

CITY COUNCIL COMMUNICATION



MEETING DATE: July 17, 2012	ITEM NUMBER: 8.A.
SECOND READING: July 17, 2012	O-2012-25
TYPE OF ITEM: Public Hearing	
PRESENTED BY: Brien Schumacher, Sr. Planner, 303-651-8764 Eugene Mei, City Attorney, 303-651-8616	

SUBJECT/AGENDA TITLE: Draft Oil and Gas Regulations

EXECUTIVE SUMMARY: On May 22nd at second reading of the draft oil and gas regulations ordinance O-2012-25, Council voted 4-3 to table consideration of the ordinance. Council subsequently voted 5-2 on June 5th to approve the moratorium extension until July 31st.

Council will discuss the draft regulations and possible modifications at their meeting on July 10th. If Council directs staff to schedule a modified version of the regulations for consideration at the July 17th meeting, a supplemental communication and ordinance will be provided to the Council prior to July 17th meeting. At the July 17th meeting, Council should first introduce a motion to remove ordinance O-2012-25 from the table for consideration. The motion to remove must be seconded, is not debatable or amendable, and requires a majority vote. If that motion passes, then Council can consider a modified version of the ordinance for adoption.

COUNCIL OPTIONS:

1. Remove ordinance O-2012-25 from the table for consideration.
2. Do not remove ordinance O-2012-25 from the table for consideration.

If Council votes for option 1, then Council can consider the following options:

1. Approve Ordinance O-2012-25 on second reading; or
2. Substitute O-2012-25 with a modified version and approve; or
3. Do not approve or take no action on O-2012-25.

RECOMMENDED OPTIONS: Council policy decision.

FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION: There is no fiscal impact regarding the City Council's decision at this time.

BACKGROUND AND ISSUE ANALYSIS: Background information and prior Council communications related to the public hearing on the draft regulations (agenda item 8A) can be found at the following link:

http://www.ci.longmont.co.us/city_council/agendas/2012/052212.htm

ATTACHMENTS:

Ordinance O-2012-25



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ORDINANCE O-2012-25

A BILL FOR AN ORDINANCE AMENDING CHAPTERS 15.04, 15.05, 15.07, 15.10 AND APPENDIX B OF TITLE 15 OF THE LONGMONT MUNICIPAL CODE REGARDING OIL AND GAS WELL OPERATIONS AND FACILITIES

WHEREAS, domestic oil and gas exploration, along with the associated pollution and health risks, have increased in proximity to residential areas in urban, suburban, and rural communities across the United States. The Greater Wattenberg Area (“GWA”), which encompasses the City of Longmont (“City”), and most of Boulder, Weld, Larimer, Adams, Broomfield, and parts of Arapahoe and Douglas Counties, Colorado, is the focus of a surge in these activities.

WHEREAS, there are more than 45,000 active oil and gas wells in Colorado, and exploration and production in the GWA has experienced rapid growth during the past decade. Over the past several years new processes have been introduced in the GWA that have made exploration and production of “unconventional” oil and gas resources, such as the Niobrara formation, very attractive. As a result, there has been a surge in directional and horizontal drilling and completions, which includes the practice known as hydraulic fracturing or “fracking”.

WHEREAS, fracking is a process used to stimulate oil and gas production during the completion process after an oil or gas well has been drilled. Its purpose is to improve the productivity and ultimate recovery of a well by creating a pathway from the productive formation to the well bore. A typical fracking operation may involve several million gallons of fluid that is approximately 90% water, and 10% “proppant” (or sand) and chemical agents. During the completion process these fluids are pumped into the well under high pressure. The “flow back” of the fracturing solution and material from the formation can either be collected in lined pits, or in impermeable tanks that are part of a “closed loop system”. The fracturing solution is usually brought to and taken away from a well site in large trucks. If existing roads are not available or adequate, new roads will be created. Drill pads must be built, and large drilling and production platforms erected on site. While a single well may be drilled at a well site, it has become increasingly common for multiple wells to be drilled and completed at a well site, often involving multiple completions which may last many weeks or months. Oil and gas

1 drilling and completion can be an around-the-clock activity that involves significant noise, dust,
2 and artificial light.

3 WHEREAS, oil and natural gas development and production are known to produce a
4 variety of physical and chemical hazards that may cause negative health effects if they are not
5 properly mitigated. For example, in September 2010, the faculty and staff of the Department of
6 Environmental and Occupational Health, Colorado School of Public Health (“CSPH”) published
7 a report which outlined potential environmental hazards, vulnerable populations, and possible
8 health outcomes arising from oil and gas exploration and development. The study focused on the
9 increased level of oil and gas activities in Garfield County, Colorado, and found that air
10 monitoring in Garfield County had documented levels of some toxins in ambient air that
11 increased the risks of negative health effects for nearby citizens. The report also found that
12 adverse effects on air, soil, water, traffic patterns and noise levels could occur and negatively
13 affect citizens and the environment. *Roxana Witter, et al., Health Impact Assessment for*
14 *Battlement Mesa, Garfield County, Colorado* (September 2010)

15 WHEREAS, a recent multi-species analysis of daily air samples was conducted by the
16 National Oceanic and Atmospheric Administration’s Boulder Atmospheric Observatory
17 (“BAO”) in Weld County near the Town of Erie. The study found that methane, propane, and
18 butane -- commonly referred to as “light alkanes” -- were several times higher on average than
19 values obtained in Pasadena, California. Citizens in Erie responded to the NOAA Report by
20 asking oil and gas operators to permit the town to test for water and air contaminants in the
21 vicinity of their operations. *Petron, et al. Hydrocarbon Emissions Characterization in the*
22 *Colorado Front Range—A Pilot Study* (March 2012); *Steven S. Brown, 2011 Air Chemistry*
23 *Study at the Boulder Atmospheric Observatory* (2012)

24 WHEREAS, another recent study has noted that residents living within one-half mile or
25 less from wells are at greater risk for health defects from oil and gas development than are
26 residents who live more than one-half mile from the wells. The 2012 study by the Colorado
27 School of Public Health, University of Colorado, Anschutz Medical Campus urged that efforts
28 should be directed towards reducing air emission exposures for persons living and working near
29 oil and gas wells during well completions. The report also noted that “[a]ssessments in Colorado
30 have concluded that ambient benzene levels demonstrate an increased potential risk of
31 developing cancer as well as chronic and acute non-cancer health effects in Garfield County,

1 Colorado where [natural gas development] is the only major industry other than agriculture.”
2 *McKenzie LM, et al. Human Health Risk Assessment of Air Emissions from Development of*
3 *Unconventional Natural Gas Resources, Sci Total Environ (2012).*

4 WHEREAS, the Front Range of Colorado in recent years has not met United States
5 Environmental Protection Agency (“EPA”) standards for ozone pollution during certain months
6 of the year, and is considered to be a non-attainment area. Ozone-forming air pollution
7 measured along the Front Range shows similarities to ozone problems that occur in growing oil
8 and gas exploration areas of western Wyoming and eastern Utah. Studies in both Wyoming and
9 Utah are ongoing to determine the cause and potential impacts of the ozone conditions.
10 <http://deq.state.wy.us/aqd/Ozone%20Nonattainment%20Information.asp>

11 WHEREAS, on April 17, 2012 the EPA issued flexible, cost-effective regulations to
12 reduce harmful air pollution from the oil and natural gas industry. The rules include the first
13 federal air standards for natural gas wells that are hydraulically fractured, along with
14 requirements for several other sources of pollution in the industry that are not currently not
15 regulated at the federal level. A key component of the regulations is the reduction in VOCs
16 emitted through the use of green completion techniques to capture natural gas that escapes into
17 the air.
18 <http://www.epa.gov/airquality/oilandgas/actions.html>

19 WHEREAS, a study released in 2012 by the Energy Institute of the University of Texas
20 at Austin concluded that there is no direct connection between hydraulic fracturing of shale
21 formations and reports of groundwater contamination. The study found that contamination issues
22 ascribed to hydraulic fracturing are typically related to processes common to oil and gas
23 operations, such as casing failures or poor cement jobs. Many reports of contamination can also
24 be traced to above-ground spills or other mishandling of wastewater produced from shale gas
25 drilling.
26 http://energy.utexas.edu/index.php?option=com_content&view=article&id=151&Itemid=160

27 WHEREAS, a recent report by the EPA found that groundwater pollution in domestic
28 water supplies near Pavillion, Wyoming was likely related to hydraulic fracturing. There have
29 been reports claiming that water resources in Weld County and western Colorado, in Canada,
30 Ohio, Pennsylvania and New York and other states, have been contaminated by oil and gas
31 exploration, including hydraulic fracturing.

1 <http://yosemite.epa.gov/opa/admpress.nsf/0/EF35BBD26A80D6CE3852579600065C94E>

2 WHEREAS, spills and releases of oil, gas and associated products occur in Colorado
3 frequently, on average more than one each day according to statistics maintained by the
4 Colorado Oil and Gas Conservation Commission (“COGCC”).

5 http://www.denverpost.com/search/ci_18881512 Contamination has been identified at several
6 wells that were drilled within the City limits. Benzene levels at the Rider No. 1 Well near Trail
7 Ridge Middle School have exceeded the legal limits for benzene concentrations since 2006 and
8 still exceed those limits. High levels of benzene, naphthalene, ethylbenzene, and gasoline- and
9 diesel-organics were detected in soil and ground water tests conducted in January 2012 at the
10 Stamp Well, which is located approximately 500 feet west of Union Reservoir. It has been
11 determined that there are approximately 45,000 wells in Colorado and 15 inspectors who enforce
12 the COGCC rules. On average, each inspector is responsible for about 3,000 wells, meaning that
13 a well is inspected about once every three years.

14 WHEREAS, oil and gas development and production, particularly in association with
15 horizontal drilling and hydraulic fracturing, entails industrial processes that may occur in close
16 proximity to populated areas of the City for many years to come. In addition to the noted health
17 and pollution concerns, there will also be increased heavy truck traffic on City roads, as well as
18 likely increased demand for emergency and other City services, which will come at a cost to the
19 City.

20 WHEREAS, the City has authority pursuant to C.R.S. §31-15-401, §§29-20-101 *et seq.*,
21 34-60-101 *et seq.*, 30-28-101 *et seq.*, and Colorado Constitution Article XX, Section 6, to adopt
22 reasonable rules and regulations that govern oil and gas development. Cities and counties in
23 Colorado have always had authority to protect their citizens and to zone and regulate land uses,
24 including oil and gas operations, which are simply another industrial land use. As with many
25 aspects of local authority, unless the State Legislature has specifically and clearly provided that a
26 local government may not act, it retains that authority.

