

**MEMO**

To: Planning Commission  
From: Paul Rayl, Planning Manager  
Date: September 21, 2017  
Subject: Amendment to Chapter 26 of the Lafayette Code of Ordinances for Oil and Gas Development (Section 26-22.1)

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**BACKGROUND**

In response to recent catastrophes associated with subsurface oil and gas lines, the City Council has directed the City Attorney to provide language for Planning Commission consideration to modify and amend subsections 26-17-5 – Preliminary Plan, 26-17-6 – Final Plans, 26-22.1-2 – Definitions. The language also includes the enactment of a new subsection 26-22.1-15 of Chapter 26 of the Code of Ordinances pertaining to underground oil and gas pipelines. The City Council has also directed staff to provide language for Planning Commission consideration relative to setback requirements to existing and new oil and gas wells and facilities. These changes would amend subsection 26-22.1-4(1)(iii) and Table 26B – Dimensional Standards. Attached for your consideration are the various Sections of Chapter 26 including the proposed language for the amended subsections.

**CODE AMENDMENTS****Section 26-17-5 Preliminary Plan:**

This section of the Code includes application requirements that must be followed by a developer submitting a preliminary plan to the City for a new subdivision. In addition to the existing information to be included on a preliminary plan, a new requirement is proposed to be added that requires the preliminary plan to include the location of any and all oil and gas subsurface facilities, as defined by Section 26-22.1-2 of the Code of Ordinances. This would appear to be an appropriate requirement and with the enactment of 26-22.1-15 the information should be readily available. This would not apply to already approved preliminary plans, just to any new preliminary plans submitted after the date of City Council approval and enactment of the Ordinance.

**Section 26-17-6 Final Plans:**

Similar to the changes proposed for the preliminary plan application requirements, this would add another criteria to the required information for a final plan. It is the same requirement as a preliminary plan that the final plan include the location of any and all oil

and gas subsurface facilities. This would not apply to final plans that have already been submitted and either in the review process or already approved by City Council. This requirement would apply to those subdivisions that have received preliminary plan approval but have not yet submitted a final plan. One particular example where this would apply would be the Cannon Trail Subdivision. It has received preliminary plan approval but has not submitted for final plan review.

#### Section 26-22.1-2. Definitions

The changes to this section include the addition of eight (8) additional terms and their associated definitions per the Code. The new terms include 'flow lines', 'gathering lines', 'LACT', 'production facility', 'subsurface facility', 'oil and gas facility', 'well', and 'well site'. The language of the definitions are included in the attachment at the end of the report. These definitions will be associated with the new subsection 26-22.1-15 mapping of subsurface facilities.

#### Section 26-22.1-4(1)(iii) Setbacks

The current setback language in the Code is outdated and does not comply with the new COGCC setback requirements of 500 feet. Currently the Code states 'any wellbore, production tanks, on-site production equipment shall be located not less than 350 feet from a building, public road, aboveground utility line, railroad, wildlife habitat area, pedestrian, biking or horseback trail, features or sites with official designation as having important historical or archaeological value, building permitted for construction or a platted lot line for a lot which is covered by an approved preliminary plan for a residential or commercial use; or which preliminary plan is for an industrial use which industrial use is characterized by any extraordinary fire hazard concerns'. City Council has requested the Planning Commission consider increasing the setback to the aforementioned facilities from 350 feet to 750 feet. The City Council has also requested the Planning Commission consider requiring the 750 foot setback to all oil and gas facility and subsurface facility as proposed to be defined in Section 26-22.1-2. This would include flow lines, gathering lines, and transmission lines. Without the mapping information regarding the location of all the subsurface facilities staff is unable to ascertain what sort of impact this would have on future development. The impacts could be very substantial depending on the location of the facilities.

#### Section 26-22.1-11. Application to existing oil and gas operations

The amendments to this section would include requiring all existing oil and gas operations to comply with the new requirement of subsection 26-22.1-15 requiring the mapping of subsurface facilities and notifying the City. This in addition to the existing requirements they must comply with.

