

RESOLUTION NO. 2018- 18-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRIGHTON, COLORADO, RECOMMENDING THE AMENDMENT OF SPECIFIED SECTIONS OF THE BRIGHTON MUNICIPAL CODE RELATED TO OIL AND GAS FACILITIES

WHEREAS, the Brighton Municipal Code contains certain provisions related to oil and gas facilities, including, but not limited to, allowed facilities, definitions, and setbacks to facilities; and

WHEREAS, at a City Council Study Session on September 11, 2018, City Council directed City staff to bring forward a code update that would ban the use of injection wells within city limits; and

WHEREAS, during review of the existing regulations, it was determined multiple sections of code needed to be revised in order to ban injection wells; and

WHEREAS, City staff has proposed an amendment to the Brighton Municipal Code that would ban injection wells, as well as better protect the health, safety, and welfare of its residents.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Brighton, Colorado, hereby recommends to City Council to amend the Brighton Municipal Code as follows:

Section 1. That certain definitions in Section 17-64-30 be amended as follows:

**Section 17-64-30. Definitions.**

*Multi-well production facilities* shall mean all storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flow lines and other equipment directly associated with two or more oil **and gas wells**, ~~gas wells, or injection wells~~.

*Production facilities* shall mean all storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flow lines and other equipment directly associated with oil **and gas wells**, ~~gas wells, or injection wells~~.

*Well site* shall mean the areas that are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil **and gas wells**, ~~gas wells, or injection wells~~ and its associated well pad.

Section 2. That a new Section 17-64-75 be added, which section shall read as follows:

**Section 17-64-75. Prohibited Facilities.**

**The following facilities are prohibited within the City:**

- 1) Injection wells for disposal of oil and gas exploration and production wastes;**
- 2) Disposal pits;**
- 3) Centralized exploration and production waste management facility; and**
- 4) Subsurface disposal facilities.**

Section 3. That Section 17-64-120(5) be amended as follows:

Sec. 17-64-120. Conditional Use review, application requirements.

- 5) A detailed site plan for all well sites that includes submittal to the City of all documents required to be submitted with COGCC Form 2A, a depiction of all visible improvements within 1,320 feet of the proposed location, including buildings/residences, public roads and trails, major above-ground utilities, railroads, pipelines, mines, oil/gas/injection/water/ plugged wells, etc., as required by COGCC Rule ~~303-d(3)~~ **303.B(3)D** and the site plan requirements of the Brighton Municipal Code, as amended;

Section 4. That Section 17-64-510 be amended as follows:

Sec. 17-64-510. Variance Request.

For either a Conditional Use permit or Administrative Approval of Memorandum of Understanding process, an applicant may request a variance from any provision of this Article 17-64, BMC as the same may be amended from time to time. A request for a variance may be included in the applicant's application and shall be processed, reviewed and granted, granted with conditions or denied in accordance with and as part of the Conditional Use permit review or Administrative Approval by Memorandum of Understanding processes, as applicable. The variance provisions of Section ~~17-8-40~~ **17-8-50**, BMC, shall not be applicable to a variance request under subsections 17-64-510. Variance request through and including 17-64-530. Other variances-ground for variance, BMC, as the same may be amended from time to time.

RESOLVED this 9<sup>th</sup> day of October, 2018.

CITY OF BRIGHTON, COLORADO  
PLANNING COMMISSION

  
CHRIS MASLANIK, Chairperson

ATTEST:

  
DIANE PHIN, Secretary