

DRAFT ORDINANCE NO. 2023- ____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADDING SECTION 146-____ OF THE UNIFIED DEVELOPMENT ORDINANCE PERTAINING TO WELL MAINTENANCE AND WORKOVER EASEMENTS AROUND PLUGGED OIL AND GAS WELLS

WHEREAS, there are existing plugged and abandoned oil and gas wells within the City with the reasonable expectation that more oil and gas wells will be plugged and abandoned within the City in the future; and

WHEREAS, the City is experiencing rapid growth and development that includes residential, commercial, office, schools, and other land uses that will result in occupied structures; and

WHEREAS, the City has determined that in the best interest of the public health, safety, welfare, and environment, a permanent Well Maintenance and Workover Easement is necessary to allow access to physical space surrounding plugged oil and gas wells for the purpose of replugging such wells, as necessary; and

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

Section 1. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 146-X which section reads as follows:

Sec. 146-X – Plugged and Abandoned Oil and Gas Wells (Plugged Wells), and Former Oil and Gas Facilities

(1) This section is enacted to protect the public health, safety, welfare, environment, and wildlife resources. This section is based upon the land use authority of the City.

(a) Locating and Determining Status of Plugged Wells

- i. Prior to the submittal of a final plat or site-specific development plan, each Plugged Well shall be located, excavated (if the well was cut off and buried), and surveyed.**
- ii. Prior to the submittal of a final plat or site-specific development plan, and prior to the issuance of a grading or building permit for**

a property containing a Plugged Well, the applicant shall review the history of each Plugged Well on and within two hundred (200) feet of a property and assess the current status, to determine whether the well was properly plugged and abandoned according to the most recent Colorado Energy and Carbon Management Commission (ECMC) regulations. The applicant shall submit to the City acceptable verification that the Plugged Well was remediated of hydrocarbon contamination to background levels or shall work with the City to ensure remediation of hydrocarbons, if necessary, to a level acceptable to the City.

(b) Establishing a Plugged Well Workover Easement Area

- i. As a condition of review of any final plat or site-specific development plan that contains a Plugged Well or former Oil and Gas Facility or is within two hundred (200) feet of such a well or facility, the owner shall submit a location diagram of the location of the well and shall grant a Well Maintenance and Workover Easement to the City – to be provided in a separate document.**
- ii. On every final plat or site-specific development plan that contains a Plugged Well, there shall be dedicated a Well Maintenance and Workover Easement area depicted on the plat, the dimensions of which shall be not less than two hundred (200) feet in width and two hundred (200) feet in length. No structures shall be located within this Well Maintenance and Workover Easement area without approval of the City. The Well Maintenance and Workover Easement area shall be located such that the Plugged Well is located in the center of the Well Maintenance and Workover Easement area. There shall be access for ingress and egress to the Well Maintenance and Workover Easement area of a width of not less than twenty-four (24) feet to allow for the passage of equipment to maintain and repair the Plugged Well or Oil and Gas Facilities. Use of such access shall be limited to the owner of the property, the Operator of the well, and the City. When multiple Plugged Wells are in close proximity, the Well Maintenance and Workover Easement area shall be allowed to overlap around each well at the discretion of the City. The surveyed location of the Plugged Well and the Well Maintenance and Workover Easement shall be depicted on site development plans.**

- iii. Upon request by the applicant, the Manager of the Energy & Environment Division may approve a reduced Well Maintenance and Workover Easement area provided that the approved reduction is not less than forty thousand (40,000) square feet in size and centered on the Plugged Well.
- iv. Every final plat and site-specific development plan for a property that contains a Plugged Well or a site-specific development plan that includes a property that is less than two hundred (200) feet from a Plugged Well, shall include notations as directed by the City.
- v. As a condition of a building permit review, no Residential Building Unit shall be constructed within one hundred (100) feet of a Plugged Well.

(c) **Reserve Pits.** Prior to issuance of a grading permit within a development containing a known reserve pit site, the reserve pit site shall be tested for expansive soils. Reserve pits containing expansive soils in locations proposed for buildings shall be subject to the provisions of City Code or other city regulations.

(d) **Abandoned Flowlines.** Prior to issuance of a grading permit within a development containing abandoned flowlines, the fluids within the flowlines shall be recovered and the flowlines removed. Any fluid loss as a result of removing the flowlines shall be reported to the City and shall be remediated at their direction.

(2) Additional requirements within the Well Maintenance and Workover Easement Area.

(a) There shall be no above-ground utility facilities, public or private, installed within fifty (50) feet of a Plugged Well.

(b) There shall be no underground utility facilities, public or private, installed within twenty-five (25) feet of a Plugged Well unless the City Engineer approves the installation.

(c) A developer who develops a property that includes a Plugged Well may receive credit for the area within the Well Maintenance and Workover Easement toward certain percentages of the property required to contain features such as parks and open space.

(3) Existing Structures Exempted

(a) If a structure has already been constructed on the date of implementation of this section, then that structure shall be exempted from the requirements of this section regardless of the proximity to a Plugged Well.

Section 2. The City Code of the City of Aurora, Colorado, is hereby amended by modifying section 135-1.(f).(2) by adding:

Plugged Well: An Oil and Gas Well that has been permanently plugged and abandoned in accordance with ECMC regulations.

Section 3. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 4 Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 5. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this ____ day of _____, 2023.

PASSED AND ORDERED PUBLISHED this ____ day of _____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

DAVE SCOTT, ASSISTANT CITY ATTORNEY

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