



Legislation Text

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*Department of Community Development*

Reference: Various Sections Chapter 17 of the Municipal Code - Oil and Gas Code Amendment

**To: Mayor Kenneth J. Kreutzer and Members of City Council**

**Through: Philip A. Rodriguez, City Manager**

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**Date Prepared: October 16, 2018**

**PURPOSE**

Following a City Council study session on September 11, 2018, during which the City Council directed staff to bring back an ordinance banning injection wells within the City, City staff is presenting an amendment to the current oil and gas regulations pertaining to injection wells within Section 17-64. Along with adding a "Prohibited Facilities" section, the amendment will update a few definitions and code references. Because City Code can only be modified via ordinance, City staff is bringing forward the code amendment in ordinance form to be voted on by the City Council.

**STRATEGIC FOCUS AREA**

Safe, Active, and Engaged Community

**BACKGROUND**

The Brighton Municipal Code contains provisions for oil and gas facilities that were last updated in 2015. At that time, the code worked for the needs of Brighton. As oil and gas activity has increased across the state, it has become clear there are additional measures Brighton needs to take in order to protect the health, safety, and welfare of its citizens.

In June of 2018, City Council voted to place a six-month moratorium on all injection well activity within city limits. At that time, the City Council asked staff to do research on injection wells and to report back with a recommendation as to whether injection wells should be allowed to exist within the City. With the assistance of Matt Sura, the City's oil and gas consulting attorney, staff presented their research to City Council at the study session on September 11, 2018. After some discussion, the City Council directed staff to bring back a code amendment that would ban the use of disposal facilities, including injection wells, within the City of Brighton.

Accordingly, the proposed new Section 17-64-75, "Prohibited Facilities," would prohibit four common types of waste disposal used in oil and gas operations within city limits. Along with this, staff also recommends updating three terms in the definitions section (§17-64-30) to ensure they would clearly follow the proposed code prohibiting oil and gas waste disposal.

Staff is also recommending a change to Section 17-64-120(5) regarding the conditional use language that updates a Colorado Oil and Gas Conservation Commission rule reference, as well as updating Section 17-64-510 regarding a reference to the City of Brighton Land Use Code.

### **PLANNING COMMISSION RECOMMENDATION**

On October 9, 2018, the Planning Commission reviewed the proposed Code amendment. After a brief discussion to ensure they understood the proposal, the Planning Commission voted unanimously to recommend approval of the Code amendment as it was presented. The signed resolution from the Planning Commission with that recommendation is included in this packet for review.

### **STAFF RECOMMENDATION**

As the oil and gas industry changes, it is important that the City has regulations that are able to protect the health, safety, and welfare of the citizens while also protecting the rights of property owners to develop their minerals. Because this amendment would not affect the mineral rights of property owners, staff recommends approval of the amendment.

### **OPTIONS FOR COUNCIL CONSIDERATION**

- Approve the Ordinance on first reading as drafted;
- Approve the Ordinance on first reading with changes;
- Continue the item to a date certain if more information is needed; or
- Deny the Ordinance as drafted.

### **ATTACHMENTS**

- Ordinance (Draft)
- Planning Commission Resolution (Signed)
- Newspaper Notification of Public Hearing
- Presentation Slides