

**TOWN OF LOCHBUIE  
COUNTIES OF WELD AND ADAMS, COLORADO**

**ORDINANCE NO. 2021-665**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, COLORADO, AMENDING CHAPTER 19, ARTICLE IV, DIVISION 1 OF THE LOCHBUIE MUNICIPAL CODE CONCERNING DEVELOPMENT STANDARDS BY THE ADDITION OF A NEW SECTION 19-4-200 GOVERNING SETBACKS WHEN PLATTING RESIDENTIAL, COMMERCIAL, MIXED USES, SCHOOLS, AND OTHER SENSITIVE USES FROM PERMITTED OIL AND GAS WELL SITES.**

WHEREAS, the Town of Lochbuie is a statutory municipality, governed by its elected Mayor and Board of Trustees; and

WHEREAS, by Ordinance 2020-649, adopted on February 4<sup>th</sup>, 2020, the Town Board of Trustees repealed and readopted Division 3 of Article VII of Chapter 19 the Lochbuie Municipal Code (“Code”) governing oil and gas development within the Town to, among other things, ensure new oil and gas well sites are placed a sufficient distance from residential lots, school facilities, hospitals, medical clinics, senior living or assisted living facilities, and state licensed daycares to protect public health, safety, and welfare; and

WHEREAS, the Town Board of Trustees recognizes that development of residential lots, commercial and mixed uses, school facilities, hospitals, medical clinics, senior living or assisted living facilities, or state licensed daycares are sensitive uses that should occur a safe distance from existing or permitted but not yet existing oil and gas facilities; and

WHEREAS, Town staff has completed a review of applicable state law, including the Colorado Oil and Gas Conservation Commission’s regulations concerning oil and gas operations, and a review of the oil and gas regulations adopted by other local governments throughout Colorado; and

WHEREAS, adjacent to the Town of Lochbuie, unincorporated Weld County requires that new homes must be a minimum 350-foot from oil and gas facilities. The Town anticipates higher density residential development within the Town limits than is typically allowed in unincorporated Weld County; and

WHEREAS, the Town Board of Trustees desires to amend Chapter 19 of the Code to add a new Section 19-4-200 to regulate the distance that new residential lots, commercial and mixed uses, including but not limited to school facilities, hospitals, medical clinics, senior living or assisted living facilities, or state licensed daycares may be platted from existing well sites; and

WHEREAS, the Town Board of Trustees determines and declares that it has the power to adopt this Ordinance pursuant to the Local Government Land Use Control Enabling Act, C.R.S. § 29-20-101, *et seq.*; C.R.S. § 31-23-301, *et seq.*, (municipal zoning powers); C.R.S. § 31-15-103

(municipal police powers); C.R.S. § 31-15-401(municipal police powers); and C.R.S. § 31-15-501 (municipal power to regulate businesses); and

WHEREAS, Section 19-1-180 of the Code provides that the Board of Trustees may initiate text amendments to Chapter 19 of the Code; and

WHEREAS, the Board of Trustees wishes to utilize its enhanced regulatory authority to allow for oil and gas activity in appropriate locations while protecting the public health, safety and welfare of the residents of the Town; and

WHEREAS, public notice of a public hearing on this ordinance was published in the *Brighton Blade* at least 15 days before the date of the public hearing, which was held on April 6, 2021; and

WHEREAS, the building setbacks from oil and gas activities as set out in this Ordinance are necessary to protect the public's health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO, AS FOLLOWS:**

**Section 1.** **Adopt a new Section 19-4-200 of the Lochbuie Code.** Chapter 19 of the Lochbuie Code is hereby amended by the adoption of a new Section 19-4-200 to read as follows in its entirety:

**Sec. 19-4-200. Residential, commercial, and mixed use setbacks from permitted or existing oil & gas operations locations**

- (a) Pre-Production Phase: For Colorado Oil and Gas Commission (“COGCC”) permitted well sites where all permitted wells have not entered completions, no new residential, commercial, or mixed use shall be allowed within one thousand feet (1,000’) of such well site, to include, but not be limited to, school facilities, hospitals, medical clinics, senior living or assisted living facilities, or state licensed daycares. Measurements shall be taken from the closest edge of the well site as such term is defined in Division 5 of Article VII of Chapter 19.
- (b) Production Phase: For COGCC permitted oil and gas production facilities, as such term is defined below, where all permitted wells have entered completions, or the permit has otherwise lapsed, been revoked, or forfeited and is not subject to renewal or reissuance:
  - (1) No new residential, commercial, or mixed uses, including without limitation, school facilities, hospitals, medical clinics, senior living facilities, assisted living facilities, or state licensed daycares may be operated on any lot unless such lot is platted to conform to the following minimum setbacks from such COGCC permitted oil and gas production facilities:

<b>Oil and gas production facility</b>	<b>Setback</b>
Oil and gas production facility without wells	200'
1-2 wells	200'
3-14 wells	300'
15 or more wells	350'
Flow line or gathering line	50'

(2) Measurements shall be taken from the closest edge of the “oil and gas production facility” which term is defined to only include well heads, compressors, separators, treatment facilities, tank batteries, and emission control devices.

(c) Post-production Phase:

(1) For COGCC permitted oil and gas production facilities where all permitted wells have been abandoned, no building or structure may be placed within 50 feet of the abandoned well.

(2) Vacation of Existing Easements. No easement may be vacated for a previous or existing well, flowline, or gathering line, unless documentation is provided to the Town demonstrating such well, flowline, or gathering line has been vacated in compliance with all applicable Colorado Oil and Gas Conservation Commission regulations.

(d) Plat requirements. The following information shall be included on all preliminary and final plats:

(1) All oil and gas production facilities, and location of any oil and gas wells, flowlines, and gathering lines, access roads, and any associated easements;

(2) The reception number, date, and recording location of all relevant surface use agreements;

(3) The location of any plugged and abandoned oil and gas wells;

(4) The location of any flowlines and gathering lines that are still in service; and

- (5) A plat designation showing location of flowlines, gathering lines, and abandoned wells, and a note expressly prohibiting any habitable building or structure within 50 feet of such facilities.

**Section 2. Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.


**Section 3. Safety Clause.** The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

**Section 4. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

**Section 5. Effective Date.** This Ordinance shall take effect thirty (30) days after publication, as provided by C.R.S. § 31-16-105 and Sections 1-3-60 and 2-2-110 of the Lochbuie Code.

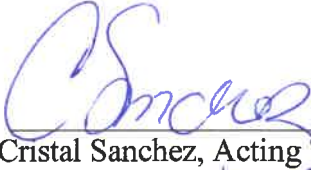
ADOPTED by a vote of 5 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only following public hearing, this 1<sup>th</sup> day of June, 2021.

TOWN OF LOCHBUIE, COLORADO

  
Michael Mahoney, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of June 1, 2021, and ordered published by title only one time by *The Brighton Blade* newspaper on March 3, 2021.



  
Cristal Sanchez, Acting Town Clerk