

## Sec. 21-5266. Subsurface Extraction

### (1) **Well and Production Facility Setbacks.**

- (a) Except for flow lines, transmission lines, and power supply lines, and as provided for in paragraph (1)(b) below, the following shall apply:
  - (i) Property lot lines. At the time of initial drilling of the well, a wellhead or production tank and/or associated on-site production equipment shall be located not less than 150 feet from any subdivision lot.
  - (ii) Additional setback for certain uses. Lots intended for use for a school, educational facility, hospital, nursing home, or congregate care facility, or any assembly building (as defined in the Oil and Gas Conservation Commission of the State of Colorado, or OGCC), shall not be platted to allow a building site within 350 feet of an existing oil or gas well or its production facilities.
- (b) Where compliance with OGCC spacing rules, regulations, or orders makes it impossible for the applicant to meet the setbacks stipulated in paragraph (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.

- (2) **Disposal of Exploration and Production Waste.** All exploration and production waste, including 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.

- (3) **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 article VIII, and the fire code, as adopted by the city.

- (4) **Access Roads.** All roads used to access the tank battery and wellhead shall be constructed to accommodate local emergency vehicle access requirements and shall be maintained in a reasonable condition according to the following standards:

- (a) Tank Battery Access Roads. Access roads to tank batteries shall, at a minimum, be a graded gravel roadway at least 20 feet-wide and with a minimum unobstructed overhead clearance of 13 feet 6 inches, and with a minimum thickness to be approved by the city engineer.

- (b) Wellhead Access Roads. Access roads to wellheads shall, at a minimum, be a graded gravel roadway at least 20-feet wide and with a minimum unobstructed overhead clearance of 13 feet 6 inches, and with a minimum thickness to be approved by the city engineer.
- (c) Pavement Standards. All tank battery and wellhead access roads which intersect a paved city street or alley shall be paved to standards determined by the city engineer from the existing paved roadway to the edge of the public right-of-way. Such standards shall protect public streets, sidewalks, and curbs and gutters. The access location shall comply with all city requirements.
- (d) Indemnification. 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 or operator, jointly or severally, shall indemnify the city for any reasonable repair costs.

(5) **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, county, and state 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.
- (d) The site shall comply with the City's Storm Drainage Manual and Storm Water Management requirements.

(6) **Mitigation of Impacts.**

- (a) Noise Impacts:
  - (i) State law and regulations concerning noise abatement (Title 25, Article 12, CRS) shall apply to all operations together with applicable local government ordinances, rules, or regulations.
  - (ii) Exhaust from all engines, motors, coolers, and other mechanical equipment shall be vented in a direction away from all buildings certified or intended for occupancy, to the maximum extent feasible.
  - (iii) Drilling and construction operations shall be limited to the hours between 6 a.m. and 10 p.m., if the well site is located within 1/4 mile of any residential structure.

- (iv) Where a well or tank battery does not comply with required setback or other portions of this land development code, or where the well or tank battery is in an area of particular noise sensitivity, additional noise mitigation may be required. In determining the appropriate noise mitigation, specific site characteristics shall be considered, including, but not limited to the following:
  - a. Nature and proximity of adjacent development (design, location, type);
  - b. Prevailing weather patterns, including wind directions;
  - c. Vegetative cover on or adjacent to the site; and
  - d. Topography.
- (v) Based upon the specific site characteristics set forth above, additional noise abatement measures may be required. The level of required mitigation may increase with the proximity of the well to existing residences and platted subdivision lots and/or the level of noise emitted by the well and well site.
- (vi) One or more of the following additional noise abatement measures may be required:
  - a. Acoustically insulated housing or cover enclosing the motor, engine, or compressor, or other noise mitigation techniques;
  - b. Vegetative screen consisting of trees and shrubs;
  - c. Solid wall or fence of acoustically insulating material surrounding all or part of the facility;
  - d. Noise management plan identifying and limiting hours of maximum noise emissions, type, frequency, and level of noise to be emitted and proposed mitigation measures;
  - e. Lowering the level of pumps or tank battery; and
  - f. Requirements for electric motors only.

