

November 17, 2021

Erie Planning Commission and BOT
645 Holbrook St
Erie, Colorado 80516

Re: Reverse Setbacks

Dear Planning Commission and BOT,

As residents of Erie, Colorado, we are concerned about the health consequences of oil & gas operations in our community. Exposure to volatile organic compounds (VOCs) are irrefutably linked to increased risk for asthma, low birth weight, cancer, cardiac problems, and other respiratory issues. Residents living near oil & gas operations routinely suffer headaches, respiratory issues, anxiety, and nose bleeds in addition to the nuisances of noise, odor, and increased traffic. Because current air quality standards set forth by the CDPHE are insufficient to protect our health, safety, and welfare, we need to act boldly on behalf of our community.

Existing homeowners are already suffering, new homebuyers should not unknowingly be subjected to the same fate. We urge you to pass the most protective reverse setbacks being proposed, including:

- a minimum 2,000ft setback for new development away from wells that have been approved by the COGCC but are not yet constructed;
- a minimum 500ft setback for new development from existing wells;
- a minimum of 250ft for plugged and abandoned (P&A) wells;
- a minimum of 150ft setbacks for new streets to existing O&G;
- a minimum of 50ft setback from flowlines and gathering lines.

Additionally, it is vital that potential homebuyers are given notice of O&G facilities/infrastructure/P&A wells within 2,000' of a property 30 days prior to closing on their property.

On August 27, 2021, a methane leak north of Soaring Heights and Erie High school was reported to the COGCC. There are 192 P&A wells in Erie, all subject to methane leaks. The Town nor industry has the resources to actively monitor them all, so we need a protective setback. We don't want to see a tragic incident happen in our community, and we can't trust the industry to look out for our safety.

We demand the Town of Erie Board of Trustees adopt the strongest setbacks possible. As elected Trustees, you are responsible for the health and safety of Erie's residents, and we hope you will take your responsibility seriously.

Sincerely,

Erie Impacted Residents and Neighbors

<<residents>>

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Kelsey Barnholt, Erie resident

"The setback limit in CA is 3200ft. The Stanford study shows evidence of oil & gas pollutants traveling 2.5mi from well sites. Having oil & gas wells near schools and homes is unsafe! Oil & gas activities are toxic and dangerous. It is unconscionable to be near residential neighborhoods."

James Briars, Erie resident

"There are already hundreds of BTEX burners in the area, each one an incinerator flaring off highly toxic and carcinogenic byproducts that are a liability to the producers. Virtually every site has multiple burners, sometimes a dozen or more at a large site. If you would not move next door to a carcinogenic hydrocarbon incinerator, please do not subject us to this serious hazard. The recent blowout near Greeley should also give one pause. A fracking worker told me that the pipe string (200,000lb or so of steel drill pipe) comes out like spaghetti, hundreds of feet in the air, in this case falling across the highway. Gas at tremendous pressure can also erupt up through the ground if it finds an unknown crack or fissure at pressures that can deform steel. A television show a few years ago following a drill crew ended suddenly when the well blew out. The last scene was a terrifying rain of large rocks and debris pummeling the camera as the crew ran for their lives. Perhaps I should also mention the explosion and fire that killed 3 people at Weld County line road and highway 7 and burned for 3 days. Too close for comfort. If someone has hazards such as abandoned wells on their property it is no longer suited for development. The need to choose between heavy industry and residential development. They are not compatible."

Audrey Butters, Erie resident

"There is nothing more important than safety. Erie was named one of the best cities for families, and keeping families safe over corporate interests is essential."

Leslie Dickinson, Erie resident

"People first."

Eric Duggan, Erie resident

"We must look out for the safety of Erie residents. Time and again even "plugged and abandoned" wells have been shown to leak and pose hazards far more significant than their classification implies. These rules will shape the lives of Erie residents for decades to come."

Jeffery P Dunn, Erie resident

"It's the 21st century. Renewable energy is at our fingertips. Why are we turning this beautiful state into an oil field? Haven't we polluted the earth and the air we breathe enough? I'm worried for my Grandchildren."

Katherine Erstad, Erie resident

"I know many that they won't even consider moving to Erie because of all the fracking. :(Can't understand why a mainly housing community would not put the safety of those living here as their highest priority. Please tighten the safety regulations."

