

**ORDINANCE NO. 89-KK**

571  
**IN THE MATTER OF THE REPEAL AND RE-ENACTMENT, WITH AMENDMENTS OF CERTAIN SECTIONS, AND THE ADDITION OF CERTAIN SECTIONS TO ORDINANCE NO. 89-JJ, WELD COUNTY ZONING ORDINANCE, AS CURRENTLY AMENDED, REVISING AND ADDING CERTAIN PROCEDURES, TERMS, AND REQUIREMENTS**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, STATE OF COLORADO:**

**WHEREAS**, the Board of County Commissioners of the County of Weld, State of Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

**WHEREAS**, the Board of County Commissioners has the power and authority, under the Weld County Home Rule Charter and State statute, including Article 28 of Title 30 C.R.S., as amended, to adopt zoning regulations for the unincorporated areas of the County of Weld, State of Colorado, and

**WHEREAS**, the Board of County Commissioners of the County of Weld, State of Colorado, has previously adopted Ordinance No. 89-JJ, Weld County Zoning Ordinance, establishing a comprehensive revision of the Zoning Ordinance and zoning maps for unincorporated areas of the County of Weld, and

**WHEREAS**, said Ordinance No. 89-JJ is in need of revision and clarification with regard to certain procedures, terms, and requirements therein.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of the County of Weld, State of Colorado, that certain existing sections of said Ordinance No. 89-JJ be, and hereby are, repealed and re-enacted, with amendments, and the various sections are revised as follows:

ADD SECTION 84 to read as follows:

84     Relationship to Other Ordinances

The Building Inspection Department shall withhold issuance of Building Permits if the use of the property does not conform to the terms set forth in this Ordinance and any other specified Weld County Ordinance where made applicable by the terms set forth in the specified Ordinance including, but not limited to, Ordinance No. 197 (PUD), Ordinance No. 191 (MUD), Ordinance No. 119 (BUILDING CODE), Ordinance No. 173 (SUBDIVISION), Ordinance No. 210 (WINDSOR SERVICE AREA ROAD IMPACT FEE PROGRAM), and Ordinance No. 211 (SOUTHWEST WELD SERVICE AREA ROD IMPACT FEE PROGRAM).

AMEND SECTIONS 31.5.5 and 36.3.12 to read as follows:

No BUILDING or STRUCTURE as defined and limited to those occupancies listed as Groups A, B, E, H, I, M, and R in Table 3-A of the 1997 Uniform Building Code, shall be constructed within a 200-foot radius of any tank battery or 150-foot radius of any wellhead. Any construction within a 200-foot radius of any tank battery or 150-foot radius of any wellhead shall required a variance from the terms of this Ordinance in accordance with Section 61.3.



pc: PL, CA

AMEND SECTION 61.3 to read as follows:

The Board of Adjustment has the power to hear and decide appeals for variance from the terms of this Ordinance and the PUD Ordinance or MUD design standards as the PUD or MUD Ordinances are applied to individual lots or parcels. Appeals for variance may be brought to the Board of Adjustment when, because of special conditions relating to the subject land, a literal enforcement of the provisions of these Ordinances would result in unnecessary hardship to the appellant.

**BE IT FURTHER ORDAINED** by the Board that an emergency exists inasmuch as Road Impact Fees shall become effective December 1, 1999; therefore, this Ordinance is declared to be an Emergency Ordinance under the provisions of Section 3-14 of the Weld County Home Rule Charter.

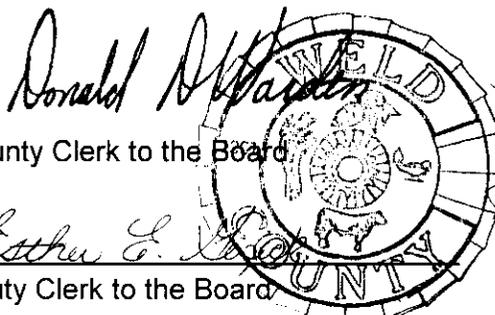
**BE IT FURTHER ORDAINED** by the Board that this Ordinance shall become effective on December 1, 1999, as provided by Section 3-14(6) of the Weld County Home Rule Charter.

