owner Phone:	Property Owner Email:
Project Name: Reeman Lateral Natural Gas Pipeline	Project Description: Construction of a 6.625" Outside Diameter Natural Gas Pipeline
Project Address/Location: Part of the W1/2 of Section 29, Township 7N, R65W	Project Parcel Number: 070929200014 & 070929300013
Subdivision/Lot/Block: N/A	Section/Township/Range: Section 29, Township 7N, R65W
Existing Zoning: (AG)Agricultural	Proposed Zoning: (AG)Agricultural
Existing Use: Vacant Farm Land and Municipal Water Tower	Proposed Use: No changes to surface use proposed
<p>APPLICATION AGREEMENT:</p> <p>I, as the applicant, hereby certify that I believe to the best of my knowledge that all information supplied with this application is true and accurate and that consent of the property owner listed above, without which the requested action cannot lawfully be accomplished, has been granted. Permission is also hereby granted to the Town of Eaton staff and their consultants to physically enter upon and inspect the subject property and take photographs as necessary for preparation of the case. In addition, by signing this application I am agreeing that I am authorized to sign on behalf of the property owner, or business-owner, or applicant and commit and agree to signing a Developer Cost Reimbursement Agreement and deposit with the Town the sum of \$ <u>8,000</u> to be used to pay the Town's expenses to review, evaluate and process the Application ("Deposit"), which funds may be used to pay the cost of third-party consultants plus fifteen percent (15%) of such actual costs for Town staff administrative costs and supplies. I agree that I am not acquiring any rights by virtue of the payment of the Town's expenses. I also understand that Land Use approvals do not entitle, nor grant building permits. Building permits are required in addition to and after land use approval and prior to site improvements including but not limited to grading, earth work, or construction of utilities or buildings.</p> <p>Applicant's Signature <u></u> Date: <u>8-31-22</u></p>	



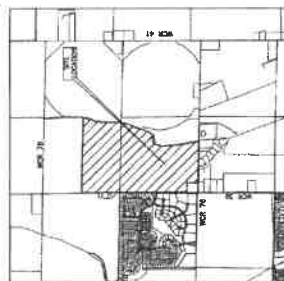
Applicant: NWC Development, LLC
Project Name: Reeman Lateral Natural Gas Pipeline

SECTION 6. Legal Description:

Lot D of Corrected Recorded Exemption No. 0709-29-3 RECX13-0128 being part of the West Half of Section 29, Township 7 North, Range 65 West, of the 6th P.M., County of Weld, Colorado.

This legal description refers to the most recent land split that took place under the recording of the Corrected Recorded Exemption No. 0709-29-3 RECX13-0128 Plat Map (Reception #4038218) recorded on August 13, 2014. Prior to the land being annexed into the Town of Eaton from unincorporated Weld County. This Recorded Exemption Plat has been included as an attachment to this legal description for easy reference.

CORRECTED RECORDED EXEMPTION NO. 0709-29-3 RECX13-0128
LOT B, RECORDED EXEMPTION NO. 0709-29-3 RE-1800, BEING PART OF THE WEST HALF OF
SECTION 29, TOWNSHIP 7 NORTH, RANGE 65 WEST OF THE 6TH P.M., WELD COUNTY,
COLORADO



LOCALITY MAP

LEGAL DESCRIPTION


[illegible]

NOTE

NOTE According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action

CURVE TABLE				
CURVE #	INCHES	BAIRDS	FEET	LENGTH
1	340.00'	82225.54"	7140.35'	1710.97'
2	280.00'	71411.71"	1814.33'	1804.93'
3	540.00'	118795.49"	2534.31'	3411.88'
4	730.00'	161929.26"	3534.31'	3545.88'
5	650.00'	118795.53"	504.30'	3064.30'
6	1200.00'	372424.57"	1133.53'	1513.28'
7	850.00'	467425.54"	153.53'	153.70'
8	400.00'	509721.14"	73.54'	82.00'
9	1000.00'	509721.14"	94.54'	99.00'
10	600.00'	509721.14"	100.52'	101.14'
11	1375.00'	509721.64"	168.51'	168.91'
12	1375.00'	509721.64"	168.51'	168.91'
13	1375.00'	509721.64"	168.51'	168.91'
14	1375.00'	509721.64"	168.51'	168.91'

LINE	TABLE	NAME	LENGTH	DESCRIPTION
1	1	NAME	10	NAME
2	1	ADDRESS	20	ADDRESS
3	1	CITY	10	CITY
4	1	STATE	2	STATE
5	1	ZIP	5	ZIP
6	1	PHONE	10	PHONE
7	1	EMAIL	20	EMAIL
8	1	DOB	8	DOB
9	1	SEX	1	SEX
10	1	RACE	10	RACE
11	1	RELIGION	10	RELIGION
12	1	POLITICAL	10	POLITICAL
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14	1	EMPLOYMENT	10	EMPLOYMENT
15	1	INCOME	10	INCOME
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17	1	DEBT	10	DEBT
18	1	ASSETS	10	ASSETS
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23	1	REMARKS	100	REMARKS
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86	1	IS孤兒	1	IS孤兒
87	1	IS孤兒	1	IS孤兒




