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(Ord. 34, 2010 §1)

Chapter 18.56

Oil and Gas Operations

18.56.010 Purpose and intent.

The purpose of this Chapter is to protect and promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future residents of the City. It is the City's intent by enacting these regulations to facilitate the development of oil and gas resources within the City while mitigating land use conflicts between such development and existing as well as proposed land uses. It is recognized that, under Colorado law, the surface and mineral estates are separate and distinct interests in land and that one (1) may be severed from the other. Owners of oil and gas interests have certain legal rights and privileges, including the right to use that part of the surface estate reasonably required to extract and develop their subsurface oil and gas interests, subject to compliance with the provisions of these regulations and any other applicable statutory and regulatory requirements. The State has a recognized interest in fostering the efficient development, production and utilization of oil and gas resources and particularly in the prevention of waste and protection of the correlative rights of common source owners and producers to a fair and equitable share of production profits. Similarly, owners of the surface estate have certain legal rights and privileges, including the right to have the mineral estate developed in a reasonable manner and to have adverse land use impacts upon their property, associated with the development of the mineral estate, mitigated through compliance with these regulations. Local governments have a recognized, traditional authority and responsibility to regulate land use within their jurisdiction, including use for oil and gas drilling. These regulations are intended as an exercise of this land use authority. Should it be established by competent evidence that a proposed oil or gas facility cannot be operated in compliance with these regulations, land use approval for such a facility may be denied. Such denial may be appealed as provided for in Chapter 18.24, Appeals. (Ord. 27, 1998 §1)

18.56.020 General provisions.

(a) The provisions in this Chapter shall apply to all oil and gas exploration and production operations proposed or located on surface property within the City limits.

(b) All oil and gas exploration and production operations shall require use by special review approval as provided in Chapter 18.20 and should be referred to for further information on the use by special review process.

(c) Where provisions in this Chapter are in conflict with other provisions of this Code, the more restrictive, or that provision which results in the higher standard, shall apply.

(d) Exceptions to City provisions of this Chapter may be granted by the Planning Commission as part of the approval of the use by special review only if the owner or operator demonstrates by a preponderance of evidence that the exception or waiver is necessary to prevent waste or protect correlative rights and can provide equivalent mitigation measures for the standards waived. Decisions of the Planning Commission may be appealed to the City Council as provided in Chapter 18.24, Appeals. (Ord. 27, 1998 §1)

18.56.030 Definitions.

(a) All terms used herein that are defined in the Act or in Oil and Gas Conservation Commission regulations and are not otherwise defined in Subsection (b) below shall be defined as provided in the Act or in such regulations. All other words used herein shall be given their usual customary and accepted meaning unless otherwise provided in this Title, and all words of a technical nature, or peculiar to the oil and gas industry, shall be given that meaning which is generally accepted in said oil and gas industry.

(b) The words, terms and phrases listed below shall have the following meanings:

Act shall mean the Oil and Gas Conservation Act of the State of Colorado.

Assembly building shall mean any building or portion of building or structure used for the regular gathering of fifty (50) or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking, dining or awaiting transport.

Building unit shall mean a building or structure intended for human occupancy. A dwelling unit, every guest room in a hotel/motel, every five thousand (5,000) square feet of building floor area in commercial facilities and every fifteen thousand (15,000) square feet of building floor area in warehouses or other similar storage facilities is equal to one (1) building unit.

Commission or OGCC shall mean the Oil and Gas Conservation Commission of the State of Colorado.

Day, for the sole purpose of this Chapter, shall mean a period of twenty-four (24) consecutive hours.

Director, for the sole purpose of this Chapter, shall mean Director of the Oil and Gas Conservation Commission of the State of Colorado.

Educational facility shall mean any building used for legally allowed educational purposes for more than twelve (12) hours per week for more than six (6) persons. This includes any building or portion of building used for licensed day-care purposes for more than six (6) persons.

High-density area shall be determined at the time the well is permitted on a well-by-well basis, by calculating the number of occupied building units within the seventy-two-acre area defined by a one-thousand-foot radius from the wellhead or production facility and shall mean any tract of land which meets one (1) of the following:

a. Thirty-six (36) or more actual or platted building units are within a one-thousand-foot radius, or eighteen (18) or more building units are within any semi-circle of the one-thousand-foot radius, at an average density of one (1) building unit per two (2) acres. If platted building units are used to determine density, then fifty percent (50%) of said platted units shall have building units under construction or constructed;

b. An educational facility, assembly building, hospital, nursing home, board and care facility or jail is located within one thousand (1,000) feet of a wellhead or production facility; or

c. If a designated outside activity area is within one thousand (1,000) feet of a wellhead or production facility, the area may become high density upon application and determination by the OGCC.