27 WHEREAS, oil and gas facilities are already subject to City review under the Land
28 Development Code (“Title 15 of the Longmont Municipal Code”), which were adopted in 2000.
29 The proposed amendments to the City’s 12-year old oil and gas regulations are intended to allow
30 oil and gas development, to insure adequate review of proposed oil and gas facilities within the
31 City’s jurisdiction, and to provide adequate protection to the City’s citizens and resources to the

1 extent allowed by law. Local government regulation of the impacts of oil and gas operations has
2 been on-going for many years, with local governments successfully exercising that authority by
3 issuing permits for thousands of oil and gas operations around the state. The exercise of this
4 local authority has not slowed the number of issued local or state permits for oil and gas
5 operations, which continue to rise. The Colorado Supreme Court has determined that local
6 governments are not expressly or impliedly “preempted” from regulating oil and gas activities
7 through their local land use and police power authority. However, the courts have determined
8 that state law preempts local regulation where the local regulation materially impedes, frustrates
9 or destroys the state interest in oil and gas activities, and there is no possible construction of the
10 local regulation which can be harmonized with the state regulatory scheme of the COGCC.

11 WHEREAS, the City’s regulations are intended to address the health, safety and land use
12 associated with these operations, to protect the health, safety and welfare of the citizens of the
13 City, and to exercise the City’s land use and police power authority to the full extent of the law.
14 At the same time the regulations recognize that the City, under current Colorado laws, may not
15 enact rules which would “materially impede or destroy the [COGCC’s] interest” in regulating oil
16 and gas development and operations. The City’s regulations respect the current status of the law,
17 while at the same time they implement proven and accepted best management practices which
18 are widely used by the oil and gas industry in the State of Colorado. For instance, it has been
19 estimated that a high percentage of all oil and gas wells that are completed in Colorado are
20 located at a distance of more than 1,000 feet from any occupied structure. Based upon
21 information provided to the COGCC, closed loop systems and other “environmentally friendly”
22 drilling and completion techniques have been incorporated into a large majority of recent oil and
23 gas activities. The regulations embrace these practices and encourage companies to use them on
24 any new operations within the City.

25 WHEREAS, the City has undertaken an exhaustive process to create its updated
26 regulations. Starting in the fall of 2011, City Council, staff and retained experts have held
27 numerous study sessions, public meetings, open houses, and informational discussions with
28 many stakeholder groups, including: Longmont citizens, the Colorado Oil and Gas Association
29 (“COGA”), representatives of several oil and gas operators who operate wells in Longmont or
30 may do so in the near future, staff from the COGCC, and others.

31 WHEREAS, the initial draft of these regulations was presented to the public and other

1 stakeholders in February 2012. Revisions have been made to the initial draft based upon written
2 or verbal comments received by staff and the City Council. Many hundreds of hours of staff and
3 Council time have been dedicated to this project, which reflects the City’s best effort to exercise
4 its powers within the confines of its constitutional and statutory authority to do so.

5
6 THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS:

7 Section 1

8 In this Ordinance, ellipses indicate material not reproduced as the Council intends to
9 leave that material in effect as it now reads.

10
11 Section 2

12 The Council repeals and replaces § 15.04.020(B)(32) of the Longmont Municipal Code to
13 read as follows:

14
15 32. Oil and Gas Operations and Facilities.

16
17 a. Purpose Statement.

18 i. The purpose of this section is to facilitate the exploration and production
19 of oil and gas resources within the City in a responsible manner. The City has a
20 recognized, traditional authority and responsibility to regulate land use within its
21 jurisdiction, including oil and gas drilling, to provide for the orderly development and
22 protection of the community. These regulations are intended as an exercise of this land
23 use authority and the police power.

24 ii. These regulations are enacted to preserve the rights and privileges of
25 surface and mineral estate owners and lessors, while ensuring the health, safety, and
26 general welfare of the present and future residents of Longmont and surrounding areas
27 and the preservation and protection of wildlife and the environment. The City’s goal is to
28 work cooperatively with oil and gas applicants and operators, affected individuals, groups
29 or institutions, the Colorado Oil and Gas Conservation Commission, and other municipal,
30 county, state and federal agencies and interested parties to ensure that potential land use
31 and environmental conflicts are adequately addressed and mitigated.

1
2 b. Authority. This section is adopted pursuant to C.R.S.A § 31-15-401, Colorado
3 Constitution Article XX, § 6 and C.R.S. §§ 29-20-11 et seq., 34-60-101 et seq., and 30-28-101 et
4 seq. These standards are not intended to supersede state and federal laws, regulations, and rules
5 pertaining to oil and gas development, but rather are meant to supplement those requirements
6 where appropriate.

7
8 c. Applicability.

9 i. All oil and gas well operations and facilities within the City both on the
10 surface and below the surface are subject to the requirements of this section. In the event
11 that the provisions of this section conflict with any other provisions of the code, this
12 section shall supercede as it applies to oil and gas well operations and facilities.

13 ii. In instances of directional and horizontal drilling where surface operations
14 associated with a well occur outside of the City limits but subsurface operations occur
15 within the City limits, the operator shall be required to comply with the applicable
16 process and standards contained in this section and the City will provide comments to the
17 COGCC through the LGD consultation process in conjunction with the COGCC permit
18 application.

19 iii. City oil and gas well permits issued pursuant to this section shall
20 encompass within its authorization the right of the operator, its agents, employees,
21 subcontractors, independent contractors, or any other person to perform that work
22 reasonably necessary to conduct the activities authorized by the permit, subject to all
23 other applicable City regulations and requirements.

24 iv. City oil and gas well permits may be issued for sites within the City
25 excluding oil and gas well surface operations and facilities in residential zoning districts.
26 For purposes of this section, residential zoning shall include residential and mixed use
27 planned unit development (PUD) districts and mixed use (MU) zoning districts that
28 included existing or planned residential uses. Any proposed oil and gas well location not
29 complying with the requirements of this subsection, may apply for an operational conflict
30 special exception according to the procedures in this section. Oil and gas waste disposal
31 facilities, including injection wells for disposal of oil and gas exploration and production

1 wastes, commercial disposal facilities, centralized E&P waste management facilities, and
2 subsurface disposal facilities are classified as heavy industrial uses and are limited to
3 applicable industrial zoning districts.

4
5 d. Exceptions.

6 i. Oil and gas well facilities that are in existence on the effective date of this
7 subsection or that are located within territory which thereafter is annexed to the City may
8 continue operating without the issuance of a City oil and gas well permit. A City oil and
9 gas well permit is required for any such grandfathered well prior to any of the following:
10 oil and gas well location expansion, new wells on the well site, and operations including
11 completing, recompleting, hydraulic fracturing, sidetracking, or twinning of a well.

12 Existing oil and gas well and production facilities shall not be considering
13 nonconforming in terms of setback requirements where development has encroached
14 within the required setbacks. The right to operate oil and gas well facilities terminates if
15 the use thereof is discontinued for six months or more, other than by temporary
16 abandonment or shut-in which is in conformance with COGCC rules.

17 ii. Accessory equipment and pumping systems that are in existence on the
18 effective date of this subsection or are located within territory which thereafter is annexed
19 to the City may continue operating without the issuance of a City oil and gas well permit.
20 Any renovation or repair of nonconforming accessory equipment or pumping systems
21 shall be permitted without a City oil and gas well permit, provided the work does not
22 increase the degree of nonconformity. Any replacement of existing accessory equipment
23 or any addition of accessory equipment shall conform to this section subject to the
24 applicable review process in this section. The replacement or addition of individual tanks,
25 treaters, or separators shall not require the remaining accessory equipment in an oil and
26 gas well location to conform to the development standards in this section.

27
28 e. Prohibitions.

29 The following oil and gas facilities are prohibited within the City of Longmont.

30 i. Temporary housing at an oil and gas well location, including trailers,
31 recreational vehicles, and similar temporary structures.

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f. Definitions.

For the purposes of these oil and gas well regulations only, term definitions are included at the end of this section.

g. General Provisions.

i. Application Process.

(a) Applications subject to administrative review. The following are subject to administrative review:

(1) Oil and gas wells operations and facilities that comply with all minimum and recommended standards in this section are subject to limited use site plan review.

(2) Seismic survey operations are subject to administrative review, except that seismic survey operations on City owned property may be subject to City Council approval.

(3) Pipelines that cross public property are subject to a work in right-of-way permit review.

(b) Applications subject to public hearing review. The following are subject to public hearing review:

(1) Oil and gas well operations and facilities that meet minimum standard requirements and some or none of the recommended standards listed in this section are subject to conditional use site plan review.

(2) The following oil and gas facilities are subject to conditional use site plan review:

(i) Injection wells for disposal of oil and gas exploration and production wastes;

(ii) Commercial disposal facilities;

(iii) Centralized E&P waste management facilities;

(iv) Subsurface disposal facilities;

1 (v) Other oil and gas facilities permitted by COGCC
2 and not described above;

3 (3) Variances and operational conflicts special exceptions.
4

5 h. Submittal Requirements.

6 Applications for a limited use or conditional use site plan for oil and gas well
7 operations and facilities under this subsection shall contain all relevant information
8 required for limited use and conditional use site plan applications contained in Appendix
9 B of this development code and the specific information for oil and gas well operations
10 and facilities contained in Table 8 in Appendix B of this development code.
11

12 i. Issuance of oil and gas well permit for unsubdivided property. A City oil and gas
13 well permit for may be granted on unsubdivided property without requiring the property to be
14 subdivided.
15

16 j. Notice and procedures.

17 i. Limited use review. Applications for limited use review of oil and gas
18 well operations and facilities are subject to the notice requirements of Section
19 15.02.040(H) and the minor application procedures requirements of Section 15.02.080.

20 ii. Conditional use review. Applications for conditional use review of oil and
21 gas well operations and facilities are subject to the notice requirements of Section
22 15.02.040(H) and the major application procedure requirements of Section 15.02.050
23

24 k. Review Criteria.

25 i. Limited use review. Applications for limited use review are subject to the
26 limited use and site plan review criteria in Sections 15.02.090(E)(3) and 15.02.090(F)(5)
27 respectively, in addition to the development standard compliance criteria listed below.

28 ii. Conditional use review. Applications for conditional use review are
29 subject to the conditional use and site plan review criteria in Sections 15.02.060(D)(2)
30 and 15.02.090(F)(5), respectively, in addition to the development standard compliance
31 criteria listed below.

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- l. Compliance with development standards.
 - i. Applications for limited use review shall comply with all standards, including recommended standards in this section.
 - ii. Applications for conditional use review shall comply with the minimum standards in this section, unless a variance or special exception is granted by the decision making body, as well as conditions of approval specified in the conditional use agreement.

