

## Section 42 - Drilling and Production of Oil and Gas

(orig. 10-17-83; am. 8-25-86; am. 7-11-06; am. 7-11-07; a.m. 5-20-08; am. 4-20-10)

### A. Applicability and Restrictions

1. The standards and procedures of this section apply to oil and gas drilling and production in the following zone districts: (orig. 10-17-83)
  - a. Industrial-One, Industrial-Two, Industrial-Three, Industrial-Four and Mineral Conservation. (orig. 10-1-83)
  - b. Agricultural-One, Agricultural-Two and Agricultural-Thirty Five - except where located within a subdivision platted and recorded in the records of the Clerk and Recorder. (orig. 10-17-83; am. 12-17-02; am. 09-16-14)
  - c. Planned Development- if the Official Development Plan allows for the drilling and production of oil and gas. (orig. 09-16-14)
  - d. Any zone district or property for which a Special Use has been approved to allow for the drilling and production of oil and gas. (orig. 09-16-14)
2. No use may occur, and no Building Permit may be issued until the procedures and standards in this section have been satisfied as evidenced by a written approval of the Site Plan Application by the Director of Planning and Zoning. (orig. 10-17-83; am. 12-17-02; am. 12-21-10)
3. Upon approval of the application subsequent operations shall be in conformance with the site plan and all standards contained in this section. (orig. 10-17-83)

### B. Procedures

1. An applicant shall submit a Site Plan Application in accordance with submittal and documentation requirements as specified by the Director of Planning and Zoning. (orig. 10-17-83; am. 12-17-02; am. 5-20-08; am. 12-21-10)
2. The Director of Planning and Zoning shall approve, conditionally approve or deny the application within 12 working days after the receipt of a completed application. An application shall be approved if it is complete in form, has all the required information and meets all the applicable standards set forth in this section. Otherwise, it shall be denied. If an application is not acted on within the specified time period, it shall be considered approved. (orig. 10-17-83; am. 12-17-02; am. 12-21-10)
3. Any approval or denial shall be in writing with the reasons for denial specifically identified. Annotations on the site plan shall be considered sufficient detail of the reasons for denial. (orig. 10-17-83)
4. If an application is denied, the applicant may request in writing, within 5 working days after the denial, a reconsideration of the decision by the Director of Planning and Zoning. The request for reconsideration shall state the specific reasons or changes for the reconsideration. The Director of Planning and Zoning shall act upon the request within 10 working days of its receipt. No appeal to the Board of Adjustment shall be permitted unless a request for reconsideration was previously filed and denied. Failure to act shall be constituted as denial. (orig. 10-17-83; am. 12-17-02; am. 12-21-10)
5. If the total land disturbance, including pad site(s) and access roads, will exceed 10,000 square feet, a Notice of Intent is required. (orig. 5-20-08)
6. If drilling has not been initiated within 1 year after the approval of the application, the approval is automatically rescinded. An extension may be granted by the Director of Planning and Zoning for a maximum of 1 year upon written request by the applicant, prior to the expiration of the original 1-year period, subject to the finding that the plan is in compliance with all standards. (orig. 10-17-83; am. 12-17-02; am. 12-21-10)

### C. Appeals

1. If the Director of Planning and Zoning denies the application upon reconsideration, the applicant may appeal to the Board of Adjustment. Written appeals of the decision of the Director of Planning and Zoning must be received by the Secretary to the Board of Adjustment within 30 days of the date of denial upon reconsideration. (orig. 10-17-83; am. 3-3-15)
2. The review by the Board of Adjustment shall be limited to whether or not the decision of the Director of Planning and Zoning was contrary to or violated this section. (orig. 10-17-83; am. 12-17-02; am. 12-21-10)

#### **D. Minor Variation**

1. Upon specific request, the Director of Planning and Zoning may approve a minor variation to the Site Plan Application, subject to the following findings: (orig. 10-17-83; am. 12-17-02; am. 5-20-08; am. 12-21-10)
  - a. Strict application of the standard would result in peculiar, exceptional or undue hardship on the applicant due to unusual topographical or physical conditions of the property which make implementation of the standard exceptionally or peculiarly difficult. (orig. 10-17-83)
  - b. No substantial detriment to the public good nor harm the general purpose of this Zoning Resolution will be caused thereby. (orig.5-20-08)

#### **E. Amendments**

Amendments are subject to the same procedures as initial applications. (orig. 10-17-83)