Hospital, nursing home, board and care facilities, for the sole purpose of this Chapter, shall mean buildings used for the licensed care of more than five (5) in-patients or residents.

Inspector, City shall mean any person designated by the City Manager or by the Manager's designee, who shall have the authority to inspect a well site to determine compliance with this Chapter and other applicable ordinances of the City.

Jail shall mean those structures where the personal liberties of occupants are restrained, including but not limited to mental hospitals, mental sanitariums, prisons and reformatories.

Local government designee shall mean the office designated to receive, on behalf of the local government, copies of all documents required to be filed with the local governmental designee pursuant to the rules of the OGCC.

Mineral owner shall mean any person having title or right of ownership in subsurface oil and gas or leasehold interest therein.

Operating plan shall mean a general plan which describes an oil and gas exploration and production facility identifying purpose, use, typical staffing pattern, seasonal or periodic considerations, routine hours of operation, source of services/infrastructure, any mitigation plans and any other information related to regular functioning of that facility.

Operator shall mean the person designated by the owner or lessee of the mineral rights as the operator and so identified in Oil and Gas Conservation Commission applications.

Production facilities shall mean all storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flow lines and other equipment directly associated with oil wells, gas wells or injection wells.

Sidetracking shall mean entering the same wellhead from the surface, but not necessarily following the same well bore, throughout its subsurface extent when deviation from such well bore is necessary to reach the objective depth because of an engineering problem.

Surface owner shall mean any person having title or right of ownership in the surface estate of real property or leasehold interest therein.

Twinning shall mean the drilling of a well adjacent to or near an existing well when the well cannot be drilled to the objective depth or produced due to an engineering problem, such as a collapsed casing or formation damage.

Well shall mean an oil or gas well, a hole drilled for the purpose of producing oil or gas, or a well into which fluids are injected.

Well site shall mean the areas which are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil well, gas well or injection well.

Wellhead shall mean the mouth of the well at which oil or gas is produced. (Ord. 27, 1998 §1)

18.56.040 Well and production facility setbacks.

(a) In all areas of the City, except for flow lines, transmission lines and power supply lines and as provided for in Subsection (b) below, the following shall apply:

(1) All wellheads, production tanks and/or associated on-site production equipment shall be set back at least one hundred fifty (150) feet or one and one-half (1½) times the height of the derrick, whichever is greater, to any public road or private road built to City standards, platted right-of-way, built trail, parking lot, major aboveground utility or rail line.

(2) Low-density areas. At the time of initial drilling of the well, any wellhead or production tanks and/or associated on-site production equipment shall be located not less than one hundred fifty (150) feet from any occupied building.

(3) High-density areas.

a. At the time of initial drilling of the well, the wellhead location shall be not less than two hundred (200) feet from any occupied building, and not less than three hundred fifty (350) feet from any educational facility, assembly

building, hospital, nursing home, board and care facility or jail in those areas which are high-density areas, as defined in Subsection 18.56.030(b) above, or outdoor activity area as designated by the State.

b. At the time of initial installation, production tanks and/or associated on-site production equipment shall be located not less than two hundred (200) feet from any occupied building and not less than five hundred (500) feet from an educational facility, assembly building, hospital, nursing home, board and care facility, jail or State-designated outdoor activity area. Said five-hundred-foot setback shall be decreased to the maximum achievable setback if five hundred (500) feet would extend beyond the area on which the operator has a legal right to place or construct such facilities.

(b) Where compliance with OGCC spacing rules, regulations or orders makes it impossible for the applicant to meet the setbacks stipulated in Subsection (a) above, the applicant may not be required to fully meet the above described setbacks. Approval must first be obtained from the OGCC before the applicant may seek relief from the City. The applicant shall, however, meet the setbacks to the maximum extent possible within the OGCC spacing regulations and may be required to implement special mitigation measures as described herein.

