

**MCGC Neighbors' Notes to Provide Context:** The document below was written by MCGC Neighbors and contains comments about the 4 waivers that are regularly being granted by the City of Aurora to Oil and Gas Developments. You can see the City's complete justification for these waivers on our website [here](#). You can also see the City attorney's legal opinion on our website [here](#), regarding the processing of these waivers administratively, instead of going through the Planning and Zoning Commission with a public hearing.

---

## Comments Regarding Proposed Waivers

MCGC Neighbors is very pleased that the City is asking for some input about their proposed waivers for the nearby Oil and Gas developments!!!!

Based on the email we have been receiving from many of the neighborhoods along the E-470 corridor, we know you are doing some research and forming your opinions, not only about the Oil and Gas Waivers, but about a number of other proposed developments as well. Some of the waiver trends are rather alarming - but that is a topic for another day. Below are some comments regarding the current proposed waivers for oil and gas development.

### Waiver #1 - Vapor Recovery Tower Height

Current City restriction is 20 feet high; proposed waiver would allow towers to be 31.5 feet high. The City's [justification](#) for this waiver states, "The Colorado Department of Health and Environment has verified that to restrict the height of the VRT would pose operational issues for Conoco Phillips."

We followed up with CDPHE until we found someone who was familiar with these well permits and the waivers. That individual let us know that CDPHE doesn't tell the Oil and Gas companies what type of technology they should use; the Oil and Gas companies tell CDPHE what they want to use, and CDPHE lets them know if that type of equipment meets CDPHE requirements. Therefore, it follows that if lower profile equipment meets CDPHE requirements, and if ConocoPhillips would be willing to use it, then this waiver would be unnecessary.

Discussions at the ConocoPhillips Open House discovered that the O&G company chooses not to use lower profile equipment, as that equipment uses a mechanical pump system to separate the oil and gas, as opposed to a gravity system, so more maintenance would be required. This means that CDPHE hasn't tested the lower profile equipment, since O&G doesn't want to use it.

### Waiver #2 - Access Drive Width

Current City regulations call for a 23 foot wide access drive, which is the standard fire lane width; proposed waiver would allow for a 16 foot wide access lane. The City's [justification](#) states that the smaller lane would be "...capable of supporting fire apparatus...".

In the event of a fire or explosion at an oil and gas site, it would seem likely that multiple pieces of emergency equipment would be required to contain the situation. It could be quite dangerous if there was a bottleneck due to a 16 foot wide access drive and emergency equipment couldn't get to the site quickly enough.

### Waiver #3 - Fence Type

Current City regulations call for a chain link fence with slats; proposed waiver would allow for a "wildlife" fence, which is meant to keep animals away from the site. The City's [justification](#) for this waiver states that they will, "...require a chain link fence with slats for oil and gas applications near Murphy Creek."

We are hopeful this would extend to the other nearby neighborhoods that will also be affected by these well sites, such as: Adonea; Traditions; Cross Creek; Gun Club Estates; Thunderbird Estates; etc., as well as future nearby neighborhoods.

Since this sounds like compliance with current regulations, we are assuming this waiver will NOT be granted, at least not to the two Eastern Hills and Cherry Creek Vista well sites that are currently pending approval.

#### **Waiver #4 - Landscaping**

Current City regulations call for actual landscaping; proposed waiver would not require landscaping. The City's [justification](#) for this waiver states, "As wells get closer to built-up areas, we will provide for landscaping, if a permanent water source can be provided.

What is meant by "...closer to built-up areas"? The proposed well sites will be 1700 feet from Adonea and 2000 feet from Murphy Creek; both are "built-up areas" and both are close to the proposed well sites. That brings us to "...**IF** a permanent water source can be provided." Why couldn't a permanent water source be provided?

Once residential homes start going into those areas, those developments will be required to get a permanent water source. Why shouldn't the oil and gas industry be held to the same standards? At the VERY LEAST, why shouldn't the oil and gas industry be required to use xeriscaping at the well sites? They will be trucking in a lot of water, so why couldn't a little of that water be used for xeriscaping?

Discussions about the oil and gas sites often mention the need and desirability for a "smaller footprint" for the well pad sites, to allow the surface owners more use of their land. On one hand this is commendable, for those surface owners who want to grow crops or raise livestock. However, for the two Eastern Hills and Cherry Creek Vista well sites, there are no crops and no livestock. Those areas have been earmarked for future residential developments.

So, who really benefits from a "smaller footprint" for the well pad sites? Possibly ConocoPhillips, as they only have to pay royalties on the area they actually use for the well site. The smaller the footprint, the less royalties they have to pay. We learned this at the ConocoPhillips Open House.

Possibly the developers of the future residential areas will benefit as well. If the well sites have smaller footprints, then more houses can be built on the properties, closer to the wells. If the well sites have larger footprints, then fewer houses can be built on the properties, farther from the well sites. If you were going to purchase a home, would you want to be closer to or farther from a well site?

If you haven't already done so, please complete the City's [survey](#).