LAMP RYNEARSON
& ASSOCIATES

SECTION 29, 17N, R85W OF THE 6TH P. M., WELD COUNTY, COLORADO

0709-29 REC X13-0128

Job number: 0213057.00
Book: page
0213057 1
Date: 2/6/14
Sheet: 1 of 2

21298 2/2


LAMP RYNEARSON & ASSOCIATES
 4715 Innovation Drive
 Fort Collins, CO 80525
 970.226.0342
 970.226.0879
www.LRA-inc.com

CORRECTED RECORDED EXEMPTION NO. 0709-29 REC X13-0128

job number: 0213057
book page: 0213057
date: 2/1/14
sheet: 2 of 2

THE UNDERSIGNED, DO HEREBY DEEDATE, FOR THE BENEFIT OF THE PROPERTY(IES) SHOWN OR DESCRIBED
HEREON, ASSIGNS FOR THE PURPOSES SHOWN OR DESCRIBED HEREON,
Donaldson Investments LLC *Donaldson Investments - Member of LLC*
DONALDSON INVESTMENTS, LLC, A COLORADO LIMITED LIABILITY COMPANY

STATE OF COLORADO) ss.
)
)

THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME THIS 1st DAY OF August

ANY COMMISSION EXPENSES July 7, 2015

Witness my hand and seal.
Sheryl L. Withbeck

SECRETARY PUBLIC

CERTIFICATE OF APPROVAL BY THE DEPARTMENT OF PLANNING SERVICES-ADMINISTRATIVE REVIEW

THIS PLAN IS ACCEPTED AND APPROVED BY THE DEPARTMENT OF PLANNING SERVICES FOR FUND.

DIRECTOR DEPARTMENT OF PLANNING SERVICES

STATE OF COLORADO
COUNTY OF WELD

THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME THIS 20th DAY OF August 1954.

MY COMMISSION EXPIRES 6/5/2016

Christing Ramlan

PROPERTY OWNER'S CERTIFICATE

1. THE UNDERSIGNED, BEING THE SOLE OWNERS IN FEE OF THE ABOVE DESCRIBED PROPERTY, DO HEREBY SURRENDER THE SAME AS SHOWN ON THE ATTACHED MAP WE UNDERSTAND THIS PROPERTY IS LOCATED IN

THE AG ZONE DISTRICT AND IS ALSO INTENDED TO PROVIDE AIDS FOR THE CONDUCT OF OTHER USES BY
URGENT, ACCESSORY USES, AND USES BY SPECIAL REVIEW.

Double Five, LLC, d/b/a Double Five
FONOLSON INVESTMENTS, LLC, A COLORADO LIMITED LIABILITY COMPANY

STATE OF Oklahoma) ss.
County of Delaware

THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME THIS 13th DAY OF August, 2014.

MY COMMISSION EXPIRES July 7, 2015

Sheriff's Office

SHIRLEY L. CHICKERELL

STATE OF

I, FRANK A. KOHL, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THE PLAT WAS MADE UNDER MY PERSONAL

REPRESENTATION, AND THAT THIS PLAN IS AN ACCURATE REPRESENTATION THEREOF. I FURTHER CERTIFY THAT THE SURVEY AND THIS PLAN COMPLY WITH ALL APPLICABLE RULES, REGULATIONS, AND LAWS OF THE STATE OF COLORADO, STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, AND WITH CERTAIN




REGISTERED PROFESSIONAL LAND SURVEYOR
COLORADO REGISTRATION NO. 57067

DATE OF SURVEY: AUGUST 30, 2013

[illegible][illegible]

EXHIBIT "A"

SHEET 1 OF 2

PART OF WEST HALF OF SECTION 29, TOWNSHIP 7 NORTH, RANGE 65 WEST OF
THE 6TH PRINCIPAL MERIDIAN, WELD COUNTY
STATE OF COLORADO

PARCEL DESCRIPTION

LOT D OF CORRECTED RECORDED EXEMPTION NO. 0709-29-3 REC13-0128 RECORDED AT RECEPTION NO. 4038218 RECORDS OF THE CLERK AND RECORDER OF WELD COUNTY, ALL LYING WITHIN THE WEST HALF OF SECTION 29, TOWNSHIP 7 NORTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, BEING A 30 FOOT WIDE PERMANENT EASEMENT, BEING 15 FEET WIDE ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

CENTERLINE DESCRIPTION

THE BASIS OF BEARINGS USED IN THIS DESCRIPTION RUNS ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29, FROM THE SOUTHWEST CORNER OF SAID SECTION 29, AS MONUMENTED BY A FOUND 3-1/4" ALUMINUM CAP STAMPED "LS 23513", TO THE SOUTH QUARTER CORNER OF SAID SECTION 29, AS MONUMENTED BY A FOUND 3-1/4" ALUMINUM CAP STAMPED "PLS 9644" AND BEARS S 88°39'38" E, A DISTANCE OF 2,641.33 FEET;