(c) If the OGCC approves a waiver as provided for in Subsection (b) above, the City may attach conditions, provided that such conditions can provide equivalent mitigation measures for the standards waived. (Ord. 04, 2008 §5; Ord. 4, 2006 §1; Ord. 27, 1998 §1)

18.56.050 Flood plain restrictions.

The well and tank battery shall comply with all applicable federal, state and local laws and regulations when located in a flood way or a one-hundred-year flood plain area.

(1) All equipment at production sites located within a one-hundred-year flood plain shall be anchored as necessary to prevent flotation, lateral movement or collapse or shall be surrounded by a berm with a top elevation at least one (1) foot above the level of a one-hundred-year flood.

(2) Any activity or equipment at any well site within a one-hundred-year flood plain shall comply with the Federal Emergency Management Act and shall not endanger the eligibility of residents of the City to obtain federal flood insurance. (Ord. 27, 1998 §1)

18.56.060 Disposal of drilling mud and exploration and production waste.

All exploration and production waste, including drilling mud or other drilling fluids, shall be stored, handled, transported, treated, recycled or disposed of in accordance with OGCC regulations, to prevent any significant adverse environmental impact on air, water, soil or biological resources. (Ord. 27, 1998 §1)

18.56.070 Seismic operations.

All persons shall comply with all Commission rules with respect to seismic operations. Seismic operations shall occur within the City only between the hours of 7:00 a.m. and 7:00 p.m. In addition, the owner or operator shall provide a notice of intent to conduct seismic exploration at least seven (7) days prior to commencement of the data recording operations to the Community Development Director and the Fire Chief. Said notice shall include the following:

- (1) Method of exploration;
- (2) Map showing the proposed seismic lines, at a scale at least one-half (½) inch to the mile;
- (3) Name and permanent address of the seismic contractor; and
- (4) The name, address and telephone number of the seismic contractor's local representative. (Ord. 27, 1998 §1)

18.56.080 Signage.

The well and tank battery owner or operator shall comply with all OGCC rules with respect to signage. In addition, the owner or operator shall maintain all signs in readable condition. Signs shall comply with Chapter 18.54, Signs, and the Uniform Fire Code, as adopted by the City, except when any variations from these codes are required by OGCC regulations. (Ord. 27, 1998 §1)

18.56.090 Access roads.

All roads used to access the tank battery and wellhead shall be constructed to accommodate local emergency vehicle access requirements and be maintained in a reasonable condition according to the following standards:

(1) Tank battery access roads. Access roads to tank batteries shall, at a minimum, be:

a. A graded gravel roadway at least twenty (20) feet wide and with a minimum unobstructed overhead clearance of thirteen (13) feet six (6) inches, having a prepared subgrade and an aggregate base course surface a minimum of six (6) inches thick compacted to a minimum density of ninety-five percent (95%) of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures approved by the Public Works Department. The aggregate material, at a minimum, shall meet the requirements for Class 6, Aggregate Base Course as specified in the Colorado Department of Transportation's "Standard Specifications for Road and Bridge Construction," latest edition. This standard may be waived by the Public Works Department and the Fire Chief for good cause and if the spirit and intent of this Section are otherwise met.

b. Graded so as to provide drainage from the roadway surface and constructed to allow for cross-drainage of waterways (i.e., roadside swells, gulches, rivers, creeks, etc.) by means of an adequate culvert pipe. Adequacy of the pipe shall be subject to approval of the Public Works Department.

c. Maintained so as to provide a passable roadway meeting the requirements of Subsection (1)a above at all times.

(2) Wellhead access roads. Access roads to wellheads shall, at a minimum, be:

a. A graded dirt roadway at least twenty (20) feet wide and with a minimum unobstructed overhead clearance of thirteen (13) feet, six (6) inches, compacted to a minimum density of ninety-five percent (95%) of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures approved by the Public Works Department.

b. Graded so as to provide drainage from the roadway surface and constructed to allow for cross-drainage of waterways (i.e., roadside swells, gulches, rivers, creeks, etc.) by means of an adequate culvert pipe. Adequacy of the pipe shall be subject to approval of the Public Works Department.

c. Maintained so as to provide a passable roadway meeting the requirements of Subsection (2)a above at all times.

(3) If a well site falls within a high density area at the time of construction, all leasehold roads shall be constructed to accommodate local emergency vehicle access requirements and shall be maintained in a reasonable condition.