Angela Hamilton, Erie resident

"Everything you said in the article and more! It is absolutely outrageous that just 25 feet from your house you could have an oil tank with pipes going down many many many many feet and then across somewhere! We need to switch to renewable energy and stop thinking about the poor Oil Workers that won't have a job! Let him get a job at Walmart oh, I hear they pay pretty good! STOP KILLING US!!!!!!!"

Paul Hamilton, Erie resident

"The town of Erie needs to be proactive and protect its residents from these harmful chemicals that are leaking into the air. Even the plug and abandoned sites are a danger to the communities! With asthma and other respiratory and cardiac issues on the rise because of all of this the town of Erie should be more protective of their communities who put them in office and pay taxes! Health and safety and resale value concerns. It's about protecting the community and not the dollar sign."

Jennaweh Hondrogiannis, Erie resident

"I have three children who deserve clean air and a safe community. I did not know about the wells before we moved in and if I could, I would move because of them. This was supposed to be our dream home and I worry about our safety constantly. We should not be afraid in our own homes when the solution is simple. Please protect us. Do the right thing."

Janice Kravitz-Schlickman, Erie resident

"This is a no brainer, guys. If you have a brain, if you have a conscience, if you care for the well-being or truly wish to serve your constituents... if you live here, if you have families here... I can't fathom how you would allow O&G to do what they have been doing. Are they threatening you? Blackmailing you? I just don't get it. You don't even make that much money from it and the money needed to clean up their mess after they are gone... well... Please..."

Marlee Smith, Erie resident

"I want my daughter to grow up in an area that is safe! I want her to be able to go outside for

long periods of time without any gas/oil repercussions. Do the right thing!"

Meredith Brooks, Erie resident

"Increasing the setbacks is very important to me for the health of our children!"

Brandy Monckton, Erie resident

"Please think of our health when making decisions about this important issue."

Elizabeth Ramos, Erie resident

"My father sent me to write a comment for him in English. He feels it's safer to keep any operations as far away as possible from his home please for safety of all people. It's not the same spread out country Erie from 1988, we need to see how developed the town is now, and consider everything."

Jeff Ramsey, Erie resident

"The business of O&G is in direct conflict with the health of the planet."

Jennifer Salesz, Erie resident

"I have lived in Erie since 2001. I have watched O&G take over this town with fracking sites. I have never had an issue with traditional oil wells, but fracking has so many potential consequences to the health of residents, as well as geologically. With all of the undermining in this town, I cannot imagine hydraulic fracturing is not a risk to ground stability. The possible health consequences are no joke, and could take years to show up. I have always been disgusted by the willingness to put money before people, where fracking in Erie is concerned. We need to make the changes, better late than never."

Sharon Schuessler, Erie resident

"We would be very happy if we could stay here and remain healthy. We would like to have our families here and not worry that they will get sick."

Hannah Spirko, Erie resident

"Health. Safety. Climate."

Ruth Taylor, Erie resident

"I have been having several of these symptoms in the past 1-2 years, especially. Headaches, etc. Please protect Erie's citizens over the money! People's health must prevail over Corps profits!!!"

Jacquelyn Thomas, Erie resident

"Erie residents deserve better! As we continue to gather data, more will come out about the dangers of oil and gas wells near homes. Without action now, house prices near wells will drop and the Town of Erie will lose income."

Tim Burns, Erie resident

“Development in Erie is booming, and an incredibly large percentage of new homes are families with young children. We need to ensure the air, ground, and water are kept as contaminant-free as possible for some of our most vulnerable citizens.”

Charla Wright, Erie resident

“No one should have to live near oil and gas operations, with their toxic chemicals and odors, bright lights and all the truck traffic.”

Carolyn Elliott, Lafayette resident

“Truthfully, I prefer to see all oil and gas operations stop completely and permanently as soon as possible for our health and for the health of our environment. Thank you for your consideration.”

David Beumee, Lafayette resident

“It is your duty to protect Erie citizens against future methane leaks by passing protective setbacks of a minimum of 500 feet for new development from existing wells. Increasing safety standards for oil & gas operations near my home in Lafayette is important to me because we already live on Baseline and breathe enough Volatile Organic Compounds as it is.”

