

Summary of Minor Oil and Gas LDC Amendments (Proposed 10/15/18) (Ordinance 2183)

Notes: (1) All citations reference Chapter 21 of the Land Development Code unless otherwise noted. (2) In some instances, the section numbers of the existing Code in the redline version are inaccurately renumbered. All citations to deleted or moved sections correspond to the actual section numbering in the existng code.

<i>Changes to 21-3200 (Exhibit A)</i>				
Proposed Section	Proposed Deletion	Nature of Change	Source if from Previous Section	Explanation (if not apparent)
	Table III-2	Deletion of appeal hearing reference		Reflecting modification to 21-3425
<i>Changes to 21-3525 (Exhibit B)</i>				
Proposed Section	Proposed Deletion	Nature of Change	Source if from Previous Section	Explanation (if not apparent)
21-3425(3-4)		Language added and numbering corrected		Modifies appeal process to permit direct appeal from administrative decision under Rule 106
<i>Changes to 21-3216 (Exhibit C)</i>				
Proposed Section	Proposed Deletion	Nature of Change	Source if from Previous Section	Explanation (if not apparent)
3216(1)		Language added (last sentence)	5266(3)(a)	Moved from 5266(3)(a) with a language clarification
3216(3)		Section added	5266(4)(d)	Relocation of section with consolidated language
3216(4)		Section added and modified	5266(4)(e)	Relocation of section; language unchanged except to remove limitations on nature of comments
3216(5)		Section added	5266(4)(g)	Relocation of section; language expanded
3216(6)		Language clarified	3216(3)	Minor edit for clarity
3216(7)		General restatement and reorganization	3216(4)	For purposes of clarity
sub (a)		Language clarified and added		Clarifies all fees must be paid and not just the application fee; recognizes not all fees are determinable at time application is submitted

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sub (b)		Language clarified and added		Clarifies that the Extraction Agreement is site specific and the scope of that agreement
sub (c)		Language added		Broadened to encompass totality of application review in light of deletions noted below
sub (d)		Language added		Clarification that application must meet Code requirements
sub (e)		Relocation	5266(3)(a)	Moved from 5266(3)(a) to consolidate permit requirements
sub (f)		Section added		Clarifies that application and Operations must comply with law
	3216(4)(b)	Deletion		Unnecessary
	3216(4)(c)	Relocated		Relocated to (7)(b)
	3216(4)(e)	Deletion		Deleted as redundant with 5266(5)
	3216(4)(f)	Deletion		Deleted as redundant with 5266(6)(a)
	3216(4)(g)	Deletion		Deleted as redundant with 5266(6)(b)
	3216(4)(h)	Deletion		Deleted as redundant with 5266(7) in part; Unnecessary
	3216(4)(i)	Deletion		Deleted as redundant with 5266(11)
3216(8)(a)		Language clarified; automatic extension removed	3216(5)	Consistency with lapse provision
3216(8)(e)		Section added	5266(4)(b)	Relocation of section from 5266(4)(b)
3216(8)(f)		Section added	5266(4)(c)	Relocation of section from 5266(4)(c)
3216(8)(g)		Renumbered		No change
3216(9)		Renumbered	3216(6)	
3216(10)(a)		Relocated	5266(4)(b)(i)	Relocation and update of section 5266(4)(b)(i)
3216(10)(b)		Relocated	5266(4)(b)(ii)	Relocation of section from 5266(4)(b)(ii)
3216(11) (new)		Section added		Authorization of a Regional Operator Agreement
Changes to 21-5266 (Exhibit D)				
5266(1)		Deletion of last line		Appeal language referenced a section being deleted
5266(2)(a)		Language clarified		
5266(2)(b)		Language clarified		
5266(2)(c)		Deleted		Process clarification; potential conflict with state law
	5266(3)	Deleted		Relocated, part to 3216(1) and part to 3216 (7)(e); not removed
5266(3)		Renumbering		Previously 5266(4)
sub (i)		Application fees payable at submission updated		Revised for clarity

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sub (iii)		Language clarified		
sub (xii)		Notice distance increased		Increase for consistency with Sec. 21-3180
sub (xiv)		Language clarified		Sentence revised for clarity
sub (xxx)		Language added		Cross reference added
sub (xxxii)		Language added		Cross reference added
sub (xxxiii)		Language added		Consistency with Approval Criteria
sub (xxxiv)		Renumbering		Previously sub (xxxi)
sub (xxxv)		Renumbering		Previously sub (xxxii)
sub (xxxvi)		Renumbering		Previously sub (xxxiii)
	5266(4)(b)	Deleted		Relocated to 3216(8)(e); not removed (business license)
	5266(4)(c)	Deleted		Relocated to 3216(8)(f); not removed (building permit)
	5266(4)(d)	Deleted		Relocated to 3216(3); not removed (public notification process)
	5266(4)(e)	Deleted		Relocated to 3216(4); not removed (public comment procedures)
	5266(4)(f)	Renumbered		Appears at 5266(3)(b) (third party technical review)
	5266(4)(g)	Deleted		Relocated to 3216(5); not removed (extraction agreement)
5266(4)		Renumbered	5266(5)	Previously 5266(5)
sub (c)		Language clarified		
5266(5)		Renumbered	5266(6)	Previously 5266(6)
sub (d)(i)		Language clarified		
sub (d)(ii)		Language clarified		
5266(5)(g)(i)		Delete language; add presumed Floodplain Permit requirement		Based on pre-existing language, the Floodplain was not prohibited; this clarification is reflected
5266(5)(g)(iii)(a)		Language added		To make clear Operator must consult with federal agency when federal lands are involved
5266(5)(g)(iii)(b)		Language added		Same as previous
5266(6)		Renumbered	5266(7)	Previously 5266(7)
5266(6)(a)		Language clarified		
5266(6)(b)		Language added		Consistency with previous section
sub (iii)(c)		Language deleted		"hay bales" deleted as an example of appropriate acoustic insulating material
5266(7)		Renumbered; language clarified and added	5266(8)	Added language to ensure traffic study is from a preapproved vendor and clarify mitigation plan expectations
5266(8)		Renumbered	5266(9)	Previously 5266(9)
5266(9)		Renumbered	5266(10)	Previously 5266(10)

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5266(10)		Renumbered; language modified and deleted	5266(11)	Previously 5266(11); retitled from "Impact Fees" to "Fees"; Relocated Third Party Consultant fees to 5266(3)(b); Deleted comparability; Deleted ability for discretionary increase
5266(11)		Renumbered	5266(12)	Previously 5266(12)
5266(12)		Renumbered	5266(13)	Previously 5266(13)
5266(13)		Renumbered	5266(14)(b)	Previously 5266(14)(b)
	5266(14)(a)	Deleted		Process clarification; potential conflict with state law
5266(14)		Renumbered	5266(15)	Previously 5266(15)
5266(15)		Renumbered	5266(16)	Previously 5266(16)
5266(16)		Renumbered; language clarified	5266(17)	Previously 5266(17); Clarified to make clear a ROW permit is required for work in the ROW