(4) All tank battery and wellhead access roads which intersect a paved City street or alley shall be paved to standards determined by the Public Works Director from the existing paved roadway to the edge of the public right-of-way. Such standards shall protect public streets, sidewalks and curb and gutters. No mud or gravel, except minor and nominal amounts, shall be carried onto City streets or sidewalks. If mud or gravel is carried onto City streets or sidewalks, the owner or operator shall ensure that the streets are promptly cleaned. With the permission of the Director of Public Works, the owner or operator may make arrangements for the Public Works Department to clean the streets at the sole cost of the owner or operator.

(5) No public facilities such as curbs, gutters, pavement, water or sewer lines, etc., shall be damaged by vehicles entering or leaving the site. In the event of damage, the owner and operator, jointly and severally, shall indemnify the City for any reasonable repair costs. (Ord. 27, 1998 §1)

18.56.100 Compliance with environmental requirements.

(a) Operators shall conform to all current City, county, state and federal regulations and standards concerning air quality, water quality, odor and noise.

(b) All City sanitation and environmental standards shall be met.

(c) All surface trash, debris, scrap or discarded material connected with the operation of the property shall be removed from the premises or disposed of in a legal manner. (Ord. 27, 1998 §1)

18.56.110 Environmental impacts and mitigation.

(a) Noise impacts and mitigation.

(1) State law and regulations concerning noise abatement (Title 25, Article 12, C.R.S.) shall apply to all operations, together with applicable local government ordinances, rules or regulations.

(2) Exhaust from all engines, motors, coolers and other mechanized equipment shall be vented in a direction away from all buildings certified or intended for occupancy, to the extent practicable.

(3) Special mitigation measures.

a. Where a well or tank battery does not comply with the required setback or other portions of this Chapter, or where the well or tank battery is in an area of particular noise sensitivity, such as hospitals, schools and churches, additional noise mitigation may be required. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:

1. Nature and proximity of adjacent development (design, location, type);
2. Prevailing weather patterns, including wind directions;
3. Vegetative cover on or adjacent to the site; and
4. Topography.

b. Based upon the specific site characteristics set forth above, nature of the proposed activity and its proximity to surrounding development and type and intensity of the noise emitted, additional noise abatement measures may be required. The level of required mitigation may increase with the proximity of the well and well site to existing residences and platted subdivision lots and/or the level of noise emitted by the well and well site. One (1) or more of the following additional noise abatement measures may be required:

1. Acoustically insulated housing or cover enclosing the motor, engine or compressor, or other noise mitigation techniques;
2. Vegetative screen consisting of trees and shrubs;
3. Solid wall or fence of acoustically insulating material surrounding all or part of the facility;
4. Noise management plan identifying and limiting hours of maximum noise emissions, type, frequency and level of noise to be emitted and proposed mitigation measures;
5. Lowering the level of pumps or tank battery; and
6. Requirements for electric motors only.

(b) Visual impacts and mitigation.

(1) To the maximum extent practical, oil and gas facilities shall be located away from prominent natural features such as distinctive rock and land forms, river crossings and other landmarks.

(2) To the maximum extent practical, oil and gas facilities shall be located to avoid crossing hills and ridges or silhouetting.

(3) To the maximum extent practical, the applicant shall use structures of minimal size to satisfy present and future functional requirements.

(4) At all times, the applicant shall minimize the removal of existing vegetation.

(5) To the maximum extent practical, the applicant shall locate facilities at the base of slopes to provide a background of topography and/or natural cover.

(6) The applicant shall replace earth adjacent to water crossings at slopes at an angle which insures stability for the soil type of the site, to minimize erosion.

(7) The applicant shall align access roads to follow existing grades and minimize cuts and fills.

(8) Facilities shall be painted as follows:

- a. Uniform, noncontrasting, nonreflective color tones, similar to Munsell Soil Color Coding System.
- b. Color matched to land, not sky, slightly darker than adjacent landscape.
- c. Exposed concrete colored to match soil color.

(9) Storage tanks and other facilities shall be kept clean and well-painted and otherwise properly maintained, so that signs are legible and all flammable material removed from the site.