Jess Turner, Lafayette resident

“I suffer from an undiagnosed lung condition which causes shortness of breath, chronic cough, and a tendency towards pneumonia. I have also lived in roughly 10 different locations up and down the front range in the last 10 years, due to housing costs. I can say with assurance that my symptoms were noticeably worse while I lived in homes closer to oil and gas sites, particularly fracking sites. During my last pneumonia case, I missed nearly a month of work and spent a lot on medical bills - my first net negative month since college. I've spent literal thousands of dollars trying to diagnose and treat my lung illness. These costs are not hypothetical or anonymous statistics to those of us living with these conditions. I cannot run anymore. I have trouble hiking as much as I used to or volunteering on tree plantings as often, and cannot always keep up in martial arts class - I am an active person whose life is being limited by illness which is made worse, if not caused outright, by fossil fuels. These medical bills are not offset by the claims of a dying industry that it will provide jobs. We can create jobs, clean jobs, without making our people sick. I want to live my active life in beautiful Colorado. Without being sick. And that means without oil, gas, and fracking.”

Barbara Parnell, Lafayette resident

“This is long overdue. On the one hand the BOT can't say it's hands are tied, as it has for several years now and not hold its own self accountable for continuing to intentionally place its residents in harm's way by allowing the development of homes, schools, and businesses near oil and gas frack sites and wells, all of which have ongoing significant toxic emissions issues.”

Leah Prusiner, Lafayette resident

“The Town nor industry has the resources to actively monitor them all, so we need a protective setback.”

Bonnie Schwab, Lafayette resident

"I live in nearby Lafayette and have developed respiratory problems since I moved to the area."

Peter Blair, Louisville resident

"The entire front range is affected by the actions of each community within it, and we need Erie to protect its residents and all members of the front range, by standing up for people and safety first."

Barbara Subercaseaux, Louisville resident

"There have been too many issues and the toxins in the air are super harmful to kids whose schools and homes are nearby."

Carla Behrens, Longmont resident

"It is criminal on the part of oil and gas companies to subject residents to toxic chemicals that endanger health and pollute the air."

Karen Dike, Longmont resident

"Developers are known to lease their mineral rights to fossil fuel producers prior to beginning development. This allows fracking companies to apply for a permit, developers to build houses, then have the new homeowner shocked when their new home is now legally sitting in an industrial site. End this now please."

Jean Evans, Longmont resident

"Our lives depend on it!"

John Galetzka, Longmont resident

"Fumes, noise, night lights, and traffic from oil production don't belong near where people live and where kids go to school!"

Amelia Hurst, Longmont resident

"It's beyond time to reverse the advance of fracking on people, living things and the planet, specifically and especially fracking on local residents. There's nothing left to prove except that action is long overdue!"

James Kenworthy, Longmont resident

"Safe; not sorry."

Jennifer Sutton, Longmont resident

"These setbacks & this effort are grossly inadequate to prevent human harm & environmental damage, on so many levels. It's sad that we are coming to the table begging for crumbs from our elected politicians who are actual bed-buddies with O&G. We need MUCH more than this. But, here we are. So here's my signed name on another petition from an organization trying to work WITH the corrupt establishment instead of against it. It will not work unfortunately. Heart to heart, I sincerely appreciate your intention & effort. Do take care of yourselves."

Jeri Shepherd, Greeley resident

"We want to preserve our land, air, and water for our children and grandchildren."

Anne Curry, Greeley resident

"So many parts of Colorado have been hammered with oil and gas drilling and hundreds of peer reviewed studies have been produced over many years for Commissioners in numerous counties, for city council members, and state agencies- Proving the dangers to physical and mental health over short medium and long term- To Almost no avail. Enough!"

Don Perl, Greeley resident

"Where does one begin? Let's begin with our children who are so susceptible to life threatening maladies resulting from volatile organic compounds spewed by extraction of petroleum."

Kim Frederick-Law, Greeley resident

"Please do the right thing to protect people from the dangers this industry presents."

Rita Wise, Eaton resident

"CO2 levels are way up in Northern Colorado. Hospitals are now adding a CO2 test to their blood tests under Medicare. We don't need any more homes built near existing or abandoned wells. Enough is enough! Our children's future is dependent on our choices."