#### Section 26-22.1-15. Mapping of Subsurface Facilities and Notice to the City

This is an entirely new subsection of Section 26-22.1 Oil and Gas Development. This new section will read as follows: *"All owners or operators of any subsurface facilities located*

*within the City limits of the City of Lafayette are hereby required to make an affirmative effort to locate all subsurface facilities that the operator installed, owns, or operates, regardless of whether the operator constructed or installed the facility or acquired it from another operator, and regardless of whether the facility is active, shut in, or abandoned”.*

This new section would also require the following notice to the City: *“All owners or operators of any subsurface facilities located within the City limits of the City of Lafayette are hereby required to create, and provide to the City a map showing the location of each subsurface facility installed, owned, or operated as well as any existing wells, well sites, and all other oil and gas facilities owned or operated. The map shall be in a format as specified by the City of Lafayette Planning Department”.*

Staff believes this will provide an opportunity for the City to gather information on the location of subsurface facilities. This will assist developers when going through the City’s subdivision process. It will also assist the City in being able to provide residents with information that may not be available today and to ascertain what sort of impacts this new found information will have on existing and future developments.

#### Table 26B – Dimensional Standards

The only change proposed for Table 26B deals with Note No. 4. Currently this note reads as follows: *“A 350-foot distance is required between any existing or approved oil and gas well and a residential or commercial lot line, or an industrial use characterized by extraordinary fire hazard”.* This proposal would change this note to read a *“750-foot distance”*, an increase of 400 feet from the current requirement.

#### **SUMMARY**

The requirement to have developers and oil and gas operators provide maps and locations of all subsurface facilities is a response to the explosion and demolition of a home in Firestone. This is a reasonable request if it provides valuable data to be used by residents and the City in future development decisions.

The increase in the setback requirement is greater than the COGCC setback of 500 feet. However, many surrounding communities have already adopted a 750 foot setback to oil and gas wells as well as production facilities. Staff is unaware of any community that has also required the setback to apply to subsurface facilities such as flow lines and gathering lines. Without the mapping information of where the existing flow lines are located staff is unable to ascertain what level of impacts this will have on future developments. As it stands a 750 foot setback seems a reasonable response to growing concerns over oil and gas development in the areas surrounding Lafayette.

## **MOTION**

Proposed Motion for Approval: The Planning Commission recommends approval of an amendment to Chapter 26 of the Lafayette Code of Ordinances modifying subsections 26-17-5, 26-17-6, 26-22.1-2, 26-22.1-4, 26-22.1-11, Table 26B – Dimensional Standards, and enacting subsection 26-22.1-15 of the Code of Ordinances pertaining to underground oil and gas pipelines and increasing setbacks to existing and new oil and gas wells.

Proposed Motion for Denial: The Planning Commission recommends denial of the amendment to Chapter 26 of the Lafayette Code of Ordinances modifying subsections 26-17-5, 26-17-6, 26-22.1-2, 26-22.1-4, 26-22.1-11, Table 26B – Dimensional Standards, and enacting subsection 26-22.1-15 of the Code of Ordinances pertaining to underground oil and gas pipelines and increasing setbacks to existing and new oil and gas wells.

### Attachments:

- Section 26-17-5 Preliminary Plans
- Section 26-17-6 Final Plans
- Section 26-22.1-2 Definitions
- Section 26-22.1-4 (1)(iii) Setbacks
- Section 26-22.1-11 Application to Existing Oil and Gas Operations
- Section 26-22.1-15 Mapping of Subsurface Facilities and Notice to the City
- Table 26B Dimensional Standards

**Sec. 26-17-5. - Same—Preliminary plan.**

The preliminary plan shall include, in updated and more detailed form, the information required for the sketch plan, together with the following information:

