

ORDINANCE NO. 861

**AN ORDINANCE AMENDING CHAPTERS 16 AND 17 OF THE
DACONO MUNICIPAL CODE REGARDING SETBACKS AND OTHER
DEVELOPMENT AND SUBDIVISION DESIGN STANDARDS
RELATING TO EXISTING OIL AND GAS FACILITIES AND
ACCOMMODATIONS WITHIN SUBDIVISIONS FOR FUTURE OIL
AND GAS FACILITIES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO,
COLORADO:**

Section 1. Section 17-95 of the Dacono Municipal Code is hereby amended to read as follows (words to be deleted ~~stricken~~; words to be added underlined):

Sec. 17-95. Setbacks to oil and gas operations.

Each subdivision plat shall provide for the following setbacks from existing oil and gas facilities, including oil and gas facilities for which City approval has been granted pursuant to Chapter 16, Article 22 of this Code but which have not yet been constructed:

(1) Lots shall not be platted within one hundred fifty (150) feet of an existing oil or gas well or its production facilities unless a building envelope meeting all setback requirements is shown on the plat, and which building envelope is more than one hundred fifty (150) feet from the well and its production facilities.

(2) Lots intended for use for a school, educational facility, hospital, playground or outdoor recreational amenity, nursing home or congregate care facility, or any assembly building (as defined in COGCC regulations) shall not be platted within three hundred fifty (350) feet of an existing oil or gas well or its production facilities unless a building envelope meeting all setback requirements is shown on the plat, and which building envelope is more than three hundred fifty (350) feet from the well and its production facilities.

(3) Streets shall not be platted within one hundred fifty (150) feet of an existing oil or gas well or its production facilities. The foregoing shall not apply to flowlines, which shall be subject to Paragraph (4) below.

(4) Any ~~flowlines~~ pipelines, as defined in Section 16-522 of this Code, within or traversing an area proposed for platting shall be placed in a separate tract a minimum of thirty (30) feet wide and shall not be placed within public rights-of-way, other public lands or lots intended for residential use. Streets may cross flowlines at right angles, or substantially

at right angles as determined and approved by the City Engineer. Lots shall not be platted to allow any building site within ten (10) feet of a flowline. Building envelopes for habitable structures shall not be platted within twenty-five (25) feet of a flowline.

(5) Lots and streets may be platted over well and production sites that have been abandoned and reclaimed in accordance with state law, COGCC regulations and Section 16-531 of this Code. Capped wellheads shall be identified and be recorded and noted on the final plat. Such platting shall occur only after the completion of the abandonment and reclamation process. ~~Such platting,~~ may not be accomplished by a lot boundary adjustment, and shall comply with the following standards:

a. Streets may be platted over abandoned wellheads if conflicts do not occur with infrastructure requirements within the street.

b. A non-residential lot may contain an abandoned wellhead. The plat shall identify a building setback of 25 feet from the monumented abandoned wellhead.

c. Residential lots one (1) acre or larger may be platted over an abandoned wellhead. The plat shall identify a building setback of 25 feet from the monumented abandoned wellhead.

d. Abandoned wellheads, and the required setback surrounding the abandoned wellhead, shall not be located in single-family lots under one (1) acre in size.

e. Abandoned wellheads, and the required setback surrounding the abandoned wellhead, shall not be located in multi-family lots.

f. In subdivisions where an abandoned wellhead cannot be placed in a street or lot meeting the standards of this Subsection, the abandoned wellhead shall be placed in a tract. The abandoned wellhead and required setback surrounding the abandoned wellhead may not be located in a park.

Section 2. Article 5 of Chapter 17 of the Dacono Municipal Code, Plat Design Requirements, is hereby amended by the addition of new Sections 17-96 and 17-97 to read as follows:

Sec. 17-96. Development and design standards to accommodate existing oil

and gas facilities and production facilities.

(a) In a residential subdivision, all oil and gas facilities and associated production facilities, as defined in Section 16-522 of this Code, shall be placed in separate tracts that shall not be developed for residential purposes.

(b) In order to minimize the impact on streets and pedestrian paths and tracking of debris onto streets and pedestrian paths, subdivision design shall provide the following City requirements and improvements for access roads to oil and gas facilities and associated production facilities:

(1) Subdivision shall minimize the need for access roads to connect to streets with local street classifications.

(2) An access plan for the oil and gas facilities and production facilities shall be submitted to the City identifying if any local streets that will be impacted by oil and gas facility access needs. The streets identified shall be designed to address the weight load requirements of the vehicles accessing the oil and gas facilities and production facilities.

(3) The subdivider shall improve the well and production facilities access road from the point of connection to a street a minimum distance of 200 feet on the access road. The access road shall be improved as a hard surface (concrete or asphalt) for the first 100 feet from the street and then improved as a crushed surface (concrete or asphalt) for 100 feet past the hard surface in the appropriate depth to support the weight load requirements of the vehicles accessing the oil and gas facilities and production facilities.

