

ORDINANCE NO. 108, 2013  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING THE CITY OF FORT COLLINS LAND USE CODE  
TO INCLUDE ADDITIONAL REGULATIONS FOR DEVELOPMENT  
IN CLOSE PROXIMITY TO OIL AND GAS OPERATIONS

WHEREAS, oil and gas operations have existed within City limits for many years; and

WHEREAS, the Land Use Code contains residential setback requirements from existing oil and gas operations that are inconsistent with statewide setback regulations; and

WHEREAS, the City Council has determined that the Land Use Code should be amended to increase residential setbacks from existing oil and gas operations to comport with the setback requirements promulgated by the Colorado Oil and Gas Conservation Commission in order to better protect the public health and safety of residents in close proximity to oil and gas operations; and

WHEREAS, the proposed regulations require that notice be given to residents and potential buyers of existing oil and gas operations, that fencing to restrict access to the existing operation be provided, and that aesthetic improvements including trees, shrubs, berms, and walls be made so as to further enhance the public health, safety and welfare; and

WHEREAS, after extensive public input has been received and upon the favorable recommendation of the Planning and Zoning Board, the City Council has determined that it is in the best interest of the City that these proposed amendments be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Section 3.8.26(C)(2) of the Land Use Code is hereby amended to read as follows:

- (2) There are ~~three (3)~~ **four (4)** types of buffer yards which are established according to land use intensity as described in Chart 1 below. Buffer yard distances are established in Chart 2 below and specify deciduous or coniferous plants required per one hundred (100) linear feet along the affected property line, on an average basis.

Section 2. That Section 3.8.26(C) of the Land Use Code is hereby amended by the addition of a new subparagraph (4) which reads in its entirety as follows:

- (4) **Additional Standards Applicable to Buffer Yard D. The following requirements shall also apply to development located in Buffer Yard D:**

- (a) **Measured. For purposes of Buffer Yard D standards, the buffer yard shall be measured as the distance from the outer edge of an**

existing oil and gas operation site to the nearest wall or corner of any occupied building proposed in the residential development. The term “existing oil and gas operation site” shall include the impact area of any well that has received all required permits prior to submission of the residential development plan, even if drilling has yet to occur on the site. Buffer Yard D areas may include paved areas, notwithstanding subsection (1) above.

(b) *Disclosure.* If any residential development is proposed to be located within one thousand (1,000) feet of an existing oil and gas operation, then at such time as the developer or any subsequent interest holder in the development transfers any proprietary or possessory interest in all or any portion of the development, the person or entity transferring such interest shall provide to the transferee a disclosure statement on a form provided by the City, which statement shall provide information about the potential emission of any hazardous, toxic, or carcinogenic air pollutants associated with oil and gas operations and the health effects associated with such emissions; including, but not limited to, hydrogen sulfide, sulfur dioxide, nitrogen oxides, volatile organic compounds, benzene, toluene, xylenes, and formaldehyde. The disclosure statement shall also include contact information for the oil and gas operator.

(c) *Fencing.* If any residential development is proposed to be located within five hundred (500) feet of an existing oil and gas operation, and if an existing fence does not surround the oil and gas operation, a fence must be erected by the developer along the property boundary between the oil and gas operation and the development that restricts public access to the oil and gas operation.

Section 3. That Chart 1 contained in Section 3.8.26 of the Land Use Code is hereby amended to read as follows:

**Chart 1**  
**Land Use Intensity Categories**

<i>Land Use</i>	<i>Intensity Category</i>	<i>Buffer Yard</i>
Airports/airstrips	Very High	C
Composting facilities	High	B
Dry cleaning plants	Very High	C
Feedlots	Very High	C
Heavy industrial uses	Very High	C
Light industrial uses	High	B
Junkyards	High	B
Outdoor storage facilities	High	B
Recreation vehicle, boat, truck storage	Medium	A
Recycling facilities	High	B
Agricultural research laboratories	High	B
Resource extraction	Very High	C
Oil and gas operations, including plugged and abandoned wells	Very High	D
Transportation terminals (truck, container storage)	High	B
Warehouse & distribution facilities	High	B
Workshops and custom small industry	Medium	A

Section 4. That Chart 2 contained in Section 3.8.26 of the Land Use Code is hereby amended to read as follows:

**Chart 2  
Buffer Yard Types**

<i>Type – Base Standard (plants per 100 linear feet along affected property line)*</i>	<i>Option Width</i>	<i>Plant Multiplier**</i>	<i>Option: Add 6' Wall</i>	<i>Option: Add 3' Berm or 6' Fence</i>
<b>Buffer Yard A:</b>				
	<b>15 feet</b>	<b>1.00</b>		
3 Shade Trees	20 feet	.90		
2 Ornamental Trees or Type 2 Shrubs ***	25 feet	.80	.65	.80
3 Evergreen Trees	30 feet	.70		
15 Shrubs (33% Type 1, 67% Type 2)	35 feet	.60		
	40 feet	.50		
<b>Buffer Yard B:</b>				
	15 feet	1.25		
	<b>20 feet</b>	<b>1.00</b>		
4 Shade Trees	25 feet	.90		
4 Ornamental Trees or Type 2 Shrubs ***	30 feet	.80	.75	.85
3 Evergreen Trees	35 feet	.70		
25 Shrubs (Type 2)	40 feet	.60		
	45 feet	.50		
<b>Buffer Yard C:</b>				
	20 feet	1.25		
	<b>25 feet</b>	<b>1.00</b>		
5 Shade Trees	30 feet	.90		
6 Ornamental Trees or Type 2 Shrubs ***	35 feet	.80	.75	.85
4 Evergreen Trees	40 feet	.70		
30 Shrubs (Type 2)	45 feet	.60		
	50 feet	.50		
<b>Buffer Yard D:</b>				
	350 feet	1.25		
<b>6 Shade Trees</b>	<b>375 feet</b>	<b>1.00</b>	.75	.85
<b>7 Ornamental Trees or Type 2 Shrubs***</b>	<b>400 feet</b>	<b>.90</b>		
	<b>425 feet</b>	<b>.80</b>		
<b>5 Evergreen Trees</b>	<b>450 feet</b>	<b>.70</b>		
<b>35 Shrubs (Type 2)</b>	<b>475 feet</b>	<b>.60</b>		
	<b>500 feet</b>	<b>.50</b>		

\* "Base standard" for each type of buffer yard is that width which has a plant multiplier.

\*\* "Plant multipliers" are used to increase or decrease the amount of required plants based on providing a buffer yard of reduced or greater width or by the addition of a wall, berm or fence.

\*\*\* Shrub types: Type 1: 4' - 8' High      Type 2: Over 8' High

Section 5. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of following new definitions which read in their entirety as follows:

**Oil and gas operation** shall mean exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting, drilling, deepening, recompletion, reworking, or abandonment of an oil and gas well, underground injection well, or gas storage well; production operations related to any such well including the installation of flow lines and gathering systems; the generation, transportation, storage, treatment, or disposal of exploration and production wastes; and any construction, site preparation, or reclamation activities associated with such operations.

Section 6. That the definition “*Resource extraction, process and sales*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

*Resource extraction, processes and sales* shall mean removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged, **but does not include oil and gas operations.**

Introduced, considered favorably on first reading, and ordered published this 16th day of July, A.D. 2013, and to be presented for final passage on the 20th day of August, A.D. 2013.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on the 20th day of August, A.D. 2013.

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Mayor

ATTEST:

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City Clerk