COMMENCING AT THE NORTH SIXTEENTH CORNER OF SAID SECTION 29 AND SECTION 30, TOWNSHIP 7 NORTH, RANGE 65 WEST, THENCE ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 29, S 88°45'00" E, A DISTANCE OF 111.12 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 29, S 43°55'30" W, A DISTANCE OF 65.09 FEET;

THENCE S 01°06'26" E, A DISTANCE OF 872.93 FEET;

THENCE S 11°45'03" E, A DISTANCE OF 51.33 FEET;

THENCE S 01°04'30" E, A DISTANCE OF 349.95 FEET;

THENCE S 00°31'54" W, A DISTANCE OF 1,443.52 FEET;

THENCE S 11°24'28" E, A DISTANCE OF 14.24 FEET;

THENCE S 00°13'03" W, A DISTANCE OF 25.04 FEET TO A POINT ON THE SOUTH LINE OF LOT D OF REC13-0128 AND THE **POINT OF TERMINUS**, WHENCE SAID SOUTHWEST CORNER OF SECTION 29 BEARS S 04°22'59" W A DISTANCE OF 1,161.90 FEET;

THE SIDE LINES OF THIS EASEMENT ARE LENGTHENED OR SHORTENED TO MEET AT ANGLE POINTS AND TO TERMINATE AT SAID NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 29 AND SAID SOUTH LINE OF LOT D OF REC13-0128.

THE TOTAL LENGTH OF THE ABOVE DESCRIBED CENTERLINE IS 2,822.10 FEET (171.04 RODS), CONTAINING AN AREA OF 84,648 SQUARE FEET OR 1.94 ACRES.



LEROY W. FARLEY, PLS 37891
FOR AND ON BEHALF OF LW SURVEY CO.
PROJECT : 53094

NOTES:

1. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
2. THIS EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THEREFORE LW SURVEY CO. HAS NOT RESEARCHED OR SHOWN ANY OTHER EASEMENTS, RIGHTS-OF-WAY, VARIANCES AND OR AGREEMENTS OF RECORD EXCEPT AS SHOWN HEREON.
3. THE LOCATION AND ALIGNMENT OF BURIED UTILITIES SHOWN HEREON WAS BASED ON VISIBLE SURFACE EVIDENCE. THERE MAY BE UTILITIES OR IMPROVEMENTS THAT LW SURVEY CO. OR THE SURVEYOR OF RECORD ARE UNAWARE OF.
4. THE BEARINGS SHOWN HEREON WERE ESTABLISHED BY COLORADO STATE PLANE NORTH, NAD 83. ALL DISTANCES SHOWN HEREON ARE GRID DISTANCES AND ARE IN U.S. SURVEY FEET. TO OBTAIN GROUND DISTANCES MULTIPLY VALUES GIVEN HEREON BY 1.000257429.
5. THIS EXHIBIT WAS PREPARED UNDER THE SUPERVISION OF LEROY W. FARLEY, PLS 37891, FOR AND ON BEHALF OF LW SURVEY CO., 12345 W. ALAMEDA PKWY., STE. 205, LAKEWOOD, CO. THIS EXHIBIT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT AND IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDINGS, OR OTHER FUTURE IMPROVEMENTS.



