



City Clerk's Office
300 LaPorte Avenue
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Fort Collins, CO 80522
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Boardsandcommissions@fcgov.com

MEMORANDUM

DATE: August 28, 2023

TO: Mayor and City Councilmembers

FROM: Mark Houdashelt, Chair for the Air Quality Advisory Board

RE: Recommendations Regarding Oil and Gas Reverse Setbacks

CC: Boards and Commissions via email boardsandcommissions@fcgov.com

The Air Quality Advisory Board has discussed City staff's proposals for amending the City's regulations related to oil and gas (O&G) reverse setbacks and makes the recommendations described below.

In terms of the setbacks from different types of O&G wells:

- operating wells - the AQAB recommends that Council adopt the staff proposal (2000 ft setback with a conditional potential variance to 500 ft).
- enhanced oil recovery (EOR) injection wells - the AQAB recommends that Council adopt the staff proposal (2000 ft setback with a conditional potential variance to 500 ft).
- not fully reclaimed abandoned wells - the AQAB recommends that Council adopt the staff proposal (500 ft).
- fully reclaimed abandoned wells - the AQAB recommends that Council NOT adopt the staff proposal but instead set this reverse setback at 500 ft, similar to that of not fully reclaimed abandoned wells.

The AQAB also recommends that Council adopt the staff proposals:

- to prohibit ADUs (detached occupiable buildings) within the buffer zones;
- to measure setbacks from all occupiable buildings, not just residences;
- to extend buffer zones beyond arterial roads;
- for soil-gas and groundwater monitoring (monitor once prior to permitting and once at the end of a five-year construction guarantee); and
- for the notification requirements that a landowner must provide to potential buyers or renters that would reside on a property that fully or partially includes land within the buffer zone near an O&G facility.

In addition, the AQAB recommends that Council adopt regulations that clearly specify the parties that are financially liable for the environmental and health impacts of any future well plug failure and develop the disclosure requirements that will apply when this responsibility is transferred from one party to another.

Thank you for considering these recommendations and for your work on this important issue.



Mayor
City Hall
300 LaPorte Ave.
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970.416.2154
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fcgov.com

August 31, 2023

Air Quality Advisory Board
c/o Selina Lujan, Staff Liaison
PO Box 580
Fort Collins, CO 80522

Dear Chair Houdashelt and Board Members:

On behalf of City Council, thank you for providing us with the August 28, 2023 memorandum wherein you summarized the Board's recommendations for Council to adopt some, but not all, of the staff recommendations regarding oil and gas (O&G) reverse setbacks. Thank you for outlining which specific recommendations the Board supports, which it does not, and additional staff proposals regarding dwelling units and financial liability for well plug failures.

This topic is scheduled to be discussed during the September 5, 2023 City Council meeting and we encourage you to watch the proceedings of the meeting either in person at City Hall at 6:00 p.m. or online via fcgov.com.

Thank you for the expertise and perspectives that you bring to the Board and share with City Council.

Best Regards,

A handwritten signature in black ink, appearing to read "Jeni Arndt".

Jeni Arndt
Mayor

/sek

cc: City Council Members
Kelly DiMartino, City Manager