Carol Hawkins, Ault resident

"It's time to regulate this polluting industry as we increase efforts to transition to renewables. Methane is a leading cause of global warming... the oil and gas industry must not be allowed to put these polluting wells in our backyards... we need proper set backs.... better yet, we need to pull back on permits, pull back on exports, and get more aggressive about transitioning to sustainable energy sources."

Annie Beall, Gunnison resident

"As a past Erie resident, I care deeply about the health and safety of current constituents. Erie can become a great community and is attracting so many new homeowners as the prairie transforms into housing. Do what is right to protect people, and require setbacks for oil and gas operations. Don't let this be an afterthought. If people are harmed, Erie will become vacant and distrusting of the municipal leaders elected to keep the community safe. Adopt the safest setbacks as possible and move Erie forward away from oil and gas extraction. This industry has no place in our community."

Susan Doherty, Windsor resident

"I live in a neighborhood where I can't sleep at night due to the sounds of drilling. We live in Windsor where the Raindance pad keeps us awake every night while drilling. Tired of it."

Sara Hart, Lyons resident

"It is long overdue for us to move beyond short-term solutions that leave the world with

long-term problems.”

Bruce Adams, Denver resident

“Because unprocessed natural gas is odorless, explosive concentrations can build up without warning. This actually happened in or near Broomfield just a few years ago. Two men working in a garage died when lethal levels of natural gas leaked from a nearby abandoned pipeline exploded, obliterating the house without warning.”

Amy Allen, Lakewood resident

“Accidents resulting from oil and gas operations, as well as their air pollutant and carbon emissions, affect residents all over the state of Colorado. Sufficient reverse setbacks are a fundamental and essential protection for current and future Erie residents, and I urge you to enact them.”

Karen Cobble, Boulder resident

“All humans need respect and dignity. People over profit!!!”

Jasmin Cori, Boulder resident

“There is no valid excuse for endangering citizens.”

C. K. Cunningham, Boulder resident

“What happened to the Martinez family? Think it through.”

Diane Curlette, Boulder resident

“Oil and gas operations are industrial polluters who release toxic gases and materials which threaten human health and that of all living creatures. They should be banned in close proximity to human dwellings and workplaces.”

Judith Dack, Boulder resident

“How can you participate in the clear toxic poisoning of children and families? How do you sleep with yourselves at night???”

Lisa Goodrich, Boulder resident

“I'm sick and tired of the oil and gas industry ruining neighborhoods with noise and toxic pollution. Demand further setbacks.”

Kathy Kaiser, Boulder resident

“I live in eastern Boulder County and have experienced the effects of oil and gas operations. Our health is more important than their profits.”

Dawn Kimble, Boulder resident

“It's time to keep as much oil and gas in the ground as possible. For the survival of humans.”

Louise Knapp, Boulder resident

"I'm very worried for Erie residents and all of us, concerning leaks, spills, etc."

Kristin Larson, Boulder resident

"We need to keep fossil fuels in the ground! And we need clean air to breathe! My son has asthma and needs clean air. We need to keep fossil fuels in the ground for climate change. We need people with asthma to be able to breathe!"

Kate Merlin, Boulder resident

"Because I'm tired of seeing homes explode. Colorado plans on expanding oil and gas development in the suburbs north of Denver for the next decade. They just approved a new OGDPA that allowed a 20-well pad to be built only 560 feet away from the nearest house, without the owner's consent. It is clear that the COGCC is not going to protect our neighborhoods from so-called 'residential fracking.' These pads are dirty, noisy, dangerous, and can impact both home values as well as a home's literal foundation from multiple sources of vibration associated with oil and gas development. I urge Erie to take proactive steps necessary to protect residents from the impacts of oil and gas development."

Tom Moore, Boulder resident

"You are supposed to represent citizens, not O & G interests. Democracy works when Government and citizens are properly connected."

Nathalie Nys, Boulder resident

"This is a serious health and safety measure. Please put people's health first."

Puneet Pasrich, Boulder resident

"As elected Trustees, we urge you to protect the health and safety of Erie's residents. Please do so despite statements (but not actions!) from the oil and gas industry. Remember, they have had 150+ years to clean up their 'best' practices and haven't chosen to do so!"

Tamara Sell, Boulder resident

"Please look after the health of Coloradans. You cannot undo harm, better to avoid it. Choose life!"