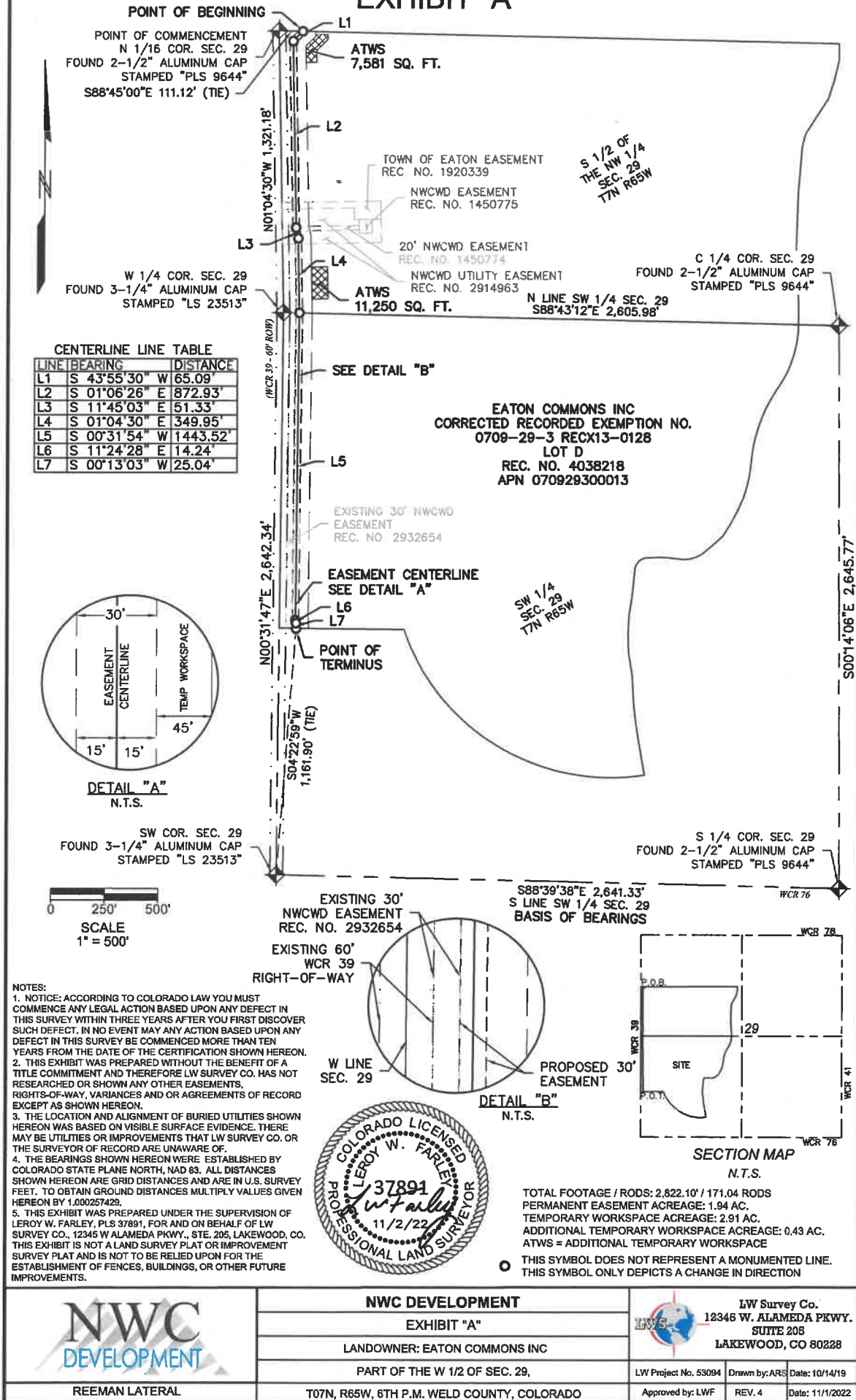
	NWC DEVELOPMENT	 LW Survey Co. 12345 W. ALAMEDA PKWY. SUITE 205 LAKEWOOD, CO 80228		
	EXHIBIT "A"			
	LANDOWNER: EATON COMMONS INC			
	PART OF THE W 1/2 OF SEC. 29,	LW Project No. 53094	Drawn by: ARS	Date: 10/14/19
REEMAN LATERAL	T07N, R65W, 6TH P.M. WELD COUNTY, COLORADO	Approved by: LWF	REV. 4	Date: 11/1/2022

EXHIBIT "A"

SHEET 2 OF 2



NWC
 DEVELOPMENT

NWC DEVELOPMENT

EXHIBIT "A"

LANDOWNER: EATON COMMONS INC

PART OF THE W 1/2 OF SEC. 29,

T07N, R65W, 6TH P.M. WELD COUNTY, COLORADO



LW Survey Co.
 12346 W. ALAMEDA PKWY.
 SUITE 205
 LAKEWOOD, CO 80228

LW Project No. 53094 Drawn by: ARS Date: 10/14/19

Approved by: LWF REV. 4 Date: 11/1/2022



September 14, 2022

Town of Eaton
Attn: Vince Harris
Planning and Development
223 1st Street
Eaton, CO 80615

RE: Special Review Use Application Package, Town of Eaton Planning and Development Department
NWC Development, LLC – Reeman Lateral; Town of Eaton, Colorado; Tetra Tech Job No. 117-8707008

Dear Mr. Harris:

Tetra Tech is pleased to present this Package for the NWC Development, LLC “Reeman Lateral” pipeline project (*the Project*) located in the Town of Eaton, Colorado.

Special Review Use-Application Form: Please find the completed *Special Review Use Application Package (Application Package)* attached.

Applicant/Owner Information: NWC Development, LLC (NWC) is a subsidiary company of Rimrock Energy Partners, LLC, and will be the operator of the pipeline. NWC has obtained all necessary easements from the fee owners of the properties crossed along the proposed pipeline within the town municipal boundaries and this package includes the recorded pipeline easement documentation along with all required title work across these parcels. Tetra Tech is preparing and submitting the application package and any additional permits needed from the Town on behalf of NWC. As such, this application package includes an authorization letter from NWC consenting Tetra Tech to provide these services and relay information on their behalf for all permitting efforts with the Town.

Project Information: The proposed project is for the construction of a new 6.625” Outside Diameter (OD) natural gas gathering pipeline. The overall pipeline route will span approximately three miles running in a general north to south direction, starting in the Southeast 1/4 of Section 19 Township 7 North, Range 65 West of the 6th P.M., located in unincorporated Weld County at an existing well pad site permitted under WOGLA18-0020. From the starting point, the pipeline will run south through the Town of Eaton to its termination point at another existing well pad site, located in the Northwest 1/4 of Section 5, Township 6 North, Range 65 West, of the 6th P.M., also in unincorporated Weld County and permitted under 1041WOLA-AMD22-0001.

The portion of the pipeline route that will run through the Town of Eaton will be located entirely in the West ½ of Section 29, Township 7 North, Range 65 West of the 6th P.M., and will run parallel to Weld County Road 39 through two parcels owned by Eaton Commons, Inc (Parcel #070929200014 & #070929300013). These parcels are both currently vacant, active farmland parcels; the first parcel listed also houses a Town of Eaton public potable water tower. Neither parcel is within a FEMA-designated 100-Year flood zone area.