- m. Variances and Operational Conflicts Special Exceptions.
 - i. Variance requests.
 - (a) Variance requests to the standards of this section may be requested by the applicant. All applications where a variance is requested shall be processed in accordance with the standards and procedures outlined in section 15.02.060(F)(6) for variances.
 - (b) Requests for variances may include, but not be limited to, one or more of the following factors:
 - (1) Topographic characteristics of the site;
 - (2) Duration of use of the facility;
 - (3) Proximity of occupied structures to the facility;
 - (4) Ownership status of adjacent and/or affected land;
 - (5) Construction of adequate infrastructure to serve the project;and
 - (6) Planned replacement and/or upgrading of facility equipment.
 - (c) If the decision making body finds, based upon competent evidence in the record, that compliance with the regulations of this division is impractical, a variance may be granted by the decision making body permanently or for a period of defined duration.
 - ii. Operational conflicts special exception.

1 (a) Special exceptions to the standards of this section may be granted
2 where the actual application of requirements of this section conflicts in operation
3 with the requirements of the Oil and Gas Conservation Act or implementing
4 regulations.

5 (b) All applications where a special exception due to operational
6 conflicts is requested shall be processed as a public hearing and reviewed in a
7 noticed public hearing by the decision making body acting in a quasi-judicial
8 capacity.

9 (c) The applicant shall have the burden of pleading and proving an
10 actual, material, irreconcilable operational conflict between the requirements of
11 this section and the State's interest in oil and gas development in the context of a
12 specific application.

13 (d) For purposes of this section, an operational conflict exists where
14 actual application of a City condition of approval or regulation conflicts in
15 operation with the state statutory or regulatory scheme, and such conflict would
16 materially impede or destroy the State's interest in fostering the responsible,
17 balanced development and production and utilization of the natural resources of
18 oil and gas in the State of Colorado in a manner consistent with protection of
19 public health, safety, and welfare, including protection of the environment and
20 wildlife resources, and no possible construction of the regulation in question
21 could be found that would harmonize it with the state regulatory scheme.

22 (e) Additional City requirements in areas regulated by the COGCC,
23 which fall within City land use and police powers and which are necessary to
24 protect the public health, safety and welfare under the facts of the specific
25 application presented, and which do not impose unreasonable burdens on the
26 applicant and which do not materially impede the state's goals, shall be presumed
27 not to present an operational conflict.

28 (f) If the decision making body finds, based upon competent evidence
29 in the record, that compliance with the requirements of this section shall result in
30 an operational conflict with the state statutory and regulatory scheme, a special

1 exception to this section may be granted, in whole or in part, but only to the extent
2 necessary to remedy the operational conflict.

3 (g) The decision making body may condition the approval of a special
4 exception as necessary to protect the public health, safety and welfare by
5 mitigating any adverse impacts arising from the grant of approval. Any such
6 condition shall be designed and enforced so that the condition itself does not
7 conflict with the requirements of the COGCC.

8 (h) A final decision by the City on the exception request is subject to
9 judicial review pursuant to Rule 106(a)4 of the Colorado rules of civil procedure.

10
11 n. Third Party Technical Review.

12 i. Upon determination that the application is complete, the City may require
13 that the application materials, including requests for minor modifications, variances, and
14 operational conflicts special exceptions, be submitted to a technical consultant deemed by
15 the City to be appropriate and necessary to complete the review.

16 ii. Reasonable costs associated with such review shall be paid by the
17 applicant.

18
19 o. Sales and Use Tax License Requirement.

20 i. Operators shall obtain and maintain a City sales and use tax license prior
21 to commencing operations.

22 ii. Operators must conform to applicable provisions of Chapter 6.04 of the
23 Longmont Municipal Code related to licensing.

24
25 p. Building Permit Requirement.

26 The operator shall obtain building permits prior to the construction of any above
27 ground structures to the extent required by the City building and fire codes then in effect.

28
29 q. Approval Period.

1 Approval of limited use or conditional use applications for oil and gas well
2 operations and facilities are valid for two years from the date of approval until the start of
3 the operation, unless the decision making body grants a longer approval period.
4

5 r. Extensions.

6 Requests for extensions to the approval period for oil and gas well operations and
7 facilities shall be reviewed according to the procedures outlined in Section 15.02.040(O).

8 s. Issuance of Oil and Gas Well Permit. The following items are required by the
9 City prior to issuance of a City oil and gas well permit:

10 i. Approval of a limited use site plan or conditional use site plan, as
11 applicable.

12 ii. Satisfaction of any conditions of approval of the above applications prior
13 to commencement of operations.

14 iii. Copies of:

15 (a) Applicable executed agreements,

16 (b) Applicable transportation related permits,

17 (c) A City sales and use tax license,

18 (d) Required liability insurance, and

19 (e) All necessary state or federal permits issued for the oil and gas
20 well operation and facilities.

21 iv. Financial securities, or payment of fees, as applicable.
22

23 t. Right to Enter / Inspections.

24 i. Right to Enter - For the purpose of implementing and enforcing this
25 section, duly authorized City personnel or contractors may enter onto subject property
26 upon notification of the permittee, lessee or other party holding a legal interest in the
27 property. If entry is denied, the City shall have the authority to discontinue application
28 processing, revoke City approved permits and applications, or to obtain an order from a
29 court of competent jurisdiction to obtain entry.

30 ii. Operator contact - The applicant shall provide the telephone number of a
31 contact person who may be reached 24 hours a day for purposes of being notified of any

1 proposed City inspection under this Section or in case of emergency. Any permitted oil
2 and gas operations and facilities may be inspected by the City at any time, to ensure
3 compliance with the requirements of the City approved permit, provided that at least one
4 hour's prior notice is given to the contact person at the telephone number supplied by the
5 applicant. Calling the number (or leaving a message on an available answering machine
6 or voice mail service at the number) at least one hour in advance of the proposed
7 inspection shall constitute sufficient prior notice if the contact person does not answer.
8 By accepting an approved City oil and gas well permit, the applicant grants consent to
9 such inspections. The cost of any City inspection deemed reasonable and necessary to
10 implement or enforce the regulations for the applicant shall be borne by the applicant,
11 provided such inspections and fees are not in conflict with COGCC inspections and rules.

12
13 u. Enforcement and Penalties.

14 i. Oil and gas operators working without or not in compliance with a City oil
15 and gas well permit.

16 Any operator engaging in oil and gas well operations who does not obtain a City
17 oil and gas well permit pursuant to these regulations, who does not comply with City oil
18 and gas well permit requirements, or who acts outside the jurisdiction of the City oil and
19 gas well permit may be enjoined by the City from engaging in such oil and gas well
20 operations and may be subject to such other criminal or civil liability as may be
21 prescribed by law. If the City prevails in whole or part in any action, the operator shall
22 pay all reasonable attorney fees and expert costs incurred by the City.

23 ii. Suspension of City oil and gas well permit.

24 If the City determines at any time that there is a violation of the conditions of the
25 City oil and gas well permit or that there are material changes in an oil and gas operation
26 or facility as approved by the permit, the development services manager or designee may,
27 for good cause temporarily suspend the City oil and gas well permit. In such case, upon
28 oral or written notification by the development services manager or designee, the
29 operator shall cease operations immediately. The development services manager or
30 designee shall forthwith provide the operator with written notice of the violation or
31 identification of the changed condition(s). The operator shall have a maximum of fifteen

1 (15) days to correct the violation. If the violation is not timely corrected, the permit may
2 be further suspended pending a revocation hearing. The operator may request an
3 immediate hearing before the Planning and Zoning Commission regarding the
4 suspension. The Planning and Zoning Commission shall hold the hearing within ten (10)
5 days of the operator's written request.

6 iii. Revocation of City oil and gas well permit.

7 The Planning and Zoning Commission may, following notice and hearing, revoke
8 a City oil and gas well permit granted pursuant to these regulations if any of the activities
9 conducted by the operator violate the conditions of the City oil and gas well permit or
10 these regulations, or constitute material changes in the oil and gas operation approved by
11 the City. No less than fourteen (14) days prior to the revocation hearing, the City shall
12 provide written notice to the permit holder setting forth the violation or the material
13 changes and the time and date for the revocation hearing. Notice of the revocation
14 hearing shall be published in a newspaper of general circulation not less than five (5)
15 days prior to the hearing. Following the hearing, the City may revoke the oil and gas
16 permit or may specify a time by which action shall be taken to correct any violations of
17 the oil and gas permit to avoid revocation.

18 iv. Transfer of permits.

19 A City oil and gas well permit may be transferred only with the written consent of
20 the City. The City shall ensure, in approving any transfer, that the proposed transferee
21 can and will comply with all the requirements, terms, and conditions contained in the
22 City oil and gas well permit and these regulations, that such requirements, terms, and
23 conditions remain sufficient to protect the health, welfare, and safety of the public, and
24 the environment; and that an adequate guaranty of financial security related to the City
25 approved permit can be timely made.

26 v. Judicial review.

27 A final decision by the City on a City oil and gas well permit is subject to judicial
28 review pursuant to Rule 106(a)(4) of the Colorado rules of civil procedure.

29
30 v. General Development Standards.

1 The following sections provide minimum and/or recommended standards that will
2 apply to any oil & gas well operations and production facilities, and shall be in addition
3 to any applicable state and federal standards. Use of consolidated well pads and
4 directional and horizontal drilling when and where appropriate, closed loop (“pitless”)
5 systems, appropriate water quality monitoring systems, and other techniques, including
6 current and available best management practices, are intended to protect the integrity of
7 the surface estate and subsurface resources and ensure the health, safety, and general
8 welfare of the present and future residents of Longmont and surrounding areas and the
9 preservation and protection of wildlife and the environment.

10 i. Compliance with State and Federal Regulations, Rules, Orders and
11 Conditions.

12 In addition to the provisions contained in these regulations, oil and gas
13 operations and facilities within the City of Longmont shall comply with all
14 applicable state and federal regulations, rules, orders and conditions.

15 ii. Multi Well Sites and Directional/Horizontal Drilling.

16 Oil and gas well operations and facilities will be consolidated on multi
17 well sites and directional and horizontal drilling techniques will be used whenever
18 possible and appropriate. In determining appropriateness, the benefits of
19 consolidation and the use of directional and horizontal drilling, such as drilling
20 from outside of a prohibited zoning district, minimizing surface disturbance and
21 traffic impacts and increasing setbacks, will be weighed against the potential
22 impacts of consolidated drilling and production activities on surrounding
23 properties, wildlife and the environment.

24 iii. Well Facilities Siting.