Barbra Weidlein, Boulder resident

"This should be a no-brainer: for the health and well-being of Erie residents, the most protective setbacks being proposed MUST be put into place. Let Erie be a model for other areas of Colorado and the country as a whole!"

David Blumberg, Erie

C. Mendez-shannon, Erie

Holly Coventry, Erie

Kyle Ertle, Erie

Elisabeth Fisher, Erie

Kristina Frost, Erie
Clayton Gerard, Erie
Sarah Glickman, Erie
Jodee Goodwin, Erie
Luke Hitpas, Erie
Angela Kearney, Erie
Paula Koncel, Erie
Melissa Larson, Erie
Chayn Lush, Erie
Kim Mcconnell, Erie
Sheila Murray, Erie
Ashley Pfeiffer, Erie
Cheryl Richards, Erie
Vanessa Sayers, Erie
Heather Shea, Erie
Meredith Shefferman, Erie
Stephanie House, Erie
Madoyan Tatevik, Erie
Lisabeth Tremblay, Erie
Sarah Woods, Erie
Theresa Anton, Lafayette
Sally Blaser, Lafayette
Lisa Butler, Lafayette
Kate Christensen, Lafayette
Tommie Clendening, Lafayette
Jennifer Fleming, Lafayette
Ellen Laverdure, Lafayette
Jean marc Limentour, Lafayette
Cindy Lurie, Lafayette
Liana Mcisaac, Lafayette
Ilyse Streim, Lafayette
Carolyn Trindle, Lafayette
Katherine Anderson, Louisville
Paul Bassis, Louisville
Chris Bentley, Louisville
David Burns, Louisville
Jeremy Carlson, Louisville
Edward Pisko, Louisville/Superior
Gina Hoah, Broomfield
Mary Lou Bedore, Broomfield
Lance French, Broomfield
Carole Noblitt, Greeley
Julie Bottom, Longmont
Deidre and Ronald Brown, Longmont

Ben Chapman, Longmont
Michael Taylor, Longmont
Laura Fronckiewicz, Longmont
Mary Headley, Longmont
Lyn Lowry, Longmont
Tom Stumpf, Longmont
Christopher Allred, Longmont
Christopher Case, Niwot
David Loy, Niwot
Karen Christiansen, Fort Lupton
Scott Simmons, Windsor
Caitlin Brown, Denver
Drew Scholl, Denver
Weston Roberts, Denver
Sarah Ortegon, Denver
Logan Tyler, Edgewater
Janice Brown, Englewood
Lawrence Scrima, Aurora
Elizabeth Ball, Boulder
Sylvie Chevallier, Boulder
Joe Day, Boulder
Jennifer Dearth, Boulder
Susan Elvira Floran-Bernier, Boulder
Michelle Fox, Boulder
Molly Greacen, Boulder
David Gurarie, Boulder
Chris Halteman, Boulder
Chris Hoffman, Boulder
Brian Klocke, Boulder
Kristy Lane, Boulder
Leslie Lomas, Boulder
Gaia Mika, Boulder
Michaela Mujica-Steiner, Boulder
Claudia Murphy, Boulder
Gail Neal, Boulder
Evan Ravitz, Boulder
Susan Secord, Boulder
Claudia Van Gerven, Boulder
Megan Wilder, Boulder
Patricia Youngson, Boulder

From: Kelsey Barnholt <kelsey.barnholt@gmail.com>
Sent: Monday, November 15, 2021 4:51 PM
To: Planning Commission Board <planning@erieco.gov>
Subject: Reverse Setbacks

Dear Planning Committee,

I am writing to beg you to consider the strictest setback rules possible. I live in Colliers Hill, less than 1/2 mile from 12 brand new oil and gas wells (Mae J). Because these wells were permitted before the passage of SB19 181, they sit as close as 900 ft from the nearest homes. Greedy developers want to be able to build even closer than that--for example, Jerry Richmond of Raintree Development plans to build homes just 450 feet east of those new wells at the Mae J pad. This is unconscionable.

