

CITY OF EVANS, COLORADO

ORDINANCE NO. 787-22

AN ORDINANCE AMENDING SEVERAL SECTIONS OF TITLE 18 OF THE EVANS MUNICIPAL CODE TO ADD A DEFINITIONS REGARDING USES ASSOCIATED WITH THE OIL AND GAS INDUSTRY, AND TO ADD SETBACK REQUIREMENTS FOR LAND USE ACTIVITIES IN RELATIONSHIP TO EXISTING OIL AND GAS FACILITIES

WHEREAS, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

WHEREAS, Chapter 18.04 establishes Zone Districts and land uses which may be contemplated in each Zone District; and

WHEREAS, Section 18.03.010 defines terms inclusive of land uses and land use categories contemplated in the City of Evans; and

WHEREAS, Chapter 18.04 provides bulk requirements such as setbacks in each Zone District; and

WHEREAS, City Council has determined that setback requirements for new development should be regulated in relation to existing oil and gas activities in all zone districts and certain terms shall be defined in the general definition section of the land use code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO:

Section 1. Section 18.03.010 is amended by adding the following definitions. The language to be added is in red and underlined font and shall be added to this Section of the Municipal Code in alphabetical order. The language with strikethrough text is to be deleted.

~~*Building unit, for the purpose of obtaining an Evans Oil and Gas Location Assessment, shall mean a residential building unit and every five thousand (5,000) square feet of building floor area in commercial facilities or every fifteen thousand (15,000) square feet of building floor area in warehouses that are operating and normally occupied during working hours.*~~

Building unit means a building used for residential purposes and any building that is used for business or commercial purposes that is normally occupied during working hours.

Flowline means a segment of pipe transferring oil, gas, or condensate between a wellhead and processing equipment to the load point or point of delivery to a U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration or Colorado Public Utilities Commission regulated gathering line or a segment of pipe transferring produced water between a wellhead and

the point of disposal, discharge, or loading. This definition of flowline does not include a gathering line.

Residential building unit means a building or structure designed for use as a place of residency by a person, a family, or families. The term includes manufactured, mobile, and modular homes, except to the extent that any such manufactured, mobile, or modular home is intended for temporary occupancy, or for business purposes.

Oil and gas facility means equipment or improvements used or installed at an oil and gas location for the exploration, production, withdrawal, treatment, or processing of crude oil, condensate, E&P waste, or gas. Oil and gas facility may also be referred herein in certain circumstances synonymously as "facility."

Oil and gas location means a definable area where an operator has disturbed or intends to disturb the land surface to locate an oil and gas facility. Oil and gas location may also be referred to herein in certain circumstances synonymously as "disturbance area" or "location."

Operator means an individual, partnership, company or corporation holding a mineral interest in property and who is exercising that interest through oil and gas drilling on that property.

Plugged and/or Abandoned Oil and/or Gas Well means the permanent plugging of an oil and or gas well, the removal of its associated production facilities and the abandonment of its flowlines.

Structure not associated with Telecommunications as defined in this Section, shall mean anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground, including, but not limited to signs, accessory buildings, or similar uses.

Well means an oil or gas Well, a hole drilled for the purpose of producing oil or gas (including non-hydrocarbon gases such as carbon dioxide and helium), a Class II UIC Well, a Stratigraphic Well, a Gas Storage Well, or a Well used for the purpose of monitoring or observing a reservoir, as defined by the State of Colorado Oil and Gas Conservation Commission

Section 2. Adding language regarding setbacks new development shall adhere to in relationship to existing oil and gas facilities and plugged and abandoned wells as follows:

Addition of language regarding setbacks to the following Sections:

- 18.04.030.D (Ag)
- 18.04.040.E (PF)
- 18.04.050.J (Res)
- 18.04.060.I.1 (RMH)
- 18.04.070.F (Com)
- 18.04.080.G (Ind)
- 18.04.090.H (US 85)

A distance of 250' minimum shall be maintained between oil and/or gas facilities and new developments including residential buildings, structures and non-residential buildings. A property owner's Surface Use Agreement with an oil and/or gas operator shall govern this setback, if applicable; however, in no event shall this setback be less than 250'.

A distance of 50' minimum shall be maintained between plugged and abandoned oil and/or gas well heads and new development including residential buildings, structures and non-residential buildings. A property owner's Surface Use Agreement with an oil and/or gas operator shall govern this setback, if applicable; however, in no event, shall this setback be less than 50'.

Section 3. Publication and Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published, and posted as required by the City Charter and the adoption, posting, and publication shall be authenticated by the signature of the Mayor and City Clerk, and by the Certificate of Publication. This Ordinance shall become effective upon final passage.

Section 4. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

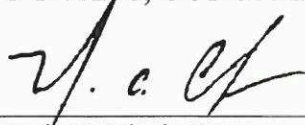
INTRODUCED AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 6th DAY OF DECEMBER, 2022.

ATTEST:


City Clerk



CITY OF EVANS, COLORADO

By: 
Mark C. Clark, Mayor

PASSED AND ADOPTED ON A SECOND READING THIS 20th DAY OF DECEMBER, 2022

ATTEST:

CITY OF EVANS, COLORADO

Julia Kamba
City Clerk



By: Mark C. Clark
Mark C. Clark, Mayor