



# TOWN OF ERIE

645 Holbrook Street  
Erie, CO 80516

## Town Council

**Board Meeting Date: 9/14/2021**

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**File #:** 21-385, **Version:** 1

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**SUBJECT:**

**Title**

Discussion of Development Setbacks to Oil and Gas facilities

**Body**

**DEPARTMENT:** Planning & Development

**PRESENTER:** Fred Starr, Planning & Development Director  
David Frank, Energy & Environmental Program Specialist  
Malcolm Fleming, Town Administrator  
David Baumgarten, Oil and Gas Attorney

**TIME ESTIMATE:** 60 minutes  
**only required for non-consent items**

**STAFF RECOMMENDATION:**

**Recommendation**

Consider staff's Draft Ordinance to establish setbacks from existing Oil and Gas facilities and provide staff with any additional edits the Board would like to see so that staff can present the proposed ordinance to the Planning Commission prior to bringing the proposed Ordinance back to the Board for formal consideration.

**End**

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

The Draft Ordinance was prepared by the Town's Oil and Gas Legal Counsel in association with staff review and suggestions and presented to the Board of Trustees on August 10, 2021. Staff made revisions to the draft ordinance to address issues raised by the Board during the initial presentation. The goal of the revised draft ordinance is to increase the current setbacks from future platted lots to existing oil and gas facilities and to require developers to provide declaration of oil and gas facilities or plugged and abandoned wells to future land purchasers. The declaration would provide advanced notice to any prospective buyer of a lot in the subdivision, that the subdivision is within 2000-ft of an Oil and Gas facility or plugged and abandoned well.

In addition to changes in organization, language, significant changes since the previous draft include: addition of permitted well setback, addition of flowline and gathering line setback, addition of access easements, increased declaration deadline from 10 to 30 days, addition of plugged and abandoned

well inspections, and provisions to qualify for reduced plugged and abandoned setbacks.

Any ordinance to amend section 10-6-14 of the Unified Development Code requires a recommendation by the Planning Commission and a Public Hearing by the Board of Trustees. To prepare the final Ordinance for consideration by the Planning Commission and the Board of Trustees staff would like a recommendation on any amendments to this draft ordinance.

**Board Priority(s) Addressed:**

- ✓ Attractive Community Amenities
- ✓ Prosperous Economy
- ✓ Safe and Healthy Community
- ✓ Fiscally Responsible

**ATTACHMENTS:**

1. Revised Draft Ordinance amending Section 10-6-14 of the Unified Development Code
2. Tracked Changes of Revised Draft Ordinance amending Section 10-6-14 of the Unified Development Code
3. 500ft & 2000ft Setbacks Map
4. Plugged & Abandoned Setbacks Map
5. Revised Draft Setbacks Ordinance Presentation