(10) Where a well or tank battery does not comply with the required setback or other portions of this Chapter, or in areas of increased visual sensitivity determined by the City, the applicant shall submit a visual mitigation plan which shall include but not be limited to one (1) or more of the following standards:

- a. Exterior lighting shall be directed away from residential areas or shielded from said areas to eliminate glare.
- b. Construction of buildings or other enclosures may be required where facilities create noise and visual impacts which cannot be mitigated because of proximity, density and/or intensity of adjacent residential land use.

(11) One (1) or more of the following landscaping practices may be required, where practical, on a site specific basis:

- a. Establishment and proper maintenance of adequate ground covers, shrubs and trees.
- b. Shaping cuts and fills to appear as natural forms.
- c. Cutting rock areas to create irregular forms.
- d. Designing the facility to utilize natural screens.
- e. Construction of fences or walls, such as woven wood or rock, for use with or instead of landscaping.

(c) Safety impacts and mitigation.

(1) Adequate precautions shall be taken and necessary wellhead safety devices used at all times during the drilling, completion, recompletion, reworking, production, repair and maintenance of the well.

(2) Adequate fire-fighting apparatus and supplies, approved by the Fire Authority or appropriate fire district, shall be maintained on the drilling site at all times during drilling, completion and repair operations. All machinery, equipment and installations on all drilling sites within the City limits shall conform with such requirements as may be issued by the Fire Authority or appropriate fire district.

(3) Any well located less than three hundred fifty (350) feet from an occupied building or in high density areas shall be equipped with blowout preventers during drilling.

(d) Wildlife impacts and mitigation.

(1) When one (1) or more wells or tank batteries are located within sensitive areas as identified on the City's Areas of Ecological Significance Map, the applicant shall consult with the Division of Wildlife and the City to obtain recommendations for appropriate site specific and cumulative impact mitigation procedures.

(2) In lieu of a site specific mitigation review for each well and well site, the applicant may submit to the Community Development Director a multi-site plan addressing cumulative impacts to wildlife from the estimated total number of facilities planned in the same area and including areas within the Long-Range Expected Growth Area, if at least one (1) proposed well site is in the City. (Ord. 27, 1998 §1)

18.56.120 Recordation of flow lines.

All flow lines, including transmission and gathering systems, shall have the legal description of the location recorded with the County Clerk and Recorder within thirty (30) days of completion of construction. Abandonment of any flow lines shall be recorded with the County Clerk and Recorder within thirty (30) days after abandonment. (Ord. 27, 1998 §1)

18.56.130 Reclamation.

The operator shall comply with all Commission rules with respect to site reclamation. The OGCC Drill Site Reclamation Notice shall be filed with the City at the same time it is sent to the surface owner. (Ord. 27, 1998 §1)

18.56.140 Abandonment and plugging of wells.

- (a) The operator shall comply with all OGCC rules with respect to abandonment and plugging of wells.
- (b) Operators of wells which are to be abandoned upon the completion of drilling and not be put into production shall notify the Fire Authority not less than two (2) hours prior to commencing plugging operations.
- (c) Operators of formerly producing wells shall notify the Fire Authority not less than two (2) working days prior to removing production equipment or commencing plugging operations.
- (d) The operator shall provide copies of all OGCC plugging and abandonment reports to the City at the same time they are filed with the OGCC. (Ord. 27, 1998 §1)

18.56.150 Operations in high density areas.

In addition to setbacks as required in Subsection 18.56.040(a)(2), the following provisions shall apply to high density areas:

- (1) At the time of initial installation, if a well site falls within a high density area, all pumps, pits, wellheads and production facilities shall be adequately fenced to restrict access by unauthorized persons. For security purposes, all such facilities and equipment used in the operation of a completed well shall be surrounded by a fence six (6) feet in height, of noncombustible material and which includes a gate which shall be locked.
- (2) Any material not in use that might constitute a fire hazard shall be placed a minimum of twenty-five (25) feet from the wellhead, tanks and separator. Within ninety (90) days after a well is plugged and abandoned, the well site shall be cleared of all nonessential equipment.
- (3) Adequate blowout prevention equipment shall be provided for drilling operations and well servicing operations.
- (4) The operator shall identify the location of plugged and abandoned wells with a permanent monument which shall include the well number and date of plugging inscribed on the monument.
- (5) Where possible, operators shall provide for the development of multiple reservoirs by drilling on existing pads or by multiple completions or commingling in existing well bores. (Ord. 27, 1998 §1)