- (a) Information to be included on a preliminary plat, unless otherwise authorized by the community development director:
- (1) The location of existing available water and sewer facilities and the location of proposed extensions of water and sewer lines.
  - (2) Preliminary information sufficient to indicate that the final plat will meet the requirements established pursuant to C.R.S. 38-51-102, Land Survey Plat.
  - (3) Contours of the land proposed for subdivision at five-foot intervals (ten-foot intervals on rugged topography), and unique natural features.
  - (4) The location of the 100-year floodplain and floodway as defined by the Federal Emergency Management Agency (FEMA). If not available, such information shall be defined through mutual agreement of the city engineer and the subdivider's/developer's engineer.
  - (5) Intersecting property lines and the names and addresses of the owners of record of all lots or tracts adjacent to the proposed subdivision, including lots or tracts separated by a public right-of-way from the subject land.
  - (6) Existing and proposed zoning and zoning district boundaries for the subdivision and land adjacent to the proposed subdivision.
  - (7) Street layout of the proposed subdivision, including the relationship to existing public rights-of-way and the width, proposed classification and names of proposed streets.
  - (8) Lot and block layout of the proposed subdivision, including a block and lot numbering system, and in the case of a planned unit development, the area and setback information on each lot if at variance with the underlying zone district regulations.
  - (9) The development intensity expressed as the ratio of the floor area to the gross area of each lot or tract.
  - (10) Sites to be reserved or dedicated for public parks, schools and existing public buildings, public facilities and public uses.
  - (11) A vicinity map, at a scale of one inch to two thousand (2,000) feet, or equivalent scale to allow accurate location of the property.
  - (12) Acreage. A schedule showing the total acreage of the land to be subdivided and the acreage intended for each type of use, along with proposed density and percentage of the total acreage. The acreage for each lot or tract shall be indicated on the map.
  - (13) The location of any and all oil and gas subsurface facilities, as defined by Sec. 26-22.1-2 of this code.

<sup>1</sup> Additions to the current text of the Code are indicated by underlining, and deletions are indicated by ~~strikethrough~~.

**Sec. 26-17-6. - Same—Final plans and plats.**

Following the approval of the preliminary plan and preliminary plat, the applicant shall file a final development plan and final plat containing, in final form, the information required in the preliminary plan. The following material shall also be required:

- (a) Two (2) permanent, reproducible mylar copies and fifteen (15) print copies of a drafted plat of the proposed subdivision drawn at a scale of not more than one hundred (100) feet to the inch. Maps consisting of two (2) or more sheets shall be referenced on an index map and all certifications and dedications need appear only on the title or cover sheet. All sheets shall measure twenty-four (24) inches by thirty-six (36) inches with a two-inch clear left margin and a one-half inch margin along the remaining edges of the sheet and shall contain the following information:
  - (1) Subdivision boundaries. Street right-of-way lines and lot lines in solid lines, easements or other right-of-way lines in dashed lines; all with accurate dimensions to the nearest 0.01 foot. Bearings and distances of all lines, center line angles, radius length, chord length, and arc length of all curves shall be shown.
  - (2) The location and description of all permanent survey control points required by this chapter and state statutes.
  - (3) Legal description of the subdivision inclusive of the reception number in the records of Boulder County.
  - (4) Street names, block and lot numbers.
  - (5) The use, area and setback restriction on each lot of a planned unit development.
  - (6) Name of the subdivision.
  - (7) Notarized certification of ownership.
  - (8) Surveyor's certificate signed by a licensed surveyor responsible for the survey and plat.
  - (9) City engineer/director of public works certificate.
  - (10) Planning commission certificate of approval.
  - (11) City council certificate of approval and acceptance.
  - (12) Clerk and recorder's certificate for time and date of recording.
  - (13) City administrator's certificate of review and approval of the plat.
  - (14) Areas of street rights-of-way, areas of land dedicated for public use, the area of each lot, and the total lot area.
  - (15) Either a licensed attorney's or title company's certificate ensuring that the applicant's dedication of all lands to the public is free and clear of all encumbrances, and the applicant has marketable title to the property. If the submittal reveals any encumbrance against the property to be dedicated, the owner shall also submit properly executed releases of each encumbrance.
  - (16) The location of any and all oil and gas subsurface facilities, as defined by Sec. 26-22.1-2 of this code.