Countless research studies have shown that anything less than 2000ft is unsafe. A recent Stanford Study shows that the effects of air pollution caused by oil & gas wells are felt up to 2.5 miles away. I've included the link for your convenience. <https://news.stanford.edu/2021/10/12/living-near-oil-gas-wells-increases-air-pollution-exposure/> Additionally, Lisa McKenzie PhD, a researcher out of CU Anschutz, found that "children with [acute lymphocytic leukemia (ALL)] were four times more likely to be living in the highest density of oil and gas areas than children diagnosed with another kind of cancer." <https://news.cuanschutz.edu/cancer-center/oil-gas-childhood-leukemia>

My kids attend Soaring Heights, where there is currently a plugged well (State 6-16) that has been leaking methane for who knows how long. This leaking well is only 900ft from the PreK/Kindergarten playground and the school's track. The COGCC has no formal plans for remediation. Bringing in a workover rig to replug this well will be a highly emissive activity, releasing methane and other harmful VOCs. And remember, this is only half of the distance that the new SB 181 shows as protective of health and safety. IF you haven't read it yet, I urge you to read this New Yorker article from March 2021 detailing the abundance of Ewing's Sarcoma in a Pennsylvania town as a result of fracking. Feels like a similar article will be written about Erie someday. <https://www.newyorker.com/news/dispatch/when-the-kids-started-getting-sick>

For these reasons and so many others, I beg you to vote with residents' health and safety in mind, over the greed of developers. Please vote for the farthest distance setback WITHOUT the ability to decrease that setback with age of wells. Wells always need to be replugged and often leak.

If I had known about oil and gas popping up near my home and that it was so close to my kids school, I would never have moved to Erie. In a "buyer beware" state, I'm looking out for my future neighbors so they don't get screwed like we have.

Thank you,
Kelsey

--

Kelsey Barnholt

Owner/Run Coach, project SURGE

Executive Consultant, Rodan + Fields

kbarnholt.myrandf.com

(630) 589-4301

**Town of Erie
Ordinance No. ____-2021**

**An Ordinance of the Board of Trustees of the Town of Erie
Repealing and Reenacting Section 10-6-14 of the Erie Municipal
Code, Regarding Development and Design Standards for Oil and
Gas Facilities and Locations**

Whereas, there are many existing and abandoned oil and gas wells and production facilities in the Town;

Whereas, the Town is experiencing rapid growth and development that includes residential, commercial, office, schools and other land uses that will result in occupied structures;

Whereas, the Board of Trustees has held numerous meetings and workshops to listen to community concerns regarding the location of any new occupied structures from existing oil and gas wells, production facilities and oil and gas locations;

Whereas, the Board of Trustees has determined that new development should be subject to development setbacks from existing and abandoned wells, oil and gas production facilities and oil and gas locations ("reciprocal setbacks") and that certain notice provisions should be imposed; and

Whereas, the Board of Trustees has determined that repealing and replacing the Town's existing development and design standards in Section 10-6-14 of the Erie Municipal Code is necessary to protect the public health, safety, and welfare of the Town.

Now Therefore be it Ordained by the Board of Trustees of the Town of Erie, Colorado, that:

Section 1. Section 10-6-14 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

10-6-14 – Development and design standards for oil and gas facilities and locations.

A. Definitions. For purposes of this Section, the following terms shall have the following meanings; provided that where any term is not defined herein, it shall be as defined by the rules of the Colorado Oil and Gas Conservation Commission (the "COGCC"):

1. *Completion*: As defined in Section 10-12-1 of this Code.
2. *Oil and gas facility*: Equipment or improvements used or installed at an oil and gas location for the exploration, production,

withdrawal, treatment, or processing of crude oil, condensate, exploration and production waste, or gas.

3. *Oil and gas location:* A definable area where an operator has disturbed or intends to disturb the land's surface in order to locate an oil and gas facility.

4. *Plugged and abandoned well:* An oil and gas well that has been cemented and the associated production facilities have been removed in accordance with COGCC regulations.

B. **Applicability.** This Section shall apply to every subdivision for which a complete preliminary plat application is filed after the effective date of the ordinance codified in this Section. This Section shall not apply to: any final plat submitted for approval in compliance with a previously-approved preliminary plat; any subdivision for which a preliminary plat application was deemed complete prior to the effective date of the ordinance codified in this Section; or any previously-approved Planned Development in which the development plan includes its own development standards for oil and gas facilities.