The plan for the proposed pipeline is to construct mainly by trench and cover and use underground boring techniques to cross all public roadways and required utility crossings. All existing underground utilities will be located before the construction of the pipeline; the minimum separation requirements from these existing utilities will be met. Two proposed temporary access locations have been identified (both of which are located on Weld County Road 39) and are along portions of the roadway within the Town of Eaton’s jurisdiction and road maintenance area. These two temporary access locations are necessary for the construction of the pipeline (See GIS map Figures 001 & 002 for all route information and proposed access locations within the Town’s jurisdiction).

Simultaneous with this application and Site Plan Review process with the Town, the Applicant will submit ROW crossing permit and temporary access permit applications to Weld County for ROW Crossings and temporary construction access locations in unincorporated Weld County. Four public road ROW crossing locations and nine temporary access permits are necessary for the project construction. Along with all Town of Eaton required permitting approvals, the Weld County ROW crossing permits, and Weld County temporary access permits will also need to be approved before commencing the construction of this pipeline. No additional ROW crossings will occur in the Town of Eaton’s current municipal boundaries.

TETRA TECH

351 Coffman Street, Suite 200, Longmont, CO 80501
Tel +1.303.772.5282 **Fax** +1.303.772.7039 | tetrattech.com

The proposed pipeline meets the size requirements to be a Use-by-Right natural gas pipeline per the Weld County Code, so a Location Assessment of a Pipeline (LAP) permit is not necessary for the portions of the pipeline project located within the unincorporated County areas.

Trenching, where needed, will not be deeper than 4 feet. If trenching deeper than 4 feet is necessary, it would be near a bore pit location to cross the various County Road ROWs. In this situation, the proper shoring and safety methods will be used to mitigate any safety and access concerns of the Town of Eaton Fire Protection District (per our meeting with the Towns Fire Chief, Chief Kane on Monday, August 1, 2022).

Finally, this Application Package includes a detailed survey/site plan plat and construction alignment sheets for the portion of the pipeline alignment through the Towns municipal boundaries. These documents detail how the proposed alignment and easements are adjacent to all existing and future WCR 39 ROW and do not encroach on them.

Project Name: “Reeman Lateral” pipeline

Proposed Dates of Construction: We request the start date for construction as soon as November 30, 2022, with the estimated completion date of the full pipeline route being March 1st, 2023.

Required Submittals & Enclosures:

- Completed and executed Land Development Application Form (Special Review Use)
- Detailed summary and project description (Cover Letter & Narrative)
- GIS Vicinity Maps (Figure 1: Pipeline route vicinity and overview map of full route and Figure 2: Detailed map of alignment through the Town’s municipal boundary)
- Recorded Warranty Deed for Eaton Commons, Inc.
- Title Commitment for Eaton Commons, Inc.
- Written Legal Description of Property Boundary
- Recorded Pipeline Easement Documentation (**Grantee:** NWC Development, LLC; **Grantor:** Eaton Commons Inc.)
- Explanation of Water and Sewer Sources/ Utility Plan
- Explanation of Temporary Access for Construction
- Floodplain Report Stating property is not within a FEMA designated Floodplain or Floodway
- Signed and notarized Cost Reimbursement Agreement
- Payment Deposit Check for Cost Reimbursement (\$8,000.00)
- List and Map of Property Owners and addresses per public notice requirements
- Surveyed Plat of Property showing Site Plan alignment of the proposed pipeline route, all easements, and all existing and future Rights-of-Way associated with the property
- Civil Construction Plans for on-site improvements

This application package is submitted via hard copy directly to the Town of Eaton, Town Offices in Eaton, Colorado.

Please contact me at (720) 864-4603 or Ryder.Reddick@Tetratech.com if you need anything to complete this application package.

Sincerely,

TETRA TECH



Ryder Reddick, AICP
Project Planner

O:\Projects\Longmont\8707\117-8707008\Deliverables\Town of Eaton\Special Review Use Permit Application Package\Final Application Package\2. Cover Letter and Project Narrative.docx

Document Path: C:\Users\Ryder.Reddick\Desktop\REP Processing LL\Reeman Lateral\GIS\MXD\Reeman Lateral Pipeline Route Overview Map.mxd



REV. 0
09/06/2022

APPLICANT OR OWNER:

© 2004 Blackwell Publishing Ltd *Journal of Internal Medicine* 255: 101–108

Time _____

Signature: _____

Date: _____

ATTEST:

Signature

PLANNING COMMISSION:

This Special Review Use was reviewed by the Town of Eaton Planning Commission on the _____ day of _____, 20_____.

10

.....