25 Oil and gas well facilities and operations shall be located and designed to
26 minimize impacts on surrounding uses, including residential areas, schools,
27 medical facilities, churches, day care and retirement centers, and other places of
28 public assembly, and natural features such as distinctive land forms, vegetation,
29 river or stream crossings, ridgelines and vistas, City-owned and City-designated
30 open space areas, and other designated landmarks to the maximum extent
31 practical. Efforts shall be made to avoid adversely impacting the well spacing

1 requirements of the COGCC or the ability of the oil and gas well operator to
2 develop the resource. Facilities should be located at the base of slopes where
3 possible and access roads should be aligned to follow existing grades and
4 minimize cuts and fills.

5 iv. Cultural Resources.

6 Applications for all oil and gas well facilities and operations may require a
7 cultural resources report, as determined by the City. The report, if required, will
8 be prepared by a qualified professional, and meet state of Colorado requirements,
9 including a complete written description and identification of the cultural
10 resources on the site and within the surrounding area of the proposed oil and gas
11 well facility and will include mitigation measures, if necessary, to ensure that
12 appropriate actions are taken to avoid or minimize negative impacts to the
13 maximum extent practical.

14 v. Drainage.

15 Oil and gas well operations and facilities shall comply with applicable
16 City drainage requirements and standards.

17 vi. Hazard Areas.

18 Oil and gas well operations and facilities in hazard areas, including
19 floodplains and man-made (e.g., airport) conditions, and in other areas where such
20 operations would constitute a hazard to public health and safety or to property
21 should be avoided. Land should not be developed for oil and gas well facilities
22 and operations until hazards have been identified and avoided, removed, or until
23 the applicant can show that the impact of the hazard(s) can be mitigated to the
24 maximum extent practical. All well facilities and operations conducted within a
25 floodplain shall comply with title 20 of the Longmont Municipal Code pertaining
26 to floodplain regulations.

27 vii. Emergency Preparedness.

28 Oil and gas well operations and facilities shall provide the City with an
29 acceptable written emergency response plan for the potential emergencies that
30 may be associated with the operation of the facilities. This shall include, but not
31 be limited to, any or all of the following:

1 (a) Explosions, fires, gas or water pipeline leaks or ruptures,
2 hydrogen sulfide or other toxic gas emissions, and hazardous material
3 vehicle accidents or spills.

4 (b) Operation-specific emergency preparedness plans are
5 required for any oil and gas operation that involves drilling or penetrating
6 through known zones of hydrogen sulfide gas.

7 (c) The plan shall include a provision for the operator to
8 reimburse the appropriate emergency response service provider for costs
9 incurred in connection with the emergency.

10 viii. Hazardous Materials.

11 Full disclosure, consistent with COGCC requirements, including material
12 safety data sheets of all hazardous materials that will be transported on any public
13 or private roadway within the City for the oil and gas operation, shall be provided
14 to the Longmont hazards prevention office. This information will be treated as
15 confidential and will be shared with other emergency response personnel only on
16 an as needed basis.

17 ix. Safety/Security.

18 The operator of oil and gas facilities shall comply with COGCC
19 requirements for initial and ongoing site security and safety measures. Such
20 requirements shall adequately address security fencing, the control of fire hazards,
21 equipment specifications, structural stabilization and anchoring, and other
22 relevant safety precautions.

23 x. Maintenance and General Operation.

24 (a) The operator shall at all times keep the wellsites, roads, rights-of-
25 way, facility locations, and other oil and gas operations areas safe and in good
26 order, free of noxious weeds, litter and debris.

27 (b) The operator shall dispose of all water, unused equipment, litter,
28 sewage, waste, chemicals and debris off of the site at an approved disposal site.

29 (c) The operator shall promptly reclaim and reseed all disturbed sites
30 in conformance with COGCC rules.

31 xi. Indemnification.

1 Each City oil and gas well permit issued by the City shall include the
2 following language: "Operator does hereby expressly release and discharge all
3 claims, demands, actions, judgments, and executions which it ever had, or now
4 has or may have, or its successors or assigns may have, or claim to have, against
5 the City and/or its departments, its agents, officers, servants, successors, assigns,
6 sponsors, volunteers, or employees, created by, or arising out of personal injuries,
7 known or unknown, and injuries to property, real or personal, or in any way
8 incidental to or in connection with the actions or inactions of the Operator or its
9 agents, or caused by or arising out of, that sequence of events which occur from
10 the Operator's or its agents actions or inactions. The Operator shall fully defend,
11 protect, indemnify, and hold harmless the City and/or its departments, agents,
12 officers, servants, successors, assigns, sponsors, or volunteers, or employees from
13 and against each and every claim, demand, or cause of action and any and all
14 liability, damages, obligations, judgments, losses, fines, penalties, costs, fees, and
15 expenses incurred in defense of the City and/or its departments, its agents,
16 officers, servants, successors, assigns, sponsors, volunteers, or employees,
17 including, without limitation, personal injuries and death in connection therewith
18 which may be made or asserted by Operator, its agents, assigns, or any third
19 parties on account of, arising out of, or in any way incidental to or in connection
20 with the performance of the work performed by the Operator under any permit,
21 and the Operator agrees to indemnify and hold harmless the City and/or its
22 departments, its agents, officers, servants, successors, assigns, sponsors,
23 volunteers, or employees from any liabilities or damages suffered as a result of
24 claims, demands, costs, or judgments against the City and/or, its departments, its
25 agents, officers, servants, successors, assigns, sponsors, volunteers, or employees,
26 created by, or arising out of their acts or omissions occurring on the drill site or
27 operation site or in the course and scope of inspecting, permitting or monitoring
28 the oil/gas wells. Liability for any action or inaction of the City is limited to the
29 maximum amount of recovery under the Colorado Governmental Immunity Act."

30 xii. Financial Securities/Liability Insurance.

31 a. Minimum standard.

1 (1) Performance security.

2 The applicant may be required to provide reasonable performance
3 security to the City through a minor improvement security agreement as
4 outlined in Section 15.02.120(A)(1)(b), in an amount to be determined by
5 the City and in a form acceptable to the City as outline in 15.05.210(B) to
6 ensure compliance with the City oil and gas well permit and with the
7 requirements set forth in this section. Conditions of approval covered by
8 this performance security shall consist of measures addressing specific
9 impacts affecting the general public and any damage to public
10 infrastructure. Reclamation and other activities which fall under COGCC
11 jurisdiction are exempted from this performance guarantee coverage.

12 (2) Liability insurance.

13 For any oil or gas well facility permitted under this section, the
14 applicant shall submit a certificate of insurance to the economic
15 development department, showing that a policy of comprehensive general
16 liability insurance or a self-insurance program approved by the Colorado
17 Insurance Commission, in the amount of no less than one million dollars
18 (\$1,000,000) per occurrence, insuring the applicant against all claims or
19 causes of action made against the applicant for damages arising out of the
20 oil or gas well operations. The policy shall be written by a company
21 authorized to do business in the state of Colorado, unless the applicant
22 provides evidence to the City that the applicant is adequately self-insured.
23 The certificate shall require at least thirty (30) days' notice to the city prior
24 to termination of coverages for any reason.

25 b. Recommended standard.

26 (1) Performance security.

27 The applicant may be required to provide reasonable performance
28 security to the City through a minor improvement security agreement as
29 outlined in Section 15.02.012(A)(1)(b), in an amount to be determined by
30 the City and in a form acceptable to the City to ensure compliance with
31 requirements set forth in this section and specific conditions in the City oil

1 and gas permit. Conditions of approval covered by this performance
2 security shall consist of measures addressing specific impacts that may
3 affect the general public and any damage to public infrastructure.

4 xiii. Impact fees.

5 Every permit issued by the City under this section shall require the
6 applicant or operator to pay a fee that is sufficient to pay for all impacts which
7 the proposed operation will cause to facilities owned or operated by the City or
8 used by the general public, including, but not limited to: repair and maintenance
9 of roads, bridges and other transportation infrastructure; improvements made or to
10 be made by the City to accommodate the operations and to protect public health,
11 safety and welfare; costs incurred to process and analyze the application,
12 including the reasonable expenses paid to independent experts or consultants; and
13 impact fees comparable to those charged to other businesses or industries who
14 operate within the City which are not specifically mentioned herein, and other
15 impacts. The City shall establish a mechanism to assess and obtain payment of
16 such fees, subject to the right of the City to request additional funds if the fees
17 prove to be insufficient, or to refund surplus funds to the operator if the fees paid
18 exceed the true cost of the impacts.

19 xiv. Operation Plan.

20 Applications for all oil and gas well facilities and operations will include
21 an operation plan, which should, at a minimum, include the operator's method
22 and schedule for drilling, well completion, transportation, resource production,
23 and post-operation activities.

24
25 w. Specific Development Standards

26 i. Setbacks/Location of Wells and Production Facilities from Structures,
27 Platted Residential Lots, Parks, Sports Fields and Playgrounds, and Designated Outside
28 Activity Areas.

29 (a) Recommended standard.

30 Wells and production facilities shall be 750 feet or more from any
31 occupied building or occupied building permitted for construction, platted

1 residential lots, or park, sports field, playground or designated outside
2 activity area.

3 ii. Setbacks/Location of Proposed Structures, Platted Residential Lots, Parks,
4 Sports Fields and Playgrounds, Designated Outside Activity Areas, Public Roads, and
5 Major Above Ground Utility Lines from Existing Wells and Production Facilities.

6 Proposed occupied structures, platted residential lots, sports fields and
7 playgrounds, and designated outside activity areas shall be located 750 feet or
8 more from existing oil and gas wells and production facilities. Proposed
9 unoccupied structures shall comply with local fire code requirements. Proposed
10 public roads and major above ground utility lines shall be located 150 feet or
11 more from existing oil and gas wells and production facilities

12 iii. Setbacks/Location of Proposed Structures, Platted Residential Lots, Sports
13 Fields and Playgrounds from Plugged and Abandoned or Dry and Abandoned Wells.

14 Proposed occupied structures or additions, sports fields or playgrounds
15 shall be located 150 feet or more from existing plugged and abandoned or dry and
16 abandoned oil and gas wells. Proposed unoccupied structures shall be located 50
17 feet or more from existing plugged and abandoned or dry and abandoned wells.
18 No proposed residential lots shall include any portion of plugged and abandoned
19 or dry and abandoned oil and gas wells.

20 iv. Visual Mitigation.

21 (a) Analysis.

22 Applications for all oil and gas facilities may be required to
23 include a visual impact analysis. The analysis, if required, shall include
24 photographic simulations of the site from nearby public rights-of-way and
25 locations as determined by the development services manager or designee
26 and proposed impact mitigation measures as indicated below. The
27 development services manager or designee will determine the appropriate
28 land use(s) from which a photographic simulation of the site shall be
29 provided based upon topography, existing vegetative and/or structural
30 screening, and the linear distance from the proposed oil and gas facility to
31 the respective land use(s).

1 (b) Mitigation.

