



LAND USE REVIEW COMMISSION

Minutes
July 12, 2010

Meeting Summary

LURC 2010-20 Use by Special Review for EnCana Oil and Gas to drill and complete two natural gas wells (Helen 4-6-23 and 8-8-23) approximately located north of county Road 6 and east of Interstate 25 was approved by unanimous vote:

LURC 2010-21 Use By Special Review for EnCana Oil and Gas to drill and complete one natural gas well (Bury Crandell Well Site 12-23) approximately located south of County Road 8 and west of County Road 11 was approved by unanimous vote with the following conditions: 1) That the applicant screen the tank battery and equipment with a 6 foot high fence with slats and the equipment at the well site be painted tan in color; and 2) That the applicant work with staff to encase the pipe under the ditch crossing or otherwise mitigate the pipe crossing to comply with section 17-54-080 of the Broomfield Municipal Code.

Roll Call – 7:00 P.M.

Planning Director Dave Shinneman called the meeting to order at 7:00 p.m.

Commission Members Present: Charles Hastings
Joel Hendrickson
David Jurcak
Roger Kelley
Karen Nelson
Phil Russell

Commission Members Absent: Archie Lind
Tom Silvers

Staff Members Present: Dave Shinneman, Planning Director
Tami Yellico, Deputy City & County Attorney
Michael Sutherland, Senior Planner

Commissioner Kelley nominated Commissioner Hendrickson to serve as chairman for this evening's meeting. Commissioner Nelson seconded the motion.

There were no other nominations. The motion to appoint commissioner Hendrickson to serve as chairman for this evening's meeting was passed by a unanimous vote.

Disposition of Minutes

The minutes of the regular Land Use Review Commission meeting of June 28, 2010, were approved as printed and previously submitted.

Petitions and Communications - None

PUBLIC HEARING – LURC 2010-20

Use By Special Review for EnCana Oil and Gas to drill and complete two natural gas wells (Helen 4-6-23 and 8-8-23) approximately located north of County Road 6 and east of Interstate 25

Applicant: EnCana Oil & Gas (USA) Inc.

Planner: Michael Sutherland

Acting Chairman Hendrickson opened the public hearing at 7:03 p.m.

Senior Planner Michael Sutherland summarized the staff memo and asked that the memorandum and attachments be entered into the public record. EnCana Oil and Gas USA completed an application for a Use by Special Review to allow two new natural gas wells on a 380 acre property located north of County Road 6 and east of Interstate 25. The two natural gas wells are named Helen 4-6-23 and Helen 8-8-23. This application meets the application requirements of Chapter 17-54 of the Broomfield Municipal Code and the public notice requirements of Chapter 17-52 of the Broomfield Municipal Code to the best of staff's knowledge.

There are several wells existing or approved on the property. The proposed wells meet the setback requirements of the Broomfield Municipal Code. In Staff's opinion, due to the location of the wells there is no special mitigation measures required for noise or visual mitigation. Staff received an environmental report from Buys and Associates which concludes that the wells would likely have no impact on existing habitats including the adjacent wetland area. Staff identified no key issues.

Doug Pearlman, representing EnCana Oil and Gas USA, was present to answer questions from the Commission.

Public comment was called for; there was no one present in the audience wishing to speak.

Commissioner's comments and concerns were:

- Screening around the separators and vapor recovery unit;
- Height of the equipment;
- Encasing the piping when crossing the irrigation ditch; and
- Depth of the directional wells.

Doug Pearlman, Jennifer Lind, and Dave Bale, representatives of EnCana responded to some of the questions/comments of the Commission.

- The tanks are ten feet in height. Separator units are less than five feet in height.

Planning Director Dave Shinneman said he had visited the site and that a majority of the equipment will be screened by a six foot high fence. Most of the valves and piping are less than six feet. The tanks are currently painted tan and staff would recommend that the all new equipment be painted tan to blend in with the other equipment and the area.

RESOLUTION LURC 2010-20 WAS READ BY TITLE

Commissioner Kelley moved that LURC 2010-20 Use By Special Review for EnCana Oil and Gas to drill and complete two natural gas wells (Helen 4-6-23 and 8-8-23) approximately located north of County Road 6 and east of Interstate 25 be approved.

Commissioner Nelson seconded the motion.

The motion passed by unanimous consent.

PUBLIC HEARING – LURC 2010-21

Use By Special Review for EnCana Oil and Gas to drill and complete two natural gas wells (Baker 4-2-27 and 6-4-27) approximately located north of County Road 6 and west of Interstate 25

Applicant: EnCana Oil & Gas (USA) Inc.

Planner: Michael Sutherland

Acting Chairman Hendrickson introduced the item, a Use by Special Review for EnCana Oil and Gas to drill and complete two natural gas wells (Baker 4-2-27 and 6-4-27).

Doug Pearlman, representative of EnCana Oil and Gas (USA) Inc. was present.

Senior Planner Michael Sutherland summarized the staff memo and asked that the memorandum and attachments be entered into the public record. EnCana Oil and Gas USA completed an application for a Use by Special Review to allow two new natural gas wells on a 64 acre property located south of County Road 6 and west of Interstate 25. The two natural gas wells are named Baker 4-2-27 and Baker 6-4-27. This application meets the application requirements of Chapter 17-54 of the Broomfield Municipal Code and the public notice requirements of Chapter 17-52 of the Broomfield Municipal Code have been met to the best of staff's knowledge.

