



City Council and Staff
City and County of Broomfield
One Descombes Drive
Broomfield, CO 80023

November 26, 2018

Dear Mayor, Council, and Staff:

We respectfully seek your support on the first readings of:

- Ordinance No. 2075 – Amending the Oil and Gas Regulations to Add a Hearing Process for Complaints
- Ordinance No. 2076 – Amending the Broomfield Subdivision Regulations to Increase Setbacks from Oil and Gas Well Sites

The intent of No. 2075 was initially conceived by our legal council as a way to assure that citizens had recourse regarding the impacts of oil and gas operations, especially given how the COGCC is so unresponsive in dealing with health and safety concerns related to odors, noise, leaks, air quality, etc. We know that CCOB takes protection of citizens seriously and we do not expect that this ordinance will be evoked very often, if at all. It is, however, one more layer of protection that citizens deserve and can utilize. It will also help CCOB to remain vigilant and proactive as they get feedback from citizens and continue to compile data on oil and gas operations within the City.

Again, the intent is to provide residents with a user friendly way to appeal decisions on their complaints. As written, the proposed ordinance requires the resident to cite specific legal provisions that they believe were violated. Since most residents are not legal or technical experts in this field, this is an unreasonable requirement. The proposed ordinance also limits the process to a Use By Special Review Permit or Operator Agreement. This denies the process for complaints for other parts of the Municipal Code. We, therefore, request that 17-54-370.C.2.b be deleted, and that the introductory paragraph be changed to say “If an affected party believes that an operator has violated their use by special review permit, operator agreement, or the municipal code....”

We urge CCOB council to pass Proposed Ordinance 2075 with the suggested changes.

No. 2076 addresses the other side of fulfilling the mandate of Charter Amendment 301. We understand that developers are generally against reverse setbacks because larger setbacks affect their ability to develop areas and consequently their profits. They also argue that there will be less housing, affordable and otherwise, available as Broomfield grows.

As we read it, the current version of 2076 requires that notification of existing and proposed wells within 1,320' of future dwellings or schools be attached to lot titles. That seems like a reasonable accommodation in terms of developer concerns and gives potential property owners

a more informed consent in buying such property. We assume that such notice will be findable in all future title searches until the wells are properly plugged and abandoned. Please let us know if we are incorrect in that assumption.

We do, however request three changes that we believe are important:

First, notification should be given as early in the planning process as possible, perhaps when an operator seeks a MOU or Use by Special Review process and before 2/2a permits are applied for by the operator. This needs to be spelled out for developers so that they are clear when notification is needed.

Second, 1,320' is inadequate for several reasons. The two primary reasons are: several studies show negative health impacts for residents within a half mile and beyond; and evacuation zones at several recent oil and gas facility fires and explosions have been one half mile or farther. It is notable that no homes in either Anthem or Wildgrass would be within the 1,320' distance.

Third, the Proposed Ordinance only pertains to property owners and disregards renters. Since reverse setbacks involve health and safety, we ask that the Draft Ordinance add a requirement that residential leases and rental agreements include notification of the proximity of wells similar to the notification to owners with a warning of potential adverse impacts.

It is documented and well known that placing developments within short distances of operating or abandoned wells can affect health and safety. Reverse setbacks are definitely within the power of municipalities to establish, and we were wanting actual setbacks per the Task Force recommendations while recognizing that those too were compromises per scientific findings about health and safety. Given our concerns, we ask that you amend Ordinance No. 2076 to include a notice to renters, an increase in the setback distance for notifications, and clarification about when developers need to give notice.

In addition to our comments on the proposed ordinances, we request that CCOB intervene in the Acme situation by requesting a hearing at COGCC as an interested party, similar to what Adams County did regarding the Interchange pads. As you know, the Acme pad will affect citizens in the Anthem Ranch and Highlands area as well as two schools (Prospect Ridge and Thunder Vista.) This situation points to the necessity of protecting citizens from regional impacts as well as those within CCOB boundaries.

Thank you and, as always, we appreciate the efforts of CCOB Staff and Council.

Sincerely,

Neil Allaire and Laurie Anderson
Co-chairs, 301 Broomfield Health and Safety First