Additions to the current text of the Code are indicated by underlining, and deletions are indicated by ~~strikethrough~~.

## **Section 26-22.1-2. Definitions**

*Flow lines.* Those segments of pipe from the well, or well site, downstream through the production facilities ending at: in the case of gas lines, the gas metering equipment; or in the case of oil lines the oil loading point or LACT unit; or in the case of water lines, the water loading point, the point of discharge to a pit, the injection wellhead, or the permitted surface water discharge point.

*Gathering lines.* Those pipelines and equipment described below that transport gas from a production facility to a natural gas processing plant or transmission line or main. The term “gathering line” includes valves, metering equipment, communication equipment, cathodic protection facilities, and pig launchers and receivers, but does not include dehydrators, treaters, tanks, separators, or compressors located downstream of the final production facilities and upstream of the natural gas processing plants, transmission lines, or main lines.

*LACT* (“Lease Automated Custody Transfer”). The transfer of produced crude oil or condensate, after processing or treating in the producing operations, from storage vessels or automated transfer facilities to pipelines or any other form of transportation.

*Production facility.* Any storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flowline, and other equipment directly associated with oil wells, gas wells, or injection wells.

*Subsurface facility.* An oil and gas facility that is a flowline or a gathering and transmission pipeline. *Subsurface facility* shall not include Public Service Company (PSCO) service lines.

*Oil and gas facility.* Equipment or improvements, whether surface or subsurface, used or installed for the exploration, production, withdrawal, gathering, treatment, or processing of oil or natural gas, including flow lines and gathering lines and transmission lines, regardless of whether located under or near a well, well site, or other surface facility.

*Well.* An oil or gas well, a hole drilled for the purpose of producing oil or gas, a well into which fluids are injected, a stratigraphic well, a gas storage well, or a well used for the purpose of monitoring or observing a reservoir.

*Well site.* The areas that are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil well, gas well, or injection well and its associated well pad.

**Sec. 26-22.1-4. Contents of the application for special use for oil and gas operation.**

(iii) *Setbacks.* Unless it would violate O.G.C.C. spacing rules, any wellbore, production tanks, on-site production equipment, subsurface facility and oil and gas facility as defined in Section 26-22.1-2 of this chapter shall be located not less than ~~three hundred fifty (350)~~ ***seven hundred fifty (750)*** feet from a building, public road, aboveground utility line, railroad, wildlife habitat area, pedestrian, biking or horseback trail, features or sites with official designation as having important historic or archaeological value, building permitted for construction or a platted lot line for a lot which is covered by an approved preliminary plan for a residential or commercial use; or which preliminary plan is for an industrial use which industrial use is characterized by any extraordinary fire hazard concerns. When said setback distance is less than three hundred eighty-five (385) feet, said setback distance shall be certified by a licensed land surveyor. In all cases, the location of the wellbore shall be staked by a licensed land surveyor. To the extent practicable, pipelines shall be located in existing easements, public rights-of-way or along property lines and as practicable, the setback requirements of this subsection (iii) shall apply.

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**Sec. 26-22.1-11. - Application to existing oil and gas operations.**

Existing oil and gas operations shall comply with the following: Section 26-22.1-8(1) through (7); ~~and section 26-22.1-9(b)(1) through (9),~~ and section 26-22.1-15.