18.56.160 Building permits.

Building permits shall be obtained as required by the City's adopted Building and Fire Codes and all other applicable codes and regulations then in effect. (Ord. 27, 1998 §1)

18.56.170 Requirements and procedures.

(a) Within all zone districts, it shall be unlawful for any person to drill a well, reactivate a plugged or abandoned well, or perform initial installation of accessory equipment or pumping systems unless a use by special review permit has first been granted by the City in accordance with the procedures in Chapter 18.20 and those prescribed herein. The initial use by special review permit shall allow any twinning, sidetracking, deepening, recompleting or reworking of a well and relocation of accessory equipment or gathering and transmission lines so long as all applicable regulations of this jurisdiction and the State are met. If any twinning, sidetracking, deepening, recompleting or reworking of a well, or relocation of accessory equipment or gathering and transmission lines occurs, then the operator shall submit a revised site plan to the City depicting any changes from the approved special review permit. After review of the revised site plan, the City shall issue a Notice to Proceed as provided in Section 18.56.200.

(b) In recognition of the potential impacts associated with oil and gas drilling and well operation in an urban setting, all wells and accessory equipment and structures may be subject to inspections by the City at reasonable times to determine compliance with all applicable regulations, the Uniform Fire Code, as adopted by the City, the Uniform Building Code, as adopted by the City and other applicable City ordinances and regulations. (Ord. 27, 1998 §1)

18.56.180 Site plan application requirements.

(a) An application for a use by special review pursuant to this Chapter and Chapter 18.20 shall be filed with the Community Development Department and shall include the following information:

(1) City application form and applicable fee.

(2) Copies of all information submitted to the OGCC. In addition, the following information, if not provided in the materials submitted to the OGCC, shall be provided to the City on one (1) or more plats or maps, drawn to scale, showing the following information:

a. The proposed location of production site facilities or well site facilities associated with the well in the event production is established, if applicable. Future development of the resource shall be considered in the location of the tank battery. Existing tank batteries and transmission and gathering lines within five hundred (500) feet of the well site shall be shown.

b. The location of layout, including, without limitation, the position of the drilling equipment and related facilities and structures, if applicable.

c. True north arrow, scale and plan legend.

d. The following information within a radius of five hundred (500) feet of the proposed well:

1. Existing surface improvements;

2. Existing utility easements and other rights-of-way of record, if any; and

3. Existing irrigation or drainage ditches, if any.

e. The applicant's drainage and erosion control plans for the well site or production site and the area immediately adjacent to such site, if applicable.

f. Location of access roads.

g. Well site or production site's existing lease boundaries, well name and number.

h. The names of abutting subdivisions or the names of owners of abutting, unplatted property within five hundred (500) feet of the well site or production site.

i. A title block showing the scale; date of preparation; and name, address and telephone number of the plan preparer, applicant and operator.

(3) Copies of the vicinity maps as submitted to the OGCC. In addition, the following information, if not provided in the vicinity map submitted to the OGCC, shall be provided to the City, including a three-mile radius around the proposed well, showing the following information:

- a. Location of all existing water bodies and watercourses, including direction of water flow. This information shall be submitted on USGS 7.5 minute series or assessor base maps which indicate topographic detail and show all existing water bodies and watercourses with a physically defined channel within a four-hundred-foot radius of the proposed well.
- b. Location of existing oil and gas wells as reflected in OGCC records. This information shall be submitted on a map and shall include any and all wells within a one-thousand-foot radius of the proposed location for the well.
- c. Location of drill site and access from one (1) or more public roads.
- d. Surface and mineral lease ownership within two hundred (200) feet of the wellhead and within four hundred (400) feet of the wellhead in high-density areas.

(4) Application requirements for narrative. In addition to the site plans and vicinity maps required in Subsections (2) and (3) above, the application shall include the following:

- a. The operator's and surface owner's names and addresses, copies of any required OGCC Form 2 and designation of agent, if applicable.
- b. An operating plan.
- c. A list of all permits or approvals obtained or yet to be obtained from local, state or federal agencies other than OGCC.
- d. An emergency response plan that is mutually acceptable to the operator and the Fire Authority or appropriate fire district that includes a list of local telephone number of public and private entities and individuals to be notified in the event of an emergency, the location of the well and provisions for access by emergency response entities.
- e. A plan for minimizing negative impacts, including but not limited to, noise and vibration levels, air and water quality, odor levels, visual impacts, wildlife impacts, waste disposal and public safety.
- f. A fire protection plan that is mutually acceptable to the operator and the Fire Authority or appropriate fire district that includes planned actions for possible emergency events and any other pertinent information. Prior to the application to the City, a proposed fire protection plan and emergency response plan shall be submitted to and reviewed by the Fire Authority or appropriate fire district.