(b) Visual Impacts:

- (i) To the maximum extent feasible, oil and gas facilities shall be located away from prominent natural features, such as distinctive rock and landforms, river crossings, and other landmarks.

- (ii) To the maximum extent feasible, the oil and gas facilities shall be located to avoid crossing hills and ridges or silhouetting.
  - (iii) To the maximum extent feasible, the applicant shall use structures of minimal size to satisfy present and future functional requirements.
  - (iv) At all times, the applicant shall minimize the removal of existing vegetation.
  - (v) To the maximum extent feasible, the applicant shall locate facilities at the base of slopes to provide a background of topography and/or natural cover.
  - (vi) The applicant shall replace earth adjacent to water crossings at slopes at an angle which ensures stability for the soil type of the site to minimize erosion.
  - (vii) Facilities shall be painted as follows:
    - a. Uniform, non-contrasting, non-reflective color tones.
    - b. Color-matched to land, not sky, slightly darker than adjacent landscape.
    - c. Exposed concrete colored to match soil color.
  - (viii) One or more of the following landscaping practices may be required, where practical, on a site-specific basis:
    - a. Establishment and proper maintenance of adequate groundcovers, 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:
- (i) Adequate precautions shall be taken and necessary wellhead safety devices used at all times during the drilling, completion, re-completion, reworking, production, repair, and maintenance of the well.

- (ii) Adequate fire-fighting apparatus and supplies, approved by the fire district, shall be maintained on the drilling site at all times during drilling, completion, and repair operations.

(7) **Abandonment and Plugging.**

- (a) The operator shall comply with all OGCC rules.
- (b) The operator shall coordinate all plugging operations with the local fire district.
- (c) 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.
- (d) It shall be unlawful for any person to reactivate a plugged or abandoned well unless a use-by-permit has first been granted by the city. The initial use-by-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.

(8) **Application Requirements.** An application for a use-by-permit shall include the following information:

- (a) City application form and applicable fee;
- (b) Copies of all information submitted to the OGCC to include:
  - (i) The proposed location of production site facilities or well site facilities associated with the well in the event production is established.
  - (ii) The location of layout, including, without limitation, the position of the drilling equipment and related facilities and structures, if applicable.
  - (iii) The following information within a radius of 500 feet of the proposed well:
    - a. Existing surface improvements;
    - b. Existing utility easements and other rights-of-way of record; and
    - c. Existing irrigation or drainage ditches
  - (iv) The applicant's drainage and erosion control plans for the well site or production site.

- (v) Location of access roads.
  - (vi) Well site or production site's existing lease boundaries, well name, and number.
  - (vii) The names of abutting subdivisions within 500 feet of the well site or production site.
  - (viii) Location of existing oil and gas wells within a 1000-foot radius as reflected in OGCC records.
  - (ix) Surface and mineral lease ownership within 200 feet of the wellhead.
- (c) An operating plan;
  - (d) A list of all permits or approvals obtained or yet to be obtained from local, state, or federal agencies, other than the OGCC;
  - (e) An emergency response plan and fire protection plan that is mutually acceptable to the operator and the local fire district;
  - (f) A developer's agreement (if applicable).
- (9) **Application Review Criteria and Findings.** The board of adjustment shall approve an application for a use-by-permit for an oil or gas well only if it determines that all applicable provisions of this section have been met and all the use-by-permit review criteria listed in section 21-3221 have been satisfied.
- (10) **City Inspection.** In recognition of the potential impacts associated with oil and gas drilling and 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 and codes.
- (11) **Exceptions.** Exceptions to the provisions of this section may be granted by the board of adjustment as a part of the approval of the use-by-permit, 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.