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**Sec. 26-22.1-15. – Mapping of Subsurface Facilities and Notice to the City.**

- (a) *Mapping of Subsurface Facilities.* All owners or operators of any subsurface facilities located within the City limits of the City of Lafayette are hereby required to make an affirmative effort to locate all subsurface facilities that the operator installed, owns, or operates, regardless of whether the operator constructed or installed the facility or acquired it from another operator, and regardless of whether the facility is active, shut in, or abandoned.
- (b) *Notice to the City.* All owners or operators of any subsurface facilities located within the City limits of the City of Lafayette are hereby required to create, and provide to the City a map showing the location of each subsurface facility installed, owned, or operated as well as any existing wells, well sites, and all other oil and gas facilities owned or operated. The map shall be in a format as specified by the City of Lafayette Planning Department.





**TABLE 26B  
DIMENSIONAL STANDARDS**

Community Development Department  
1290 S. Public Road, Lafayette, Colorado 80026

303-665-5588  
Fax 303-665-2153

	RE1	RE2	R0	R1	R2	OTR	R3	R4	RSR	T1	B1	C1	M1	DR	P
<b>Principal Building</b>															
<b>Front Yard</b>															
Arterial	45	45	45	45	45	45	45	45	45	45	25	20	20	45	–
Collector	40	40	35	35	35	35	35	35	35	35	25	20	20	45	–
Local	30	30	25	25	20	20	20	30	30	20	20	20	20	30	–
Side yard	10	15	10	5	5	5	5	15	15	15	10	0	0	30	–
Rear yard	30	30	30	25	20	20	20	30	30	25	10	0	0	30	–
Side street	N/A	N/A	N/A	N/A	N/A	10	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	–
<b>Minimum Lot Area (in thousands)</b>															
Single Family	40	20	10	7.0	7.0	7.0	6.0	6.0	SUR	10	10	10	10	NA	–
Duplex	–	–	–	–	7.0	7.0	6.0	6.0	SUR	–	–	–	–	–	–
Accessory Dwelling	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Multifamily	–	–	–	–	–	–	2.5	2.0	SUR	–	–	–	–	–	–
<b>Maximum Lot Coverage</b>															
	15%	25%	30%	30%	30%	30%	30%	30%	SUR	50%	50%	–	–	–	–
<b>Maximum Dwelling Unit per Acre</b>															
	1	2	3	6	10	13	14	18	SUR	10	10	4	4	NA	NA
<b>Building Height</b>															
	27	27	27	27	27	27	35	35	35	27	35	35	35	27	35
<b>Accessory Structure</b>															
Rear Yard	5	5	5	5	5	5	5	10	10	0	0	0	0	30	–
Maximum Height	16	16	16	16	16	20	16	16	16	20	20	20	20	16	20
<b>Accessory Dwelling Unit</b>															
Rear Yard	–	–	–	–	–	5	–	–	–	–	–	–	–	–	–
Maximum Height	–	–	–	–	–	20	–	–	–	–	–	–	–	–	–

**Notes**

1. Commercial and Industrial uses must maintain a minimum 20-foot setback from residentially zoned areas.
2. Heights may be allowed up to 35 feet, with special use review approval.
3. No part of a building may project into an easement.
4. A ~~350-~~ **750-foot** distance is required between any existing or approved oil and gas well and a residential or commercial lot line, or an industrial use characterized by extraordinary fire hazard.
5. Setback requirements for an accessory building or structure and for an accessory dwelling unit are referenced in Sections 26-14-6 and 26-14-19.

**SUR** To be determined during a special use review.

(Ord. No. 1986-01, § 2, 2-4-86; Ord. No. 1990-4, § 7, 4-17-90; Ord. No. 1993-6, § 19 (Exh. B), 3-2-93; Ord. No. 1994-1, § 4(Exh. B), 4-5-94; Ord. No. 1994-7, § 8, 6-21-94; Ord. No. 1994-22, § 3(Exh. A), 9-6-94; Ord. No. 1998-25, § 13, 8-18-98; Ord. No. 2002-31, § 10, 11-5-02;)