

ORDINANCE NO. 740

**AN ORDINANCE AMENDING CHAPTER 16 OF THE MILLIKEN
MUNICIPAL CODE TO ADD A NEW SECTION 16-2-840 REGARDING
DEVELOPMENT SETBACKS TO EXISTING OIL OR GAS WELLS AND
FACILITIES**

WHEREAS, the Board of Trustees of the Town of Milliken (“Board of Trustees”) has the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the citizens of the Town of Milliken (“Town”); and

WHEREAS, the Board of Trustees also has the authority pursuant to C.R.S. § 31-23-201 *et seq.* to create ordinances regulating the physical development of the Town through its Planning Commission; and

WHEREAS, the Board of Trustees recognizes the exclusive authority of the Colorado Oil and Gas Conservation Commission to regulate oil and gas activities within the State, including the location of oil and gas wells; and

WHEREAS, the Milliken Municipal Code (“Municipal Code”) currently has no provision regulating the location of new construction in relation to existing oil and gas wells; and

WHEREAS, the Board of Trustees wishes to amend the Municipal Code to provide for setback requirements for new construction in relation to existing oil and gas wells; and

WHEREAS, it is in the best interest of the people of the Town to amend the Municipal Code to add a provision requiring new construction to be set back specific distances from existing oil and gas wells.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, THAT:

Section 1. The Municipal Code is hereby amended to add Section 840, entitled Development Setbacks to Wells and Facilities, to Chapter 16, Article II. Section 16-2-840 shall read in full as follows:

Sec. 16-2-840. – Development Setbacks to Oil or Gas Wells and Facilities.

- (a) When oil or gas wells are existing, buildings shall not be constructed within the following distances:
 - (1) Except buildings necessary to the operation of the well, no building shall be constructed within two hundred fifty (250) feet of any such well.
 - (2) Any building to be used as a place of assembly or school shall not be constructed within three hundred fifty (350) feet of any well.
- (b) When oil or gas wells are existing, lots and streets shall not be platted within the following distances:

- (1) Lots shall not be platted within one hundred fifty (150) feet of an existing oil or gas well or its production facilities.
- (2) Lots intended to be used as a place of assembly or school shall not be platted to allow a building site within three hundred fifty (350) feet of an existing oil or gas well or its production facilities.
- (3) Streets shall not be platted within fifty (50) feet of an existing oil or gas well or its production facilities; provided, however, that streets may intersect collection pipes or flowlines at right angles.
- (4) Lots and streets may be platted over well and production sites that have been abandoned and reclaimed. Such platting shall only occur after the completion of the abandonment and reclamation process.

Section 2: Codification. The Town Clerk is hereby directed to work with the Town's Municipal Code codifier to ensure that the provisions of this Ordinance are included in the next codification of the Milliken Municipal Code.

Section 3: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Section 4: Repeal. Existing or parts of ordinances covering the same matters as embraced in this Ordinance of the Milliken Municipal Code are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this 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 taking effect of this Ordinance.

Section 5: Effective Date. This Ordinance shall take effect and be in force thirty (30) days after publication following final adoption.

Introduced, read, adopted, signed and ordered published in full by the Board of Trustees of the
Town of Milliken this ____ day of _____, 2016.

TOWN OF MILLIKEN

Beau Woodcock, Mayor

ATTEST:

APPROVED AS TO FORM:

Cheryl Powell, Town Clerk

Linda Michow, Town Attorney

Published: _____



Town Hall, 1101 Broad St., Drawer 290 Milliken, CO 80543
(970) 587-4331 Fax: (970) 587-2678

PROJECT REFERRAL

PROJECT NAME: Ordinance 740 – Amendment to the Milliken Land Use Code as it Relates to the Oil and Gas Setbacks

PROJECT TYPE: Land Use Code Text Amendment – Oil and Gas Setbacks – Chapter 16, Article IX of the Milliken Municipal Code

DESCRIPTION OF PROJECT: Approval of Ordinance 740 Amending Chapter 16 “Land Use and Development Code” concerning Oil and Gas Setbacks

Acreage: N/A Zoning: N/A Present Use(s): N/A

NAME OF APPLICANT: Town of Milliken
FOR FURTHER INFORMATION, CONTACT: Martha Perkins, (970) 660-5046

The Town of Milliken has received the above project application for review. **Please check the appropriate response below or send a letter.** Only a portion of the submitted documents may have been enclosed; you are welcome to review the entire file at the Milliken Town Hall. If you have any questions regarding this application, please contact Martha Perkins (970) 660-5046

We have reviewed the proposal and have no concerns.