C. **Measurement.** Except as otherwise expressly provided herein, all distances in this Section shall be measured from the perimeter of the lot, tract, easement, oil and gas location, oil and gas facility, right-of-way, flowline or gathering line, or plugged and abandoned well.

D. **Reciprocal setbacks.**

1. **Oil and gas locations.**

a. Where a Form 2 or Form 2A has been submitted to the COGCC for an oil and gas location, but the oil and gas well has not reached completion, **no external boundary of a new lot or tract to be used for a public or private park shall be located less than two thousand (2,000) feet from an existing oil and gas location.**

b. **No new lot or tract to be used for a public or private park shall be located less than five hundred (500) feet from an existing oil and gas location.**

c. No street, sidewalk or trail shall be located less than one hundred fifty (150) feet from an existing oil and gas location.

OK

2. **Flowlines and gathering lines.** No building that is required to obtain a certificate of occupancy shall be located less than fifty (50) feet

OK

Clarify a. and b. It's unclear clear when the 500' vs 2000'. setbacks would be valid.

from an existing flowline or gathering line, whether known or discovered during construction. Measurements shall be taken from the centerline of the flowline or gathering line to the nearest outside wall of the building.

3. Plugged and abandoned wells.

This is a lot of land that is now un-developable. I recommend making the items in "f" clear and attainable, because that will be our only option when pursuing new projects in Erie.

a. No new lot of less than one (1) acre in size, or a tract to be used for a public or private park, shall be located less than one hundred and fifty (150) feet from a plugged and abandoned well.

b. No building that is required to obtain a certificate of occupancy shall be located less than one hundred and fifty (150) feet from a plugged and abandoned well.

c. Any structure that is not required to obtain a certificate of occupancy shall be located at least twenty-five (25) feet from a plugged and abandoned well. OK

d. No overhead or above-ground utility facilities, public or private, shall be installed within fifty (50) feet of a plugged and abandoned well. No underground utility facilities, public or private, shall be located within twenty-five (25) feet of a plugged and abandoned well except upon approval of the Town Engineer, if the Town Engineer finds such location to be safe.

e. No new public right-of-way shall be located within twenty-five (25) feet of a plugged or abandoned well.

Try to make this more attainable, meaning, if these items are done, then the setbacks WILL be adjusted. The discretionary uncertainty makes it challenging.

f. The reciprocal setbacks required in subsections a. and b. hereof may be reduced, on a case by case basis, if the Town Engineer finds, based on information submitted by the applicant at the applicant's sole cost, that:

i. The plugged and abandoned well has been physically and visibly located through excavation of materials that may be covering it;

ii. A third party, approved by the Town Engineer, has confirmed that there is no hydrocarbon contamination or expansive soils within the subject oil and gas location in which the plugged and abandoned well is located, or that such hydrocarbon contamination has been remediated to background levels and the expansive soil removed, and

iii. A professional engineer licensed in Colorado has reviewed the records on file with the COGCC and certifies in writing that the well has been plugged in accordance with the COGCC Rules current at the time of the certification, or the well is re-plugged in accordance with the COGCC Rules current at the time of the application;

iv. Provided that, in no case shall a reduction in a reciprocal setback from a plugged and abandoned well result in less than a reciprocal setback in the form of a rectangle measuring fifty (50) feet by one hundred (100) feet, with the plugged and abandoned well located at the center.

E. Abandoned flowlines and gathering lines. Every final plat application shall include a plan for removal of all abandoned flowlines and gathering lines known and discovered during construction. The plan shall include provisions for the removal and disposal of all fluids contained in such lines, and the remediation of all hydrocarbons or a showing that there is no hydrocarbon contamination.

F. Required plat information.

Could be challenging, but probably OK.

1. Each preliminary plat and final plat shall include a vicinity plat shows the locations, API numbers where applicable, names, and general descriptions of all existing oil and gas facilities, oil and gas locations, plugged and abandoned wells, flowlines and gathering lines (whether or not in service), and access roads and associated easements, which are on or within two thousand (2,000) feet of the property.

2. Each preliminary plat and final plat shall include the recording information for all surface use agreements.

3. Where any lots will be located within two thousand (2,000) feet of an oil and gas facility, an oil and gas location, or a plugged and abandoned well, the preliminary plat and final plat shall include a plat note stating that each seller of a lot shall disclose to the purchaser, in writing, not less than thirty (30) days before closing, that an oil and gas facility, an oil and gas location, or a plugged and abandoned well is located within two thousand (2,000) feet of the lot.