2 (1) Methods for appropriate visual impact mitigation include,
3 but are not limited to, use of low profile tanks, facility painting, vegetative
4 or structural screening, berming, or minor relocation of the facility to a
5 less visible location on the respective site.

6 (2) On-site relocation may be necessary where the proposed
7 facility would cause visual impacts to natural ridgelines, rock
8 outcroppings, or other distinct geologic formations, provided relocation
9 does not adversely impact the well spacing requirements of the COGCC or
10 the ability of the oil and gas well operator to develop the resource.

11 (3) Where the painting of a facility or any structural screening
12 (i.e., fence or wall) is required as a method of impact mitigation, such
13 facility and screening shall be painted a uniform, non-contrasting, non-
14 reflective color tone. The facility or structural screening paint color shall
15 be matched to the land, not the sky, and shall be slightly darker than the
16 adjacent landscape.

17 v. Noise

18 (a) Minimum standard.

19 Sound emission levels and mitigation, at a minimum shall be in
20 accordance with the standards as adopted and amended by COGCC.

21 (b) Recommended standard.

22 (1) Sound emission levels shall be in accordance with the
23 standards as adopted and amended by COGCC.

24 (2) The operator shall provide additional noise mitigation that
25 may be required by the City. In determining such additional noise
26 mitigation, specific site characteristics shall be considered, including, but
27 not limited to, the following:

28 (i) Nature and proximity of adjacent development
29 (design, location, type);

30 (ii) Prevailing weather patterns, including wind
31 directions;

1 (iii) Vegetative cover on or adjacent to the site or
2 topography.

3 (3) Further, based upon the specific site characteristics, the
4 nature of the proposed activity, and its proximity to surrounding
5 development, and type and intensity of the noise emitted, additional noise
6 abatement measures above and beyond those required by the COGCC may
7 be required by the City. The level of required mitigation may increase
8 with the proximity of the facility to existing residences and platted
9 subdivision lots and/or the level of noise emitted by the facility. One of
10 more of the following additional noise abatement measures shall be
11 provided by the operator if requested by the City:

12 (i) Acoustically insulated housing or covers enclosing
13 any motor or engine;

14 (ii) Screening of the site or noise-emitting equipment
15 by a wall or landscaping;

16 (iii) Solid wall of acoustically insulating material
17 surrounding all or part of the facility;

18 (iv) A noise management plan specifying the hours of
19 maximum noise and the type frequency, and level of noise emitted;

20 (v) Use of electric-power engines and motors, and
21 pumping systems; and/or

22 (vi) Construction of buildings or other enclosures may
23 be required where facilities create noise and visual impacts that
24 cannot otherwise be mitigated because of proximity, density,
25 and/or intensity of adjacent land use.

26 vi. Vibration.

27 All mechanized equipment associated with oil and gas wells and
28 production facilities shall be anchored so as to minimize transmission of vibration
29 through the ground according to COGCC rules.

30 vii. Lighting.

1 All on-site lighting used in the construction of the well and its
2 appurtenances shall comply with the COGCC Rule 803. All permanent lighting
3 fixtures installed on the site shall comply with the City of Longmont lighting
4 standards found in Section 15.05.140, Outdoor Lighting.

5 viii. Water Protection.

6 Rivers, streams, reservoirs, irrigation ditches, groundwater, wetlands and
7 other water bodies are considered important water systems for the City. The value
8 of both surface and ground water are significant and the City finds that protection
9 of water resources is of primary importance, and must be adequately addressed by
10 any applicant for an oil and gas facility permit.

11 (a) Oil and gas well operations shall not adversely affect the quality or
12 quantity of surface or subsurface waters. If the COGCC designates a water body
13 as part of a public water system, oil and gas well operations shall be consistent
14 with COGCC Rule 317.B Public Water System Protection.

15 (b) Oil and gas well operations shall not adversely affect the water
16 quality, quantity or water pressure of any public or private water wells.

17 ix. Setbacks to Water Bodies.

18 (a) Minimum standard.

19 Oil and gas well operations and facilities and operations shall
20 comply with setback requirements for river/stream corridors and riparian
21 areas, and wetlands under Section 15.05.020(E). If the water body is
22 associated with a designated outside activity area, the setback from the
23 water body shall be consistent with the setback for the outside activity
24 area. If the water body is classified as part of a public water system, oil
25 and gas well operations shall be consistent with COGCC Rule 317.B
26 Public Water System Protection.

27 (b) Recommended standard.

28 Oil and gas well operations and facilities shall be located 300 feet
29 or more from the normal high water mark of any water body. If the water
30 body is associated with a designated outside activity area, the setback from
31 the water body shall be consistent with the setback for the outside activity

1 area. If the COGCC designates the water body as part of a public water
2 system, oil and gas well operations shall be consistent with COGCC Rule
3 317.B Public Water System Protection.

4 x. Water Quality Testing and Monitoring.

5 (a) The applicant shall comply with COGCC water well testing and
6 water-bearing formation protection procedures and requirements.

7 (b) If the City determines that additional water quality testing or
8 monitoring is required, the applicant shall submit a water quality monitoring plan
9 to the City for review and approval.

10 (c) The plan will outline a monitoring program to establish a baseline
11 for and monitor water quality conditions and pollutants in surface or groundwater
12 that could be impacted by production of oil or natural gas from any well in an
13 adjacent single or consolidated well site. The plan, at a minimum, will include the
14 following:

15 (1) The type and number of wells needed to establish baseline
16 groundwater quality upgradient and downgradient of the proposed oil and
17 gas operations, including depth, materials of construction and location of
18 wells on and around the site;

19 (2) The constituents to be sampled for, taking into account
20 State of Colorado groundwater standards and any materials used in the oil
21 and gas operations that could affect groundwater;

22 (3) The type and frequency of samples to be collected and
23 analyzed before operations start, during operations and after operations
24 have been completed;

25 (4) The analytical methods and reporting levels to be used;

26 (5) The proposed frequency of reporting results to the City and
27 COGCC.

28 (d) The plan shall be based on hydrologic studies or equivalent
29 information showing the subsurface conditions and mobility of the groundwater
30 aquifer(s) that will be affected by the oil and gas operations. The plan shall be

1 prepared by an engineer registered in the State of Colorado with experience in
2 groundwater monitoring and subsurface condition investigations.

3 (e) The procedures and provisions in the approved plan shall be
4 implemented by the oil and gas well operators prior to any construction or
5 operations on the site. Oil and gas well operators shall fund the development and
6 implementation of the water quality monitoring plan and program for the duration
7 of operations on the site and for a minimum of five (5) years following
8 completion of operations and abandonment of the well(s). All monitoring records
9 related to the program shall be provided to the City as soon as they are available
10 to the operator.

11 xi. Waste and Wastewater Disposal & Closed Loop/Pitless System.

12 (a) Minimum Standard.

13 All water, waste, chemicals, fluids, solutions or other solid
14 materials or liquid substances produced or discharged by the operation of
15 the oil and gas well's facilities shall be treated and disposed of in
16 accordance with all applicable rules and regulations of the governmental
17 authorities having jurisdiction over such matters.

18 (b) Recommended Standard.

19 (1) No pits, production, reserve, waste, or otherwise, shall be
20 constructed or maintained on the site and any produced water or waste and
21 chemicals, fluids, hydrocarbons, fracturing solutions or other solid
22 materials or liquid substances of any kind shall not be discharged on the
23 site and shall be discharged and held only in a "closed loop system"
24 comprised of sealed storage tanks, commonly used for such purposes in
25 the industry, which contents shall be promptly removed from the site and
26 disposed of off of the site at a licensed disposal site, in accordance with
27 COGCC or other applicable rules and regulations.

28 (2) Drilling or operation of any waste water or other injection
29 or disposal wells is prohibited. Except to the extent that materials are
30 injected into a well as part of normal and ordinary drilling, completion and

1 production operations, an operator shall not inject or re-inject any fluid,
2 water, waste, fracking material, chemical or toxic product into any well.

3 xii. Production Site Containment.

4 Berms or other containment devices shall be constructed around crude oil
5 condensate, or produced water and waste storage tanks and shall enclose an area
6 sufficient to contain and provide secondary containment for 150 percent of the
7 largest single tank. Berms or other secondary containment devices shall be
8 sufficiently impervious to contain all spilled or released material. No more than
9 two storage tanks shall be located within a single berm in high density areas. All
10 berms and containment devices shall be maintained in good condition. No
11 potential ignition sources shall be allowed inside the secondary containment area.

12 xiii. Spill, Release, Discharge.

13 The operator shall implement best management practices in compliance
14 with applicable state and federal laws to avoid and minimize the spill, release or
15 discharge of any pollutants, contaminants, chemicals, solid wastes, or industrial,
16 toxic or hazardous substances or wastes at, on, in, under, or near the site. Any
17 such spill, release or discharge, including without limitation, of oil, gas, grease,
18 solvents, or hydrocarbons that occurs at, on, in, under, or near the site shall be
19 remediated by the operator and notice provided by the operator in compliance
20 with applicable state and federal laws, rules and policies.

21 xiv. Stormwater Management.

22 The construction and operation of oil and gas wells and production
23 equipment, including access roads and storage areas for equipment and materials,
24 shall meet all stormwater management and pollution prevention requirements of
25 the Colorado Department of Public Health and Environment and any applicable
26 requirements of LMC Chapter 14.26.

27 xv. Pipeline and Gathering Systems.

28 The design, construction, cover, and reclamation of all pipelines and
29 gathering lines for oil and gas operations shall be subject to the COGCC rules.
30 The alignment location of any approved pipeline or gathering system shall be
31 recorded against the respective property in the records of the County Clerk and

1 Recorder. The location of any pipelines and gathering lines which are proposed
2 for abandonment shall also be recorded against the respective property in the
3 records of the County Clerk and Recorder upon abandonment.

4 xvi. Air Quality.

5 (a) Air emissions from the operation shall be, at a minimum, in
6 compliance with the permit and control provisions of the Colorado Air Quality
7 Control Program, Title 25, Section 7, C.R.S.

8 (b) Oil and gas well operations are prohibited from causing airborne
9 emissions in concentrations that are known to cause negative health impacts.

10 (c) The operator shall make reasonable efforts to minimize methane
11 emissions by using all feasible “green completion” techniques, pursuant to
12 COGCC Rules Section 805(3) and the installation of “low bleed” pneumatic
13 instrumentation and closed loop systems.

14 (d) To the maximum extent practicable, all fossil fuel powered engines
15 used on site shall employ the latest emission-reduction technologies.

16 (e) The use of electric-power engines and motors, and pumping
17 systems are recommended to reduce airborne emissions wherever practical given
18 an oil and gas well facility’s proximity to available electric transmission lines.

19 xvii. Odor/Dust Containment.