BOARD OF TRUSTEES:
This Special Review Use was reviewed and approved by the Town of Eaton Board of

11

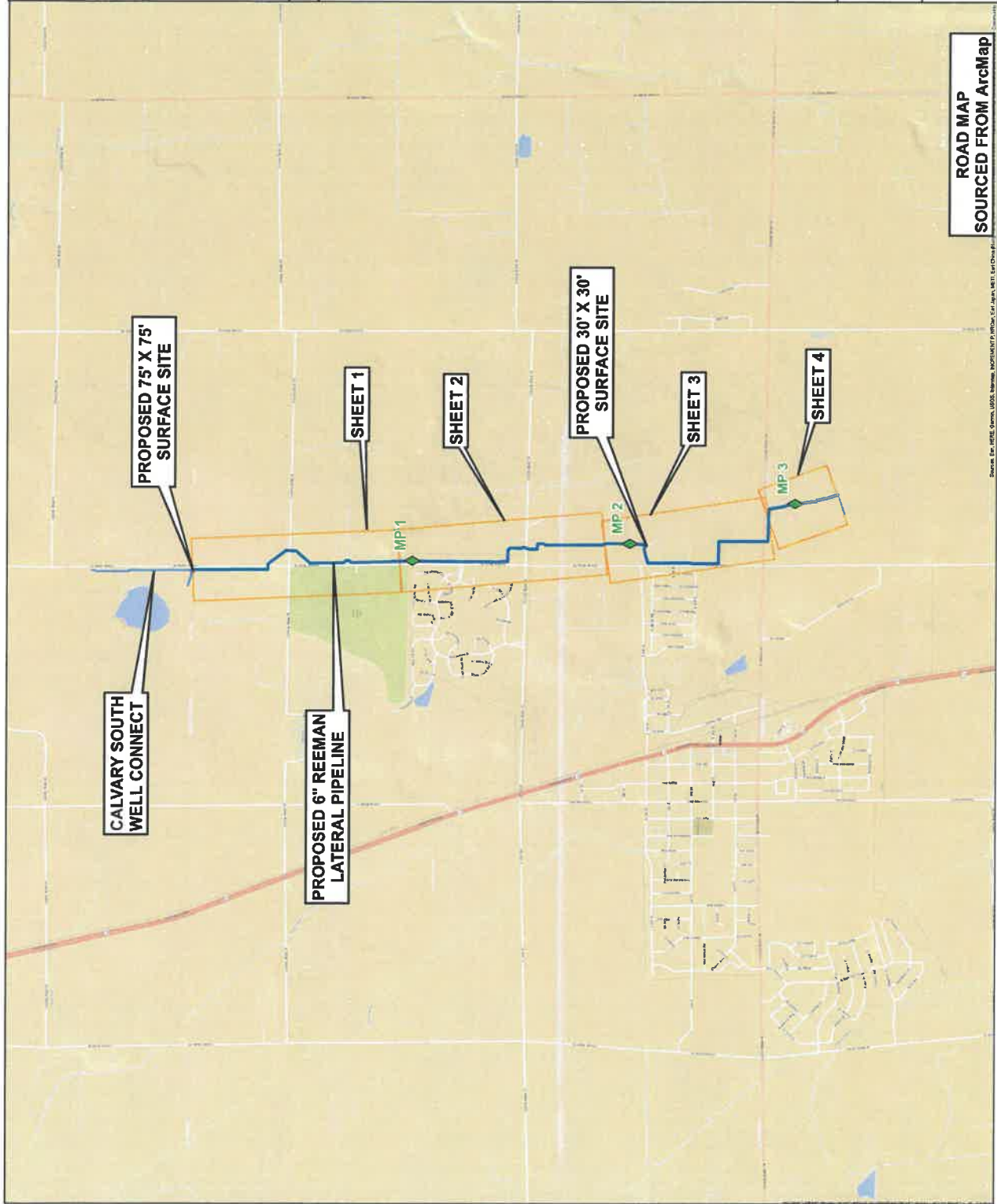
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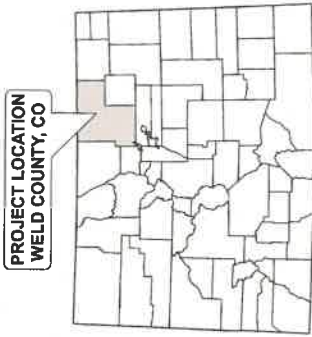
12345 W. Alameda Pkwy, Suite 205
Lakewood, CO 80228