There are three existing or approved wells on the property. The proposed wells do not meet the setback requirements of the Broomfield Municipal Code. The tank battery and houses were on the site prior to annexation by the City and County of Broomfield. EnCana plans to update the tank battery with the current application and, in accordance with the Broomfield Municipal code, will provide visual mitigation for a well site that does not meet setback requirements. EnCana plans to update the tank battery with the current application and, in accordance with the Broomfield Municipal Code will provide visual screening as visual mitigation for a well site that does not meet setback requirements. The proposed visual and noise mitigation is consistent with the previously approved visual and noise mitigation provided for the Baker 31-27 and 32-27 wells. Staff received an environmental report from Buys and Associates which concludes that there are no threatened or endangered species or wetland habitats on the site. Staff identified no key issues.

Acting Chairman Hendrickson opened the public hearing.

Doug Pearlman, representative of EnCana Oil and Gas (USA) Inc. was present.

Public comments was called for, there was no one present in the audience wishing to speak.

Commissioner's comments and concerns were:

- Method of crossing the irrigation ditch;
- Additional equipment being requested;
- Depth of the well; and
- Subsurface mineral rights and the rights of the surface owner.

Doug Pearlman, Jennifer Lind, and Dave Bale, representatives of EnCana responded to some of the questions/comments of the Commission.

- No additional equipment is being proposed.
- The initial depth of the wells is approximately 4,600 feet and then directional drilling is applied and the longest directional drilling is less than 1000 feet.
- EnCana staff believed that if they cross a ditch, the gas pipeline would be encased in another pipe but would have to report back to the City & County of Broomfield staff and then staff can forward the information on to the Commission and Council.
- Directional drilling is at least a couple hundred feet below the water level.

- Mineral rights can be segregated by formation. EnCana primarily develops from two to three of the formations in the Wattenburg field. Other oil and gas companies may develop in other formations.
- Surface rights owners are generally compensated for damage to the property and in this case the surface owner has been and will be compensated for damage to his/her property.

The Commission members and staff discussed further the attached map, the legend and the descriptions of the wells noted on the map. Commissioners were inquiring as to how the number of wells would affect development in the north area of Broomfield and if a map could be prepared that would show the area which would be undevelopable around each well. Several members of the Commission were concerned that the City & County of Broomfield needs to have a long range plan as the wells affect development.

Planning Director Dave Shinneman and Senior Planner Michael Sutherland responded to some of the questions and concerns relating to the map.

- Colorado Oil and Gas Commission allows for eight wells per quarter section in the Wattenburg field. These rules have changed from past number and potentially can change in the future.
- The setback requirements Broomfield can enforce are set forth in the Broomfield Municipal Code. Future buildings may be able to build closer to well sites provided they meet the building code requirements. Frequently in areas adjacent to well sites, buildings may be built within a minimal distance of the well but greater fire protection may be required. A minimal distance from a well is required to maintain the well site.
- There are currently no plans to prepare a sub area plan or other special area plan to address the impact of the well sites on future development. If Council directs staff or otherwise makes this a priority staff will further define the scope and cost of such a study.
- The City & County of Broomfield only has the review authority provided in the Broomfield Municipal Code and through the Use by Special Review process. There are many State rules and regulations over oil and gas wells administered by the State of Colorado.

The public hearing was closed at 7:46 p.m.

RESOLUTION LURC 2010-21 WAS READ BY TITLE

Commissioner Kelley moved that LURC 2010-21, Use by Special Review for EnCana Oil and Gas to drill and complete two natural gas wells (Baker 4-2-27 and 6-4-27) approximately located north of County Road 6 and west of Interstate 25 be approved with the following two conditions:

1. That the applicant screen the tank battery and equipment with a 6 foot high fence with slats and the equipment at the well site be painted tan in color;
2. That the applicant work to encase the pipe under the ditch crossing

Commissioner Nelson seconded the motion.

Discussion on the motion was called for.

EnCana representative Doug Pearlman said he would need to confirm that all gas pipelines are encased in another pipe when crossing an irrigation ditch.

Planning Director Dave Shinneman suggested that the condition read "That the applicant work with staff to encase the pipe under the ditch crossing or otherwise mitigate the pipe crossing to comply with section 17-54-080 of the Broomfield Municipal Code."

Commissioner Kelley offered the following friendly amendment (which would replace condition 2 listed above in this original motion):

2. That the applicant work with staff to encase the pipe under the ditch crossing or otherwise mitigate the pipe crossing to comply with section 17-54-080 of the Broomfield Municipal Code.

Commissioner Nelson accepted the friendly amendment.

The motion was approved by unanimous vote of the commission.

Special Reports

Planning Director Dave Shinneman reviewed the tentative planning schedule for July and August. Commissioner Hastings stated he would not be present at the August 9, 2010, meeting.

Commissioner's Corner -- None

Adjournment 7:54 p.m.

The meeting was adjourned at 7:54 p.m.

Approval

Minutes Prepared by:

Diana K. Tangsrud, Recording Secretary

Approved by:

Chairman