20 Oil and gas facilities and equipment shall be operated in such a manner
21 that odors and dust do not constitute a nuisance or hazard to public health,
22 safety, welfare, and the environment, including compliance with COGCC Rules
23 section 805.b.(1) and LMC Section 15.05.160(D) regarding use of best available
24 technologies to control odor.

25 xviii. Wildlife and Habitat.

26 Oil and gas facilities shall comply with federal and state requirements
27 regarding the protection of wildlife and habitat, including the COGCC wildlife
28 resource protection rules, and the provisions of LMC section 15.05.030, "Habitat
29 and Species Protection". The applicant shall implement such procedures as
30 recommended by the Colorado Division of Wildlife after consultation with the

1 City Natural Resources staff. The applicant shall not engage in activities that the
2 Colorado Division of Wildlife determines threaten endangered species.

3 xviii. Reclamation, Re-vegetation and Well Abandonment.

4 (a) Site Vegetation Analysis.

5 Applications for oil and gas well facilities shall include an analysis
6 of the existing vegetation on the site to establish a baseline for re-
7 vegetation upon abandonment of the facility or upon final reclamation of
8 the site. The analysis shall include a written description of the species,
9 character, and density of existing vegetation on the site and a summary of
10 the potential impacts to vegetation as a result of the proposed operation.

11 (b) Re-vegetation.

12 Applications for oil and gas facilities shall include a copy of any
13 COGCC accepted interim and final reclamation procedures and
14 consultation with City Natural Resources staff regarding site specific re-
15 vegetation plan recommendations.

16 (c) Well Abandonment.

17 Operators shall comply with COGCC rules regarding well
18 abandonment. Upon the plugging and abandonment of a well, the operator
19 shall provide surveyed coordinates of the abandoned well and a physical
20 marker of the well location.

21 xix. Transportation Impacts, Road and Access.

22 (a) Transportation Impact Study.

23 (1) Applications for all oil and gas well facilities may be
24 required to include a transportation impact study, which shall clearly
25 identify and distinguish the impacts to City roads and bridges related to
26 facility construction, operations, and ongoing new traffic generation from
27 other impacts. Transportation impact studies shall be prepared in
28 accordance with the City standards requirements or other guidelines as
29 provided by the City engineer. The process for mitigation of
30 transportation impacts typically will include a plan for traffic control,
31 evidence of the receipt of all necessary permits, ongoing roadway

1 maintenance, and improving or reconstructing City roads as necessary,
2 including providing financial assurance.

3 (2) A traffic control plan shall be prepared for each phase of
4 operations where City roads will be utilized for transportation of materials
5 in support of site construction and/or operations.

6 (3) In the event that public road improvements are required to
7 accommodate an oil and gas well facility, engineered drawings prepared
8 by a Colorado licensed civil engineer shall be approved prior to permitting
9 work in the right-of-way. Such drawings shall conform to City standards.
10 Financial assurance shall be required for the construction or reconstruction
11 of all public roads.

12 (b) Maintenance.

13 In the event that the activities of an operator cause any City
14 roadway to become substandard, the City may require the operator to
15 provide ongoing maintenance of the applicable substandard City roadway.
16 Such maintenance may include dust control measures and roadway
17 improvements such as graveling, shouldering, and/or paving as determined
18 in the Transportation Impact Study.

19 (c) Site Access

20 Any access to a property from a City street requires a City-issued
21 access permit. Permits are revocable upon issuance of a stop work order or
22 if other permit violations occur. The permitting and construction of site
23 accesses shall comply with the City design standards.

24 (d) Private Access Roads

25 For private access roads connecting oil and gas well facilities with
26 a public street or state highway, the applicant shall provide written
27 documentation as part of the application demonstrating that it has the legal
28 right to use such road(s) for the purpose of accessing the facilities. All
29 private roads used to access oil and gas well facilities shall be graded for
30 appropriate drainage, and surfaced and maintained to provide adequate
31 access for oil and gas operation vehicles and emergency vehicles. The

1 operator shall comply with City standards regarding vehicle tracking and
2 dust mitigation. The operator shall also enter into an agreement with the
3 private road owner regarding maintenance and reimbursement for
4 damages.

5 (e) State Highway Access.

6 If access is directly to a state highway, the applicant must have an
7 approved State Highway Access Permit for the proposed facility.

8 xx. Signs.

9 Oil and gas well facilities shall have signage consistent with the COGCC
10 rules. In addition, each well site and production site shall have posted in a
11 conspicuous place a legible sign of not less than three square feet and not more
12 than six square feet bearing the current name of the operator, a current phone
13 number including area code, where the operator may be reached at all times, and
14 the name or number of the lease and the number of the well printed thereon. The
15 sign shall warn of safety hazards to the public and shall be maintained on the
16 premises from the time materials are delivered for drilling purposes until the well
17 site and production site is abandoned.

18
19 x. Definitions.

20 (a) For purposes of these oil and gas well regulations only, the following
21 words shall have the following definitions:

22 *Act* means the Oil and Gas Conservation Act of the State of Colorado.

23 *Ancillary Facilities* means all of the equipment, buildings, structures, and
24 improvements associated with or required for the operation of a well site, pipeline, or
25 compressor facility. Ancillary facilities include, but are not limited to, roads, well pads,
26 tank batteries, combustion equipment and exclude gathering lines.

27 *Best Management Practices (BMPs)* are practices that are designed to prevent or
28 reduce impacts caused by oil and gas operations to air, water, soil, or biological
29 resources, and to minimize adverse impacts to public health, safety and welfare,
30 including the environment and wildlife resources.

1 *Centralized Exploration and Production (E&P) Waste Management Facility*
2 means a facility, other than a commercial disposal facility regulated by the Colorado
3 Department of Public Health and Environment, that (1) is either used exclusively by one
4 owner or operator or used by more than one operator under an operating agreement; and
5 (2) is operated for a period greater than three (3) years; and (3) receives for collection,
6 treatment, temporary storage, and/or disposal produced water, drilling fluids, completion
7 fluids, and any other exempt E&P wastes as defined by the COGCC Rules that are
8 generated from two or more production units or areas or from a set of commonly owned
9 or operated leases. This definition includes oil-field naturally occurring radioactive
10 materials (NORM) related storage, decontamination, treatment, or disposal. This
11 definition excludes a facility that is permitted in accordance with COGCC Rule 903
12 pursuant to COGCC Rule 902.e.

13 *Commercial Disposal Well Facility* means a facility whose primary objective is
14 disposal of Class II waste from a third party for financial profit.

15 *COGCC* means the Colorado Oil and Gas Conservation Commission.

16 *Completion* - An oil well shall be considered completed when the first new oil is
17 produced through well head equipment into lease tanks from the ultimate producing
18 interval after the production string has been run. A gas well shall be considered
19 completed when the well is capable of producing gas through wellhead equipment from
20 the ultimate producing zone after the production string has been run. A dry hole shall be
21 considered completed when all provisions of plugging are complied with as set out in
22 these rules. Any well not previously defined as an oil or gas well, shall be considered
23 completed ninety (90) days after reaching total depth. If approved by the COGCC, a well
24 that requires extensive testing shall be considered completed when the drilling rig is
25 released or six months after reaching total depth, whichever is later.

26 *Dedicated Injection Well* means any well as defined under 40 C.F.R. §144.5 B,
27 1992 Edition, (adopted by the U.S. Environmental Protection Agency) used for the
28 exclusive purpose of injecting fluids or gas from the surface. The definition of a
29 dedicated injection well does not include gas storage wells.

30 *Designated Agent* means the designated representative of any oil and gas well
31 operator.

1 *Designated Outside Activity Areas* means as defined in COGCC rules.

2 *Exploration and Production Waste (E&P Waste)* means those wastes associated
3 with operations to locate or remove oil or gas from the ground or to remove impurities
4 from such substances and which are uniquely associated with and intrinsic to oil and gas
5 exploration, development, or production operations that are exempt from regulation under
6 Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 USC Sections
7 6921, et seq. For natural gas, primary field operations include those production-related
8 activities at or near the well head and at the gas plant (regardless of whether or not the
9 gas plant is at or near the wellhead)but prior to transport of the natural gas from the gas
10 plant to market. In addition, uniquely associated wastes derived from the production
11 stream along the gas plant feeder pipelines are considered E&P wastes, even if a change
12 of custody in the natural gas has occurred between the wellhead and the gas plant. In
13 addition, wastes uniquely associated with the operations to recover natural gas from
14 underground storage fields are considered to be E&P Wastes.

15 *Flowlines* mean those segments of pipe from the wellhead downstream through
16 the production facilities ending at: in the case of gas lines, the gas metering equipment; or
17 in the case of oil lines the oil loading point or Lease Automatic Custody Transfer (LACT)
18 unit; or in the case of water lines, the water loading point, the point of discharge to a pit,
19 the injection wellhead, or the permitted surface water discharge point.

20 *Gathering Line* means a pipeline and equipment described below that transports
21 gas from a production facility (ordinarily commencing downstream of the final
22 production separator at the inlet flange of the custody transfer meter) to a natural gas
23 processing plant or transmission line or main. The term “gathering line” includes valves,
24 metering equipment, communication equipment cathodic protection facilities, and pig
25 launchers and receivers, but does not include dehydrators, treaters, tanks separators, or
26 compressors located downstream of the final production facilities and upstream of the
27 natural gas processing plants, transmission lines, or main lines.

28 *Green Completion Practices* mean those practices intended to reduce emissions of
29 salable gas and condensate vapors during cleanout and flowback operations prior to the
30 well being placed on production and thereafter as applicable.

31 *Groundwater* means subsurface waters in a zone of saturation.

1 *Inactive Well* means any shut-in well from which no production has been sold for
2 a period of twelve (12) consecutive months; any well which has been temporarily
3 abandoned for a period of (6) consecutive months; or, any injection well which has not
4 been utilized for a period of twelve (12) consecutive months.

5 *Local Government Designee (LGD)* means the office designated to receive, on
6 behalf of the local government, copies of all documents required to be filed with the local
7 government designee pursuant to these rules.

8 *Mineral Estate Owner* means the owner or lessee of minerals located under a
9 surface estate that are subject to an application for development.

10 *Multi-well Site* means a common well pad from which multiple wells may be
11 drilled to various bottomhole locations.

12 *Oil* means crude petroleum oil and any other hydrocarbons, regardless of
13 gravities, which are produced at the well in liquid form by ordinary production methods,
14 and which are not the result of condensation of gas before or after it leaves the reservoir.

15 *Oil and Gas* means oil or gas or both oil and gas.

16 *Oil and Gas Well* means a hole drilled into the earth for the purpose of exploring
17 for or extracting oil, gas, or other hydrocarbon substances.