NWC
DEVELOPMENT



ROAD MAP
SOURCED FROM ArcMap



VICINITY MAP



COORDINATE SYSTEM:
NAD83 COLORADO STATE PLANE NORTH, US FOOT



Legend

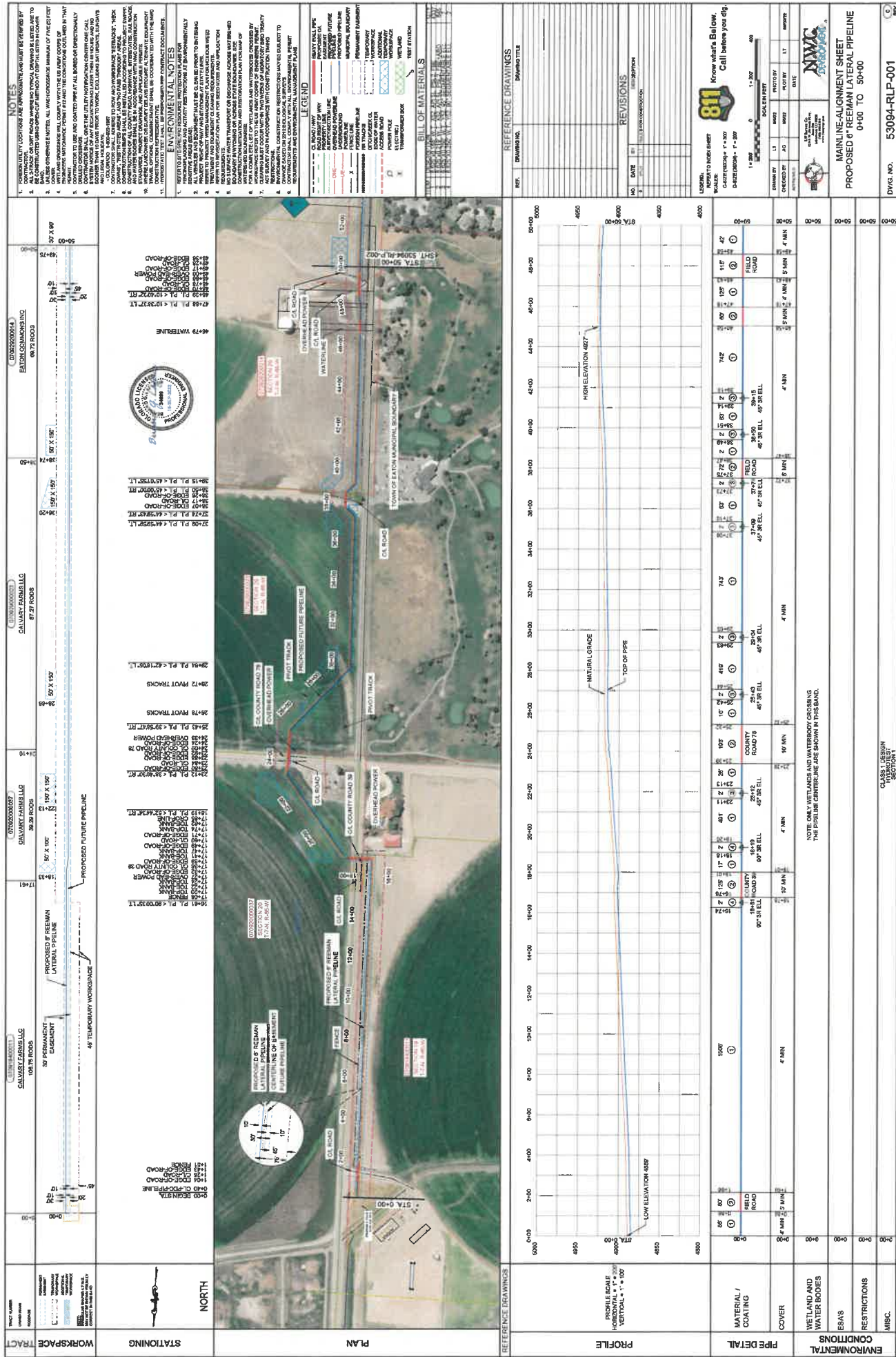
- MILEPOST
- PROPOSED 6" REEMAN LATERAL PIPELINE
- CALVARY SOUTH WELL CONNECT
- SURFACE SITE
- ALIGNMENT SHEET TEMPLATES



