

DECLARATION OF POLICY

The purpose of this ordinance is to protect the health, safety, welfare, and property of the residents of the Town of Canandaigua as well as the Town's public resources by prohibiting land uses related to the exploration for, extraction and storage of natural gas, petroleum and similar hydrocarbon based resources, which are inconsistent with the character of the Town and its adopted plans, and the effects of which would constitute a significant detriment to public health and safety if not prohibited.

LEGISLATIVE FINDINGS

The Town Board of the Town of Canandaigua is vested by the State of New York to regulate and control land use within the Town and to protect the health, safety, and welfare of its residents. The Board hereby finds the following:

A. That land uses related to the extraction and storage of natural gas, petroleum and similar hydrocarbon based resources as defined in this law would be incompatible with existing land uses and the Town's adopted plans:

1. The Town of Canandaigua is a rapidly growing but still predominantly rural community, which takes great pride in its small-town character, agrarian culture, and history. The Town's 2005 Comprehensive Plan and 2011 Comprehensive Plan Supplement express the Town's priority to protect its rural character and beauty by safeguarding its natural, scenic, historic and cultural resources and promoting growth that is complementary to existing land use patterns. Specifically, the plans include the following goals:

2005 Plan:

Ensure the protection of the town's important natural resources, and in particular, the water quality and scenic quality of Canandaigua Lake.

2011 Supplement under the heading of Resource Protection:

- a. *Ensure the protection of the Town's natural resources.*
- b. *Protect Canandaigua Lake and its watershed as a major natural resource enjoyed by the Town and greater Canandaigua area.*

Furthermore, a goal statement under the category of "Economic Development" in the 2011 Supplement demonstrates that decisions regarding future growth must be tempered by the need to protect the Town's existing resources:

"2. Maximize opportunities for large and small scale commercial development within the Town without compromising the Town's natural, scenic, cultural and historic resources."

2. Land uses related to the extraction and storage of natural gas, petroleum and similar hydrocarbon based resources are heavy industrial uses and characterized by the following: the production of dust, noxious fumes, and other air emissions; visible landscape impairment and fragmentation; glaring nighttime illumination during various phases of production; persistent heavy truck traffic that can damage and impair the function of local roads; and loud and unpleasant noises created by establishment of extraction and storage facilities and related truck traffic.
3. Through adopted plans, local law updates and other initiatives, the Town of Canandaigua has long maintained very high standards for protection of water quality and the natural

environment that forms the foundation of our much coveted small town community character. Existing and proposed New York State regulations will not mitigate the impacts of oil and gas extraction related land uses, particularly those related to noise, dust, light, heavy truck traffic and the increased demand for a wide range of public services, in a way that meets these standards.

4. As such, land uses related to the extraction and storage of natural gas, petroleum and similar hydrocarbon based resources threaten the predominantly rural, agricultural, and residential character of the Town and are plainly inconsistent with the Town's adopted plans for land use and development.
- B. That land uses related to the extraction and storage of natural gas, petroleum and similar hydrocarbon based resources as defined in this law would, constitute a nuisance and a threat to the Town's natural resources as well as the health, safety, comfort and general welfare of its residents:
1. The community character effects resulting from land uses related to the extraction and storage of natural gas, petroleum and similar hydrocarbon based resources described in Subsection A of this Section would interfere with the use and enjoyment of private lands within the Town.
 2. In addition, the effects resulting from this category of land uses present a significant risk of irreparable damage to the Town, the property of its residents, and its invaluable public resources, such as clean air and clean water. Any spills of chemicals and wastewater, blowouts, leaking wells, and other environmental accidents would be likely to result in the destruction of public and private property and the contamination of local water resources. The long-term consequences and risks of these land uses, such as the possibility of underground migration of contaminants and well integrity failures, are as yet unknown and may also present a significant threat to local property and resources including Canandaigua Lake which is the primary source of drinking water for more than 60,000 people around the region.
 3. Accordingly, the Town Board determines that oil and gas extraction related land uses would constitute a nuisance within the Town's rural context and an unacceptable threat to public health, safety, and welfare.

DEFINITIONS

The following definition shall be deleted from § 1-17 of the Town Code:

OIL OR GAS EXPLORATION OR EXTRACTION ACTIVITIES - The installation and use of fixtures and equipment which are necessary for the exploration, development or extraction of oil or natural gas, including access roads, drilling apparatus, pumping facilities and pipelines.

The following definition shall be added to § 1-17 of the Town Code:

OIL AND GAS EXTRACTION – Shall mean the process of exploring, drilling for or extracting natural gas, petroleum, or similar hydrocarbon based resources from naturally occurring formations below the surface of the earth.

OIL AND GAS EXTRACTION RELATED LAND USE – means any structure, facility, process, building, machinery, accessory use and/or equipment used for or in connection with oil and gas extraction, which includes but is not limited to any drilling rig, pipeline, flowline, gathering line, sweetening plants, separators, processing facilities, compression facilities, carbon dioxide removal facilities, bulk

storage plants, hydrogen sulfide removal facilities, dehydration facilities, compressor stations, metering facilities, waste pits, chemical mixing or storage tanks, flowback pits or tanks, water and chemical mixture transfer and hauling stations, parking areas, and access roads and drives.

PROHIBITION

A new section, §220-9, Part AA, shall be added to Town Code and shall read as follows:

Oil and gas extraction related land uses are prohibited anywhere within the Town except as provided in §220-107 "Pre-existing nonconformities".

SUPERSEDING INTENT AND EFFECT

This Local Law shall supersede any inconsistent provisions of the Code, or any and all other local ordinances, laws or resolutions of the Town.

SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the Secretary of the State of New York as provided by law.