

RESOLUTION NO. 7-17

A RESOLUTION APPROVING THE CONDITIONAL USE PERMIT APPLICATION SUBMITTED BY EXTRACTION OIL & GAS, LLC FOR TEN (10) NEW DIRECTIONAL OIL & GAS WELLS

WHEREAS, The Town of Berthoud (the "Town") has adopted oil and gas drilling and production regulations at §§ 30.11-101 to -115 of its development code;

WHEREAS, Extraction Oil & Gas, LLC has submitted to the Town an application for a conditional use permit for ten (10) new oil & gas wells located in the application area located near the intersection of Weld County Road 7 and Highway 56, with the well pad site known as "MLD;"

WHEREAS, the Town has compared the application with the requisite application elements and review criteria set forth under its development code; and

WHEREAS, the Town conducted a public hearing for the application on July 11, 2017;

WHEREAS, the Town has determined that all requisite criteria under its development code have been met by the applicant; and

WHEREAS the Board of Trustees of the Town of Berthoud, Colorado (the "Board") hereby approves the proposed Conditional Use Permit application for ten (10) new wells.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO AS FOLLOWS:

1. The Board approves the application for the following reasons:
 - a. The site plan complies with the requirements found at § 30.11-104(1);
 - b. The vicinity map complies with the requirements of § 30.11-104(2);
 - c. The narrative complies with the requirements of § 30.11-104(3);
 - d. There are no geologic hazards, floodplains or floodways associated with this site as contemplated under § 30.11-110;
 - e. The wells are not located within a wildlife impact zone, and the wildlife mitigation procedures set forth under § 30.11-113 are met; and

- f. The conditional use is consistent with the Town's current comprehensive plan, is compatible with existing and conforming surrounding and probable land uses, will not unreasonably interfere with existing uses of adjacent and nearby properties, will not cause unreasonable demand on town services and will not unreasonably and adversely affect traffic flow and parking in the surrounding area.
2. Approval of the conditional use permit is conditioned upon the following:
 - a. Applicant will ensure that sound walls and/or hay bales will be used during the Drilling – Completion Phases; that the landscape plan as submitted is implemented and properly maintained, and will provide proof of a permanent water source for on-going irrigation to service the landscape plan; that the entrance to the project on WCR 7, will provide sound and lighting mitigation.
3. Town personnel may issue a conditional use permit to the applicant in conformity with the Town's development code. The Town Clerk may issue a "Notice to Proceed" once all items are received as per § 30.11-106, in addition to those other items noted herein.
4. Along with all standard terms and conditions for conditional use permits, the applicant's permit shall be issued with the notation and reminder that road impacts are subject to periodic review by the Town or its Board and, if warranted, public roads impact fees may be assessed as later determined by Town experts and personnel pursuant to § 30.11-112.

PASSED, ADOPTED AND APPROVED THIS 25th day of July, 2017.

TOWN OF BERTHOUD

BY: _____

Steve Mulvihill, Mayor

ATTEST:

Acting Town Clerk