See attached letter for comments or regulations/requirements that must be met before approval regarding this proposal.

A summary of our comment(s) follows: Weld County regulations require setbacks of 150' from wellheads, 200' from tank batteries, and 25' from plugged or abandoned wells in the A (Agricultural), C (Commercial), E (Estate) and I (Industrial) Zone Districts AND 350' from any oil and gas production facility and 25' from plugged or abandoned wells in the R (Residential) Zone Districts. Weld County will enforce only these setbacks for structures within unincorporated portions of the County. The Town of Milliken may also consider the addition of setbacks for plugged and abandoned wells in the proposed ordinance.

Signature of Reviewer and Title: MICHAEL HALL – PLANNER – 11/08/2016

PLEASE RETURN THIS SHEET AND ALL ATTACHEMENTS (IF YOU DO NOT NEED THEM) TO THE TOWN OF MILLIKEN

COMMENTS DUE BY: THURSDAY, NOVEMBER 28, 2016 BY 5:00PM

- | | |
|---|--|
| <input type="checkbox"/> TOWN ADMINISTRATOR | <input type="checkbox"/> WELD COUNTY HEALTH DEPT |
| <input type="checkbox"/> TOWN ATTORNEY | <input checked="" type="checkbox"/> WELD COUNTY PLANNING |
| <input type="checkbox"/> TOWN PLANNER | <input type="checkbox"/> WASTE MANAGEMENT |
| <input type="checkbox"/> TOWN ENGINEER – Lamp, Rynerson | <input type="checkbox"/> COLORADO DEPT HIGHWAYS |
| <input type="checkbox"/> PUBLIC WORKS DIRECTOR | <input type="checkbox"/> TOWN OF JOHNSTOWN |
| <input type="checkbox"/> MILLIKEN POLICE | <input type="checkbox"/> THOMPSON RIVER PARKS & REC |
| <input type="checkbox"/> CENTURY LINK | <input type="checkbox"/> US POST OFFICE |
| <input type="checkbox"/> XCEL ENERGY | <input type="checkbox"/> TOWN PARKS DIRECTOR |
| <input type="checkbox"/> TDS CABLE | <input type="checkbox"/> BUILDING OFFICIAL |
| <input type="checkbox"/> FRONT RANGE FIRE DISTRICT | <input type="checkbox"/> DITCH COMPANIES |
| <input type="checkbox"/> WELD COUNTY DISTRICT RE5J | <input type="checkbox"/> CO OIL & GAS CONSERVATION |

Martha Perkins

From: Michael Hall <mhall@co.weld.co.us>
Sent: Tuesday, November 08, 2016 9:36 AM
To: Martha Perkins
Cc: Tom Parko Jr.; Michelle Martin
Subject: Ordinance 740 O&G Setbacks Referral
Attachments: Ord 740 O&G Setbacks Weld Planning Referral.pdf

Hello Martha,

See attached Weld County Planning Department referral. Weld County Planning reserves the right to further comment in the future.

Please let me know if you have any questions.

Thank you,

Michael Hall
Planner I
1555 N 17th Ave
Greeley, CO 80631
(970) 400-3528
mhall@co.weld.co.us



Confidentiality Notice: This electronic transmission and any attached documents or other writings are intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential or otherwise protected from disclosure. If you have received this communication in error, please immediately notify sender by return e-mail and destroy the communication. Any disclosure, copying, distribution or the taking of any action concerning the contents of this communication or any attachments by anyone other than the named recipient is strictly prohibited.