(4) The City may require the subdivider to gate or restrict access, such as by use of bollards, to the access road to minimize unauthorized use of the access.

(5) If an access road intersects with a pedestrian trail or walk, the subdivider shall pave, as a hard surface (concrete or asphalt), the access road 100 feet either side of the trail or walk and if necessary, replace the trail or walk to address the weight load requirements of the vehicles accessing the oil and gas facilities and production facilities.

(6) Prior to the first public hearing to consider an application for a final subdivision plat, the subdivider shall provide evidence to the City that the operator of the oil and gas facilities has approved any change in access from that historically provided or used by the operator.

(c) Applications to subdivide property on which is located existing oil and gas facilities and associated above ground production facilities shall provide

fencing to non-fenced wells and facilities or upgrade fencing for wells and facilities in conformance with the following requirements:

(1) Above ground oil and gas well facilities shall be fenced with steel fencing or Ameristar Impasses or Stronghold fencing or approved equivalent, as determined by the Community Development Director.

(2) The fencing color shall be bronze unless the Community Development Director approves black fencing.

(3) Prior to the first public hearing to consider an application for a final subdivision plat, the subdivider shall provide evidence to the City that the operator of the oil and gas facilities has approved the proposed fencing shown in the subdivision application.

(d) Applications to subdivide property on which is located existing oil and gas facilities and associated above ground production facilities shall provide screening by installing berming with landscaping when required by the City. Prior to the first public hearing to consider an application for a final subdivision plat, the subdivider shall provide evidence to the City that the operator of the oil and gas facilities has approved the proposed screening shown in the subdivision application.

Sec. 17-97. Accommodations for future oil and gas facilities.

(a) When a subdivision applicant does not own the mineral interests for the property that is the subject of the subdivision application, the City strongly encourages the applicant to negotiate and execute an agreement with the mineral interest owner to provide for the orderly development of the surface of the property while preserving the rights of the mineral interest owner to develop its minerals. Any such agreements between the surface owner and mineral interest owner shall be submitted to the City at the time of application to subdivide the property. Oil and gas facility location, setbacks, and other provisions contained in the agreement shall be reflected on the plat.

(b) In a residential subdivision, future oil and gas facilities and associated production facilities shall be placed in a tract.

(c) Subdivision design shall address the following City requirements for future access roads and pipelines to future oil and gas wells and associated production facilities:

(1) Subdivision design shall minimize the need for future access roads to connect with local street classifications. If future access

roads are designed to connect to local streets, then the local streets accessed shall be designed to address the weight load requirements of the vehicles accessing the well and production facilities.

(2) An access plan for the future oil and gas facilities, associated production facilities, and pipelines shall be submitted to the City. The access plan shall identify which local streets will be impacted by oil and gas facility access needs. The streets identified shall be designed to address the weight load requirements of the vehicles accessing the well and production facilities.

(3) The plat shall also identify routing of future pipelines so that appropriate tracts are shown on the plat to accommodate the pipelines. Pipelines shall not be located in residential lots. Tracts platted for future pipelines shall be minimum of 30 feet wide.

(4) Streets shall be platted so future pipelines will cross at a substantially right angle to the street.

Section 3. Section 16-573 of the Dacono Municipal Code, concerning design requirements for site plans, is hereby amended by the new subsection (2.5) to read as follows:

Sec. 16-573. Design requirements.

The following design requirements shall be considered in the evaluation of a site plan:

(2.5) For a site plan for property upon which is located an existing oil and gas facility, as defined in Section 16-522, conformance with the access, fencing and screening requirements set forth in Section 17-96 of this Code.

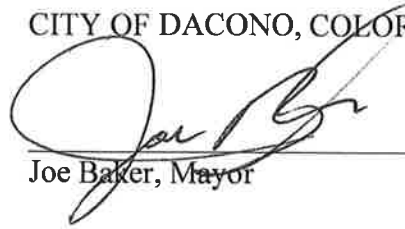
Section 4. All other ordinances or portions thereof inconsistent or in conflict with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED BY TITLE this 26th day of November, 2018.

PUBLIC HEARING AND SECOND READING WILL BE THE 10th day of December, 2018, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 10th day of December, 2018.

CITY OF DACONO, COLORADO



Joe Baker, Mayor

ATTEST:



Valerie Taylor, City Clerk

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Summary of Ordinance No. 861, **“AN ORDINANCE AMENDING CHAPTERS 16 AND 17 OF THE DACONO MUNICIPAL CODE REGARDING SETBACKS AND OTHER DEVELOPMENT AND SUBDIVISION DESIGN STANDARDS RELATING TO EXISTING OIL AND GAS FACILITIES AND ACCOMMODATIONS WITHIN SUBDIVISIONS FOR FUTURE OIL AND GAS FACILITIES”** Revises the City’s subdivision and zoning codes to establish design standards and other requirements for development around existing oil and gas facilities.