18 *Oil and Gas Well Facility* means equipment or improvements used or installed at
19 an oil and gas well location for the exploration, production, withdrawal, gathering,
20 treatment, or processing of oil or natural gas.

21 *Oil and Gas Well Location* means a definable area where an operator has
22 disturbed or intends to disturb the land surface in order to locate an oil and gas well
23 facility.

24 *Oil and Gas Well Operations* means exploration for oil and gas, including the
25 conduct of seismic operations and the drilling of test bores; the siting; drilling; deepening,
26 recompletion, reworking, or abandonment of an oil and gas well, or gas storage well;
27 production operations related to any such well including the installation of flowlines and
28 gathering systems; the generation, transportation, storage, treatment,; and any
29 construction, site preparation, or reclamation activities associated with such operations.

30 *Operating Plan* means a general description of a facility identifying purpose, use,
31 typical staffing pattern, equipment description and location, access routes, seasonal or

1 periodic considerations, routine hours of operating, source of services and infrastructure,
2 and any other information related to regular functioning of that facility.

3 *Operator* means any person who exercises the right to control the conduct of oil
4 and gas operations.

5 *Owner* means any person with a working interest ownership in the oil and gas or
6 leasehold interest therein.

7 *Pit* means a subsurface earthen excavation (lined or unlined), or open top tank,
8 used for oil or gas exploration or production purposes for retaining or storing substances
9 associated with the drilling or operation of oil and gas wells. Pits may include drilling
10 pits, production pits, reserve pits and special purpose pits as defined in COGCC Rules

11 *Plugging and Abandonment* means the cementing of a well, the removal of its
12 associated production facilities, the removal or abandonment in-place of its flowline, and
13 the remediation and reclamation of the wellsite.

14 *Pollution* means man-made or man-induced contamination or other degradation of
15 the physical, chemical, biological, or radiological integrity of air, water, soil, or
16 biological resource.

17 *Production Facilities* mean all storage, separation, treating, dehydration, artificial
18 lift, power supply, compression, pumping, metering, monitoring, flowline, and other
19 equipment directly associated with oil or gas wells.

20 *Production Site* means that surface area immediately surrounding proposed or
21 existing production equipment, or other accessory equipment necessary for oil and gas
22 production activities, exclusive of transmission and gathering pipelines.

23 *Public Water System* means those systems designated by the COGCC. These
24 systems provide to the public water for human consumption through pipes or other
25 constructed conveyances, if such systems have at least fifteen (15) service connections or
26 regularly serve an average of at least twenty-five (25) individuals daily at least sixty (60)
27 days out of the year. Such definition includes:

28 (i) Any collection, treatment, storage, and distribution facilities under control
29 off the operator of such system and used primarily in connection with such system.

30 (ii) Any collection or pretreatment storage facilities not under such control,
31 which are used primarily in connection with such system.

1 The definition of “Public Water System” for purposes of Rule 317B does not
2 include any “special irrigation district,” as defined in Colorado Primary Drinking Water
3 Regulations (5 C.C.R. 1003.1).

4 *Reclamation* means the process of returning or restoring the surface of disturbed
5 land as nearly as practicable to its condition prior to the commencement of oil and gas
6 operations or to landowner specifications with an approved variance under COGCC Rule
7 502.b.

8 *Remediation* means the process of reducing the concentration of a contaminant or
9 contaminants in water or soil to the extent necessary to ensure compliance with the
10 concentration levels in COGCC rules and other applicable ground water standards and
11 classifications.

12 *Seismic Operations* means all activities associated with acquisition of seismic data
13 including but not limited to surveying, shothole drilling, recording, shothole plugging and
14 reclamation.

15 *Sensitive Area* means an area vulnerable to potential significant adverse
16 groundwater impacts, due to factors such as the presence of shallow groundwater or
17 pathways for communication with deeper groundwater; proximity to surface water,
18 including lakes, rivers, perennial or intermittent streams, creeks, irrigation canals, and
19 wetlands. Additionally, areas classified for domestic use by the Water Quality Control
20 Commission, local (water supply) wellhead protection areas, areas within 1/8 mile of a
21 domestic water well, areas within ¼ mile of a public water well, ground water basins
22 designated by the Colorado Ground Water Commission, and surface water supply areas
23 are sensitive areas.

24 *Sidetracking* means entering the same well head from the surface, but not
25 necessarily following the same well bore, throughout its subsurface extent when
26 deviation from such well bore is necessary to reach the objective depth because of an
27 engineering problem.

28 *Spill* means any unauthorized sudden discharge of E&P waste to the environment.

29 *Subsurface Disposal Facility* means a facility or system for disposing of water or
30 other oil field wastes into a subsurface reservoir or reservoirs.

1 *Surface Water Supply Area* means the classified water supply segments within
2 five (5) stream miles upstream of a surface water intake on a classified water supply
3 segment. Surface Water Supply Areas shall be identified on the Public Water Supply
4 Area Map or through use of the Public Water System Surface Water Supply Area
5 Applicability Determination Tool described in COGCC Rule 317B.b.

6 *Tank* shall mean a stationary vessel that is used to contain fluids, constructed of
7 non-earthen materials (e.g. concrete, steel, plastic) that provide structural support.

8 *Treatment facilities* means any plant, equipment or other works used for the
9 purposes of treating, separating or stabilizing any substance produced from a well.

10 *Twinning* means the drilling of a well within a radius of fifty feet from an existing
11 well bore when the well cannot be drilled to the objective depth or produced because of
12 an engineering problem, such as a collapsed casing or formation damage.

13 *Water Bodies* mean reservoirs, lakes, perennial or seasonally flowing rivers,
14 streams, creeks, springs, irrigation ditches, aquifers, and wetlands.

15 *Waters of the State* mean any and all surface and subsurface waters which are
16 contained in or flow in or through this state, but does not include waters in sewage
17 systems, waters in treatment works of disposal systems, water in potable water
18 distribution systems, and all water withdrawn for use until use and treatment have been
19 completed. Waters of the state include, but are not limited to, all streams, lakes, ponds,
20 impounding reservoirs, wetlands, watercourses, waterways, wells, springs, irrigation
21 ditches or canals, drainage systems, and all other bodies or accumulations of water,
22 surface and underground, natural or artificial, public or private, situated wholly or partly
23 within or bordering upon the State.

24 *Well* means an oil or gas well for purposes of exploration and production.

25 *Well Site* means the areas that are directly disturbed during the drilling and
26 subsequent operation of, or affected by production facilities directly associated with, any
27 oil or gas well or injection well and its associated well pad.

28 (b) All terms used in this section that are defined in the Act or in COGCC
29 rules and are not otherwise defined in Chapter 15.10 of this development code shall be
30 defined as provided in the Act.

1 (c) All other words used in this section shall be given their usual customary
2 and accepted meaning, and all words of a technical nature, or peculiar to the oil and gas
3 industry, shall be given that meaning which is generally accepted in the oil and gas
4 industry.

5
6 Section 3

7 The Council amends §§ 15.04.010 only of the Longmont Municipal Code, by adding
8 italicized material and deleting stricken material to read as shown on the attached Exhibit 1.

9
10 Section 4

11 The Council amends § 15.05.010 of the Longmont Municipal Code, by adding italicized
12 material and deleting stricken material only, to read as follows:

- 13 . . .
- 14 B. Residential zoning districts – Density and dimensional standards.
- 15 . . .
- 16 2. Special standards.
- 17 . . .
- 18 *h. Setbacks/location from existing and abandoned oil and gas wells*
19 *and facilities. Please see section 15.04.020(B)(32)(w)(ii) and (iii) regarding*
20 *setbacks/location of structures from existing and abandoned oil and gas wells and*
21 *facilities.*
- 22 . . .
- 23 C. Commercial, industrial, mixed use and public zoning districts – Density, intensity,
24 and dimensional standards, Table 15.05-B
- 25 . . .
- 26 2. Special standards.
- 27 . . .
- 28 *f. Setbacks/location from existing and abandoned oil and gas wells*
29 *and facilities. Please see section 15.04.020(B)(32)(w)(ii) and (iii) regarding*
30 *setbacks/location of structures from existing and abandoned oil and gas wells and*
31 *facilities.*

1 . . .

2

3 Section 5

4 The Council amends § 15.07.050 of the Longmont Municipal Code, by adding italicized
5 material and deleting stricken material only, to read as follows:

6 . . .

7 15.07.50. Subdivision design and improvements.

8 . . .

9 *P. Setbacks/location from existing and abandoned wells and facilities. Please see*
10 *section 15.04.020(B)(32)(w)(ii) and (iii) regarding setbacks/location of platted residential*
11 *lots, parks, sports fields and playgrounds, public roads, and major above ground utility lines*
12 *from existing and abandoned oil and gas wells and facilities.*

13 . . .

14

15 Section 6

16 The Council amends § 15.10.020 of the Longmont Municipal Code only of the Longmont
17 Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

18

19 15.10.020 Definitions of words, terms and phrases.

20 . . .

21 . . .
22 Heavy industrial means manufacturing or other enterprises with significant
23 external effects, or which pose significant risks due to involvement with
24 explosives, radioactive materials, poisons, pesticides, herbicides, or other
25 hazardous materials in the manufacturing or other process. *Oil and gas waste*
26 *disposal facilities, including injection wells for disposal of oil and gas exploration and*
27 *production wastes, commercial disposal facilities, centralized E&P waste management*
28 *facilities, and subsurface disposal facilities, are classified as heavy industrial uses.*

29 . . .

30 ~~OGCC means the oil and gas conservation commission.~~

31

1 ~~Oil means crude petroleum oil and any other hydrocarbons, regardless of~~
2 ~~gravities, which are produced at the well in liquid form by ordinary production methods,~~
3 ~~and which are not the result of condensation of gas before or after it leaves the reservoir.~~

4
5 ~~Oil and gas means oil or gas or both oil and gas.~~

6
7 ~~Oil and gas well means a hole drilled into the earth for the purpose of exploring~~
8 ~~for or extracting oil, gas, or other hydrocarbon substances.~~

9 . . .

10
11 Section 7

12 The Council amends Appendix B of Title 15 of the Longmont Municipal Code, by
13 adding italicized material and deleting stricken material to read as shown on the attached Exhibit
14 2.

15
16 Section 8

17 To the extent only that they conflict with this ordinance, the Council repeals any
18 conflicting ordinances or parts of ordinances. The provisions of this ordinance are severable, and
19 invalidity of any part shall not affect the validity or effectiveness of the rest of this ordinance.

20
21
22 Introduced this 8th day of May, 2012.

23
24 Passed and adopted this _____ day of _____, 2012.