**BE IT FURTHER ORDAINED** by the Board if any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held or decided to be unconstitutional, such decision shall not affect the validity of the remaining portions hereof. The Board of County Commissioners hereby declares that it would have enacted this Ordinance in each and every section, subsection, paragraph, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared to be unconstitutional or invalid.

The above and foregoing Ordinance Number 89-KK was, on motion duly made and seconded, adopted by the following vote on the 17th day of November, A. D., 1999.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:



*Donald A. Warden*  
Weld County Clerk to the Board

*Dale K. Hall*  
Dale K. Hall, Chair

BY: *Esther C. [Signature]*  
Deputy Clerk to the Board

*Barbara J. Kirkmeyer*  
Barbara J. Kirkmeyer, Pro-Tem

BY: *George E. Baxter*  
Deputy Clerk to the Board

*George E. Baxter*  
George E. Baxter

APPROVED AS TO FORM:

*Lee D. Morrison*  
Assistant County Attorney

*M. J. Geile*  
M. J. Geile

*Glenn Vaad*  
Glenn Vaad

Read and Approve: November 17, 1999  
Publication: November 25, 1999, in the South Weld Sun  
Effective: December 1, 1999



**From:** <KWonstolen@aol.com>  
**To:** <charding@co.weld.co.us>  
**Date:** 11/12/99 3:02pm  
**Subject:** Weld County Ordinance#89-KK

The Colorado Oil & Gas Association submits the following comments for the case file in this matter:

1. A 150' radius does not preserve an adequate area around a wellhead to allow for reasonable access and use of the surface to conduct workover, frac'ing, refrac'ing or plugging and abandonment operations. A 200' radius is the minimum distance to preserve adequate space to safely and efficiently conduct such operations, including, of course, an adequate access corridor to the wellsite. 150' may be adequate for separation of structures from tank batteries and separators from a workspace standpoint, although 200' would be preferable from a safety buffer perspective and would result in a consistent setback rule.

2. The Colorado Oil and Gas Conservation Commission's "high density area" rule (603.b) provides for a 350' setback from occupied structures for new wells constructed in designated areas. This additional setback beyond the safety buffer otherwise justified by the rulemaking record was a concession by industry. COGA believes that should Weld County adopt a lesser setback for encroaching high density surface development, it would provide grounds for operators seeking a variance from the COGCC high density setback for wells in Weld County. It is COGA's understanding, however, that individual encroaching high density subdivision/PUD applicants could (and should) be required to adhere to a 350' setback as a condition of approval. COGA requests that this be made clear in the hearing record on the proposed amendment.

Thank you for your consideration of these comments.

Contact: Ken Wonstolen, Senior Vice President & General Counsel  
303.861.0362

**CC:** <dsiple@patinaoil.com>, <rich.griebing@state.co.u...

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**From:** "David Siple" <DSIPLE@patinaoil.com>  
**To:** <charding@co.weld.co.us>  
**Date:** 11/16/99 12:02pm  
**Subject:** Weld County Ordinance # 89-KK

Patina Oil & Gas Corporation submits the following comments for the case file in this matter:

1. A 150' radius does not preserve an adequate area around a wellhead to allow for reasonable access and use of the surface to conduct workover, recompletion, deepening or plugging and abandonment operations. A 200' radius is the minimum distance to preserve adequate space to safely and efficiently conduct such operations, including, of course, an adequate access corridor to the wellsite. 150' may be adequate for separation of structures from production facilities from a work space standpoint, although 200' would be preferable from a safety buffer perspective and would result in a consistent setback ordinance.

Thank you for your consideration of these comments.

David W. Siple, Vice President Land, 303-389-3668

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