4. Each preliminary plat and final plat shall dedicate easements for flowlines or gathering lines that are a minimum of thirty (30) feet wide, with at least fifteen (15) feet on either side of the centerline of the flowlines or gathering lines.

5. Each final plat shall dedicate an access easement to the owner of each plugged and abandoned well, oil and gas location and oil and gas facility on the property, and to the Town, from the outside perimeter of the property to the perimeter of each plugged and abandoned well, oil and gas location and oil and gas facility on the property. Such easement shall be a minimum of thirty (30) feet in width, and shall allow for the passage of equipment to maintain and repair oil and gas operations.

This could be problematic from the builders' standpoint. You may want to get homebuilder feedback.

G. Disclosure. Every seller of a lot that is located within two thousand (2,000) feet of an oil and gas facility, an oil and gas location, or a plugged and abandoned well shall disclose to the purchaser, in writing, no less than thirty (30) days before closing, the locations of all oil and gas facilities, oil and gas locations and plugged and abandoned wells located on or within two thousand (2,000) feet of the lot.

H. Design requirements. To minimize the impact on streets and trails and tracking of debris onto streets and trails, subdivisions shall comply with the following:

1. Subdivisions shall minimize the need for access roads to oil and gas locations that connect to streets with local street classifications.

2. An access plan for each oil and gas location shall be submitted to the Town identifying which local streets are impacted by access needs. The streets identified shall be designed to address the weight load requirements of the vehicles accessing the oil and gas facilities and oil and gas locations.

3. When legally authorized, the access road to each oil and gas location from the point of connection to a street shall be improved, for a minimum distance of two hundred (200) feet, as a hard surface (concrete or asphalt) for the first one hundred (100) feet from the street, and then as a crushed surface (concrete or asphalt) for one hundred (100) feet past the hard surface, in sufficient depth to support the weight load requirements of the vehicles accessing the oil and gas location. The Town may require a gate or other restrictions on the access road (bollards or similar) to minimize unauthorized use of the access road. If an access road intersects with a trail, the access road shall be paved as a hard surface (concrete or asphalt), for one hundred (100) feet on either side of the intersection with the trail, and if necessary, the trail shall be replaced to address the weight load requirements of the vehicles accessing the oil and gas location.

4. Existing oil and gas facilities shall be fenced in conformance with the following:

add: ",but subject to Mineral owners and SUAs that may already govern the property."

Strongly recommend gravel or other non paved material. More natural, less susceptible to damage, less visible.

a. The fencing shall be wrought iron fencing, Ameristar Impasse, Stronghold fencing or equivalent fencing approved by the Town.

b. The fencing color shall be bronze unless the Town approves black fencing, which shall only be approved if fencing or site furnishings in the adjacent developments are consistent with the black color.

5. Properties with existing oil and gas facilities shall provide screening by installing berms with landscaping.

6. Streets shall be platted so that flowlines or gathering lines cross at substantially a right angle to the street.

I. Existing plugged and abandoned wells.

1. With each final plat application, for all previously plugged and abandoned wells on or within five hundred (500) feet of the property being platted, the applicant shall provide a written report, based on the most current information available from the COGCC, stating that the plugging, abandonment and reclamation was performed in accordance with the COGCC rules in effect at the time of the plugging and abandoning, and that a site inspection of the property was performed within the most recent six (6) months by a professional engineer licensed in Colorado.

Could be challenging to get engineers to certify this.

2. If the report shows that the plugged and abandoned well was inadequately plugged and abandoned, the applicant shall schedule a meeting with the owner of the plugged and abandoned well, the Town and the COGCC to determine how to remedy the deficiency. The Town may deny or further condition the final plat if the deficiency is not satisfactorily remedied.

This could be challenging with 3rd party property owners who don't want to cooperate.

3. Capped plugged and abandoned wells shall be identified by a concrete and brass monument on the surface of the ground.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 4. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

Introduced, read, passed and ordered published this ____ day of _____, 2021.

Jennifer Carroll, Mayor

Attest:

Heidi Leatherwood, Town Clerk