ISSUED FOR CONSTRUCTION

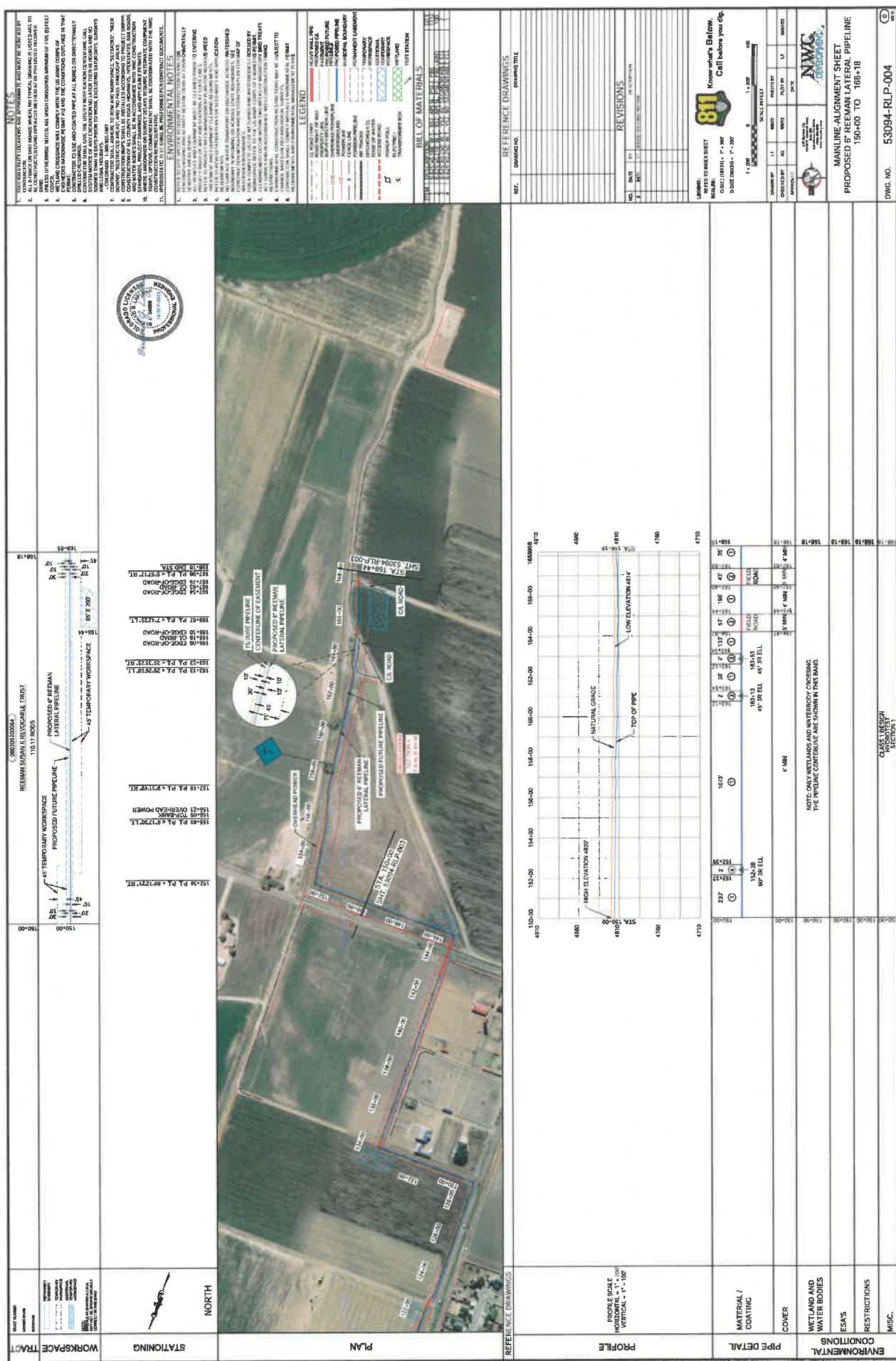


PROJECT OVERVIEW MAP
PROPOSED 6" REEMAN LATERAL
WELD COUNTY, COLORADO



[illegible]

[illegible]



Sec. 7-2-42. Special review uses.

- (a) Uses which require a special use permit are those which may be allowed in the zoning district in which they are listed if it can be demonstrated that the use, in the proposed location, is compatible with the District Characteristics, purpose and objectives, dimensional regulations and supplementary regulations for the zoning district in which the use is proposed. Uses stipulated in this Section II, as requiring a special use permit shall only be allowed with prior approval of such permit by the Town Board as described below.
- (b) Uses listed as special uses for the various zoning districts provided in this Chapter shall be allowed only if the Town Board determines that the following criteria are substantially met with respect to the type of use and its dimensions:
 - (1) The use will not be contrary to the public health, safety or welfare.
 - (2) The use is not materially adverse to the Town's adopted Comprehensive Plan.
 - (3) Streets, pedestrian facilities and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.
 - (4) The use is compatible with existing uses in the area and other allowed uses in the district.
 - (5) The use will not have a material adverse effect upon other property values.
 - (6) Adequate off-street parking will be provided for the use.
 - (7) The location of curb cuts and access to the premises will not create traffic hazards.
 - (8) The use will not generate light, noise, odor, vibration or other effects which would unreasonably interfere with the reasonable enjoyment of adjacent property.
 - (9) Landscaping of the grounds and the architecture of any buildings will be reasonably compatible with that existing in the neighborhood.
- (c) The burden shall be upon the applicant to prove that these requirements are met.
- (d) Transferable. Special use permits allow a particular use for which it is granted to operate on the specific property listed in the permit in accordance with approved plans. A special use permit may be transferred to any other person to operate the same use per the same terms of the permit, upon notification to the Town Administrator, but may not be transferred to any other property or building.
- (e) Duration. A special use permit shall remain in full force and effect as long as the use for which the permit is granted continues or for the term specified on the permit.
- (f) The duration of a special use permit may be limited to a specific period of time, if necessary, to ensure that the proposed use will meet the purposes of this Section II and for protection of the public health, safety and welfare.
- (g) A special use permit shall automatically terminate without any further action by the Town under the following circumstances:
 - (1) The use for which the permit was granted is not established at the approved location within a period of one (1) year from the date the permit is issued.
 - (2) The use for which the permit was issued is discontinued for a period of one (1) year or longer.
 - (3) The term for which the permit is issued is expired.
- (h) Suspension of permit. The Town Board may suspend a special use permit upon finding that the use, building or site for which the permit was issued violates any conditions of approval applied at the time the permit was issued, or the use established is substantially different than that which was represented in the application.

(Ord. 480 §1, 2000)

Created: 2022-06-06 12:03:26 [EST]

(Supp. No. 12)

Town of Eaton