25
26
27
28 _____
29 MAYOR
30

1 ATTEST:

2
3

4 _____

5 CITY CLERK

6
7

8 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT
9 7:00 P.M. ON THE 22ND DAY OF MAY, 2012, IN THE LONGMONT COUNCIL
10 CHAMBERS.

11
12

13 APPROVED AS TO FORM:

14
15

15 /s/ Eugene Mei 05/08/12
16 CITY ATTORNEY DATE

17
18

19 /s/ M. McQueen 05/08/12
20 PROOF READ DATE

21
22

23 APPROVED AS TO FORM AND SUBSTANCE:

24
25

26
27 /s/ Brad Power 05/08/12
28 ORIGINATING DEPARTMENT DATE

EXHIBIT 1

15.04.010 Principal uses by zoning district

...

J. Table 15.04-A: Table of Principal Uses by Zoning District.

TABLE 15.04-A: TABLE OF PRINCIPAL USES																					
P = Permitted Use C = Conditional Use L = Limited Use Blank Cell = Prohibited Use																					
USE CLASSIFICATION & SPECIFIC PRINCIPAL USES	ZONING DISTRICT																	Additional Regulations (Apply in All Districts Unless Otherwise Stated)			
	E1	E2	R1	R2	R3	MH	RLE	RMD	MD-O	C	CR	CBD	BLI	MI	GI	P	A		MU	RP	
...																					
<p>G. Manufacturing and Processing Uses</p> <p>Industrial users where products are researched, designed, assembled, manufactured, or produced.</p> <p>**Operation of all principal uses shall be conducted primarily inside an enclosed structure unless otherwise specified in this Use Table 15.04-A**</p>																					
Light industrial uses																					24;
Indoor use only except for storage meeting accessory use standards.													P	P	P			C	P		Operational impacts associated with noise, odors, light, vibration, etc. are confined to the lot on which the use is located or are adequately mitigated. MU and overlay: allowed only in commercial core area

TABLE 15.04-A: TABLE OF PRINCIPAL USES

P = Permitted Use C = Conditional Use L = Limited Use Blank Cell = Prohibited Use

USE CLASSIFICATION & SPECIFIC PRINCIPAL USES	ZONING DISTRICT																	Additional Regulations (Apply in All Districts Unless Otherwise Stated)			
	E1	E2	R1	R2	R3	MH	RLE	RMD	MD-O	C	CR	CBD	BLI	MI	GI	P	A		MU	RP	
Medium industrial uses Majority of use occurs indoor													L/C	L	P					P	24; Operational impacts associated with noise, odors, light, vibration, etc. are confined to the zoning district in which the use is located or are adequately mitigated. BLI: Limited use review for indoor use only except for storage meeting accessory use standards. Conditional use review for uses with additional outdoor activities. Not allowed in MU district overlay
Heavy industrial uses Use may occur indoor or outdoor															C					C	24; Operational impacts associated with noise, odors, light, vibration, etc. are confined to the zoning district in which the use is located or are adequately mitigated. Not allowed in MU district overlay

TABLE 15.04-A: TABLE OF PRINCIPAL USES

P = Permitted Use C = Conditional Use L = Limited Use Blank Cell = Prohibited Use

USE CLASSIFICATION & SPECIFIC PRINCIPAL USES	ZONING DISTRICT																	Additional Regulations (Apply in All Districts Unless Otherwise Stated)		
	E1	E2	R1	R2	R3	MH	RLE	RMD	MD-O	C	CR	CBD	BLI	MI	GI	P	A		MU	RP
Oil and gas well <i>operations and</i> facilities	e	e	e	e	e	e	e	e	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C		L/C	32; <i>Refer to section 15.04.020.B.32.c.iv</i> <i>regarding use restrictions;</i> <i>Refer to section 15.04.020.B.32.g</i> <i>regarding review process;</i> Not allowed in MU district overlay
...																				

1

EXHIBIT 2

APPENDIX B. SUBMITTAL REQUIREMENTS FOR DEVELOPMENT APPLICATIONS

...

2. ~~Table 2:~~ Submittal requirements for applications for major developments.

a. Table 2: Information to be submitted as application package to planning and development services division (number of copies shall be specified in the pre-application conference).

b. Oil and Gas *Well Operations and Facilities*: Additional Submittal Requirements. In addition to the conditional use application ~~package~~ requirements in Tables 2, 3 and 4 below, proposed oil and gas *well operations and facilities* subject to the use regulations in §15.04.020.B.32, “Oil and Gas *Well Operations and Facilities*,” shall include the additional submittal requirements stated in Table 8 of this Appendix, below.

...

3. Submittal requirements for applications for minor developments.

a. Table 5: Application ~~Package~~ Requirements for ~~Applications for~~ Minor Developments.

b. *Oil and Gas Well Operations and Facilities: Additional Submittal Requirements. In addition to the limited use application requirements in Tables 5, 6 and 7 below, proposed oil and gas well operations and facilities subject to the use regulations in §15.04.020.B.32, “Oil and Gas Well Operations and Facilities,” shall include the additional submittal requirements stated in Table 8 of this Appendix, below.*

...

4. Additional Submittal Requirements for ~~Conditional Use Review of~~ Oil and Gas *Well Operations and Facilities*. In addition to the conditional use application ~~package~~ requirements in Tables 2, 3 and 4 above *or the limited use application requirements in Tables 5, 6 and 7 above*, proposed oil and gas *well operations and facilities* subject to the

1 use regulations in §15.04.020.B.32, “Oil and Gas *Well Operations and* Facilities,” shall include the submittal
2 requirements stated in Table 8 below.

3
4 TABLE 8

5 ADDITIONAL SUBMITTAL REQUIREMENTS FOR ~~CONDITIONAL USE~~ REVIEW OF OIL AND GAS *WELL*
6 *OPERATIONS AND* FACILITIES

7
8 General Submission Requirements:

- 9 1. The *applicant and* operator's name, ~~and~~ address, *phone and fax numbers, and email addresses* ~~and copies of~~
10 ~~applicable OGCC forms 1 and 2.~~
11 ~~2. An operating plan.~~
12 ~~3. 2. A listing of all permits or approvals obtained or yet to be obtained from state or federal agencies other than OGCC.~~
13 *3. A written description of compliance with the requirements and standards in §15.04.020.B.32.*
14 *4. The following items consistent with the requirements and standards in §15.04.020.B.32:*
15 *a. Emergency response plan;*
16 *b. Cultural resource plan, as applicable;*
17 *c. Operation plan;*
18 *d. Visual mitigation analysis, as applicable;*
19 *e. Noise mitigation, as applicable;*
20 *f. Lighting plan;*
21 *g. Water quality monitoring plan, as applicable;*
22 *h. Site vegetation analysis;*

1 i. *Habitat protection plan, as applicable*

2 j. *Transportation impact study, traffic control plan, and access plan.*

3 ~~4. An emergency response plan which includes, but is not limited to, a listing of local telephone numbers of the public~~
4 ~~and private entities and individuals to be notified in the event of an emergency, the location of the well, the location~~
5 ~~of drilling equipment and related facilities and structures, and provisions to be made for access by emergency~~
6 ~~response entities.~~

7 ~~5. A schedule of drilling and anticipated completion events related to the proposed well.~~

8 ~~6. An access plan indicating proposed equipment routes and loading information.~~

9 ~~7. Drainage and erosion control plans for on-site and off-site drainage.~~

10 ~~8.5. Graphic representations, preferably a representative including~~ photographs, ~~photographs or pictorial drawing,~~ of the
11 types of equipment to be used during drilling, completion, maintenance, or abandonment operations, as applicable.

12 *6. Any other reasonable or pertinent information deemed necessary by the City for the application review or*
13 *compliance with the requirements and standards in §15.04.020.B.32.*

14
15 Vicinity Map Requirements:

16 The Applicant shall include a *scaled* vicinity map *with aerial imagery* that shows ~~all of~~ the following:

- 17 1. The location of all existing bodies of water and watercourses ~~, including direction of water flow. This information~~
18 ~~shall be submitted on United States Geological Service (USGS) 7.5-minute series, assessor base maps which~~
19 ~~indicate topographic detail and show all existing bodies of water and watercourses with a physically defined~~
20 ~~channel within a 1,000-foot radius~~ *one mile or greater* of the proposed well(s) ~~or a map of equal quality and~~
21 ~~information.~~

- 1 2. The location of existing *and abandoned* oil and gas wells as reflected in COGCC records. ~~This information shall~~
2 ~~include any and all wells, including abandoned wells,~~ within a ~~1,000-foot radius~~ *one mile or greater* of the proposed
3 ~~well(s) location for the well.~~
- 4 3. The location of proposed wells, ~~sites and proposed~~ production ~~sites~~ *facilities and access roads*. ~~The information to~~
5 ~~be submitted shall be that contained on OGCC form 2. The information shall also include the parcel tax~~
6 ~~identification number of the property on which the well site and production site is to be located.~~

7
8 Site Plan Requirements:

9 The Applicant shall submit a ~~conditional use~~ site plan that, in addition to the requirements ~~in Table 2~~ *for conditional use*
10 ~~site plans or limited use site plans above~~, includes the following elements:

- 11 1. The location of the proposed well ~~site~~ *operations* and ~~production facilities site~~ including well(s), proposed twinning
12 locations, motors, *compressors*, tank battery, separators and treaters, production ~~pits~~ *equipment*, transmission and
13 gathering pipelines and other ~~accessory equipment~~ *ancillary facilities* to be used during the drilling, maintenance
14 and operation of the proposed well. The site plan shall identify all proposed access ~~ways~~, and storage facilities
15 associated with the well *site operations* and ~~production facilities site depicted, and shall contain a description and~~
16 ~~location of proposed landscaping, intended color of paint for storage tanks and other permanent structures, fencing~~
17 ~~and berming for the site.~~
- 18 2. All existing physical features, including *water bodies*, drainage ways, floodplains, roads and rights-of-way within
19 ~~1,000 feet~~ *one half mile or greater* of a ~~proposed~~ well *site operations* ~~or and production site~~ *facilities*. The site plan
20 shall also depict existing subdivision boundaries, existing buildings or structures, property lines, public and private
21 utility easements of record and utility facilities and improvements within ~~400 feet~~ *one half mile or greater* of the
22 ~~proposed~~ well *site operations* or ~~production site~~ *facilities*.

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3. *Demonstration of compliance with applicable requirements and standards in §15.04.020.B.32 for oil and gas well operations and facilities.*

~~3.4.~~ The ~~Planning Director~~*Development Services Manager* may waive one or more of the items listed as submission requirements if they are not applicable given the location of the well *siteoperations* or ~~production site~~*facilities*. (See §15.02.040.Q., “Submittal Requirements.”) ~~The Planning Director may also require from the Applicant any other reasonable and pertinent information related to the submission requirements deemed necessary for the review of the conditional use permit.~~