(b) The process whereby a use by special review request shall be considered by the City shall follow the procedure in Chapter 18.20. (Ord. 27, 1998 §1)

18.56.190 Application review criteria.

The Planning Commission shall approve an application for a use by special review for a well site if the application submitted by the applicant conforms to the following requirements:

- (1) The site plans for a well site application comply with the requirements of Paragraph 18.56.180(a)(2).
- (2) The vicinity maps for a well site application comply with the requirements of Paragraph 18.56.180(a)(3).
- (3) The narrative for a well site application complies with the requirements of Paragraph 18.56.180(a)(4).
- (4) The well location and setbacks comply with Section 18.56.040.
- (5) When applicable, compliance with the provisions for mitigation of environmental impacts as required in Section 18.56.110.
- (6) When applicable, compliance with the provisions for flood plains or flood way required in Section 18.56.050.

(7) The use by special review for a well site is in compliance with the use by special review criteria in Section 18.20.070. (Ord. 4, 2006 §1; Ord. 27, 1998 §1)

18.56.200 Notice to proceed.

Prior to commencement of construction, drilling, redrilling or enhanced recovery operations for which a use by special review has been previously granted, a "Notice to Proceed" shall be obtained from the City. A copy of any necessary state or federal permit issued for the operation shall be provided to the City. (Ord. 27, 1998 §1)

18.56.210 Inspections.

(a) The operator of any producing oil or gas well within the City shall provide to the Fire Chief proof of insurance and bonding required by any City, county, state or federal law or regulation and certification of compliance with the conditions of this Chapter and the Uniform Building and Fire Codes, as adopted by the City, annually.

(b) The holder or agent of the special review permit shall allow inspections by City personnel at any reasonable hour. Failure to allow inspections for more than ten (10) days shall result in scheduling a special review permit revocation hearing before the Planning Commission. The Planning Commission's decision on a special review permit revocation based on failure to allow inspections shall be final.

(c) Any operator of any oil and gas well within the City shall remit to the City an annual inspection fee to cover the costs which the City incurs for conducting the inspections of oil and gas wells. The fee shall be determined annually by the City Manager or Manager's designee and shall be based solely on actual costs incurred by the City for inspections. This fee shall be paid not later than February 1 of the year following that for which the fee is due. Wells which have been plugged and abandoned are exempt from this fee. (Ord. 27, 1998 §1)

18.56.220 Violation and enforcement.

(a) It shall be unlawful to construct, drill, install or cause to be constructed or installed any oil and gas facility within the City unless approval has been granted by the City pursuant to this Title. The unlawful drilling or redrilling of any well or the production therefrom shall constitute a code infraction. The City shall have the right to abate the infraction at the sole reasonable expense of the operator of the infraction by any means to include but not be limited to:

- (1) Injunctive or other civil remedy.
- (2) A stop work order by the Community Development Director.
- (3) Removal of the nuisance by City personnel or City contractors.

(b) Any person, firm, corporation or legal entity that constructs, installs or uses, or which causes to be constructed, installed or used, any oil and gas well or well site in violation of any provision of this Chapter shall be subject to the sanctions for code infractions contained in Chapter 1.33 of this Code and any other sanctions permitted under law. (Ord. 46, 2006 §2; Ord. 27, 1998 §1)

Chapter 18.58

Nonconforming Uses, Buildings and Structures

18.58.010 Purpose and intent.

Within the jurisdiction of this Code are lots, structures, buildings, uses and characteristics of uses which were lawful when established, but which could not be established under current provisions. Such nonconformities may be created at the effective date of this Code, or as a result of subsequent amendments which may be incorporated into this Code and may include such nonconformities as land uses, setbacks or landscaping. It is the intent of this Chapter to describe the conditions under which legal nonconforming uses, buildings and structures may continue. (Ord. 27, 1998 §1)