#### **F. Standards**

1. General
  - a. Offensive or noxious odors, fluids, gases, dust or glare shall be confined to the subject parcel or the leasehold premises and shall not impact any occupied structures or dwellings. (orig. 10-17-83; am. 09-16-14)
  - b. Junk, refuse, trash or abandoned material shall not be disposed of on-site. (orig. 10-17-83)
  - c. Any hazardous or toxic material shall be securely contained, stored and removed in accordance with applicable State or Federal regulations. On-site disposal is prohibited. (orig. 10-17-83)
  - d. Operations shall be in accordance with the Colorado Oil and Gas Conservation Act (Title 34, Article 60, C.R.S. 1973), or as amended, and all pursuant rules, regulations and procedures. (orig. 10-17-83; am. 12-17-02)
  - e. All drilling and production operations, including derricks, retaining pits, vacuum pumps, storage tanks, vehicle parking, structures, machinery and ancillary equipment shall meet the Colorado Oil And Gas Conservation Commission setback rules and regulations. (orig. 10-17-83; am.3-26-13; am. 09-16-14)
  - f. The owners(s) and operator(s) shall be responsible for prevention and prompt removal of spills involving waste materials, oil and toxic or hazardous materials. (orig. 10-17-83)
  - g. A copy of a valid insurance policy, issued by a corporate insurer licensed in the State of Colorado, shall be provided. Such insurance shall be of sufficient amount to:
    - (1) Provide for payment for all damages or injury to persons or property resulting from the drilling, operation or maintenance of the proposed well and other structures, machinery or appurtenances used in conjunction with it. (orig. 10-17-83)
    - (2) Provide for payment to control and/or eliminate any hazardous or dangerous event or condition, including a blowout; and provide for payment for injury or damages to persons, equipment or agencies responding to same event or condition. (orig. 10-17-83)
    - (3) Contain no exclusion from coverage of contamination or pollution of surface or subterranean streams, water-courses, lakes or public or private water supplies. (orig. 10-17-83)

- h. All mud/retaining pits shall be removed and reclaimed within 60 days of completion of the well. (orig. 5-20-08)

2. Visual

- a. The drilling site, production site and access roads shall be located, designed and constructed to minimize the removal of trees and shrubs and the amount of surface disturbance. (orig. 10-17-83)
- b. Avoid excavation, structures or equipment in sensitive areas such as ridges, hilltops, scenic or other areas of special visual quality. (orig. 10-17-83)
- c. Integrate the location and design of structures and site improvements with the natural color, form and texture of the surrounding area. (orig. 10-17-83)
- d. Screen structures or equipment from off-site view. Methods may include, but are not limited to: (orig. 10-17-83)
  - (1) Existing and/or replanted vegetation. (orig. 10-17-83)
  - (2) Existing and/or artificially created land forms. (orig. 10-17-83)
- e. Glare from site lighting or gas flaring shall not impact on nearby residences, excepting those whose owners are a party to the oil/gas lease. (orig. 10-17-83)

3. Air and Water Quality and Noise

Operators shall conform to all current State and Federal regulations and standards concerning air quality, water quality, and noise. (orig. 10-17-83)

4. Wildlife and Historic Resources

- a. No habitat deterioration is to occur where threatened or endangered species or critical habitats exist, as defined by the Colorado Division of Wildlife. (orig. 10-17-83)
- b. All activity in an archaeological or historic resource area, as identified in the Jefferson County Comprehensive Land Use Plan, shall provide for the preservation of the resource or provide for the completion of necessary study and work as specified by the Office of the State Archaeologist before any aspect of development begins. Should a resource be uncovered during operations those operations shall be suspended pending recommendation of the State Archaeologist. (orig. 10-17-83; am. 5-20-08)

5. Hazards

- a. For areas of potential wildfire hazard, as identified by the Jefferson County Wildfire Hazard Overlay District, abate fireline intensities through fuelbreaks or other equally effective means around structures or areas of activity. Recommended practices for grass/shrub lands include the following: (orig. 10-17-83; am. 5-20-08)
  - (1) Fuelbreaks of a width 3-4 times the height of adjacent vegetation. (orig. 10-17-83)
  - (2) Re-vegetation to short grasses. (orig. 10-17-83)
- b. Drilling or production operations shall not cause the acceleration of geologic processes such as erosion, sedimentation or gravitational movement of earth and/or rock material to the point that such processes become a hazard or nuisance to life or property. (orig. 10-17-83)
- c. Activities or structures proposed within a floodplain not overlay zoned (F-P) shall be carried out in a manner that does not increase flood hazards upstream or downstream, nor reduces the efficiency with which flood waters are carried through the site. (orig. 10-17-83)
- d. All operations shall be: included within a fire district, or; be under contract with a fire district for protection services, or; be provided with private fire protection. If private fire protection is used, the following conditions shall be met: (orig. 10-17-83)

- (1) A fire protection plan shall be provided, specifying types of equipment, response time, number and capabilities of personnel available, planned actions for probable emergency events, and any other pertinent information. (orig. 10-17-83)
  - (2) The fire protection plan shall be submitted for review to the public fire protection district in closest proximity to the proposed drilling site, or that district providing service to the general area. Such submittal shall take place prior to Site Plan Application to the County. (orig. 10-17-83)
  - (3) Said plan shall provide for a level of protection at least equal to that provided by the reviewing public fire protection district. (orig. 10-17-83)
- e. Prior to Site Plan Application, the proposal shall be reviewed by the public fire protection district of jurisdiction or as provided in 5.d. above, indicating degree of conformance to applicable sections of the National and Uniform Fire Codes and other rules, ordinances or regulations. (orig. 10-17-83)
6. Access
- a. Ingress and egress points shall be located and improved in order to: (orig. 10-17-83)
    - (1) Assure adequate capacity for existing and projected traffic volumes. (orig. 10-17-83)
    - (2) Provide efficient movement of traffic. (orig. 10-17-83)
    - (3) Minimize hazards to highway users and adjacent property and human activity. (orig. 10-17-83)
  - b. All applicable permits or approvals shall have been obtained, including: (orig. 10-17-83)
    - (1) Access or driveway permits to State or County roads. (orig. 10-17-83)
    - (2) Construction within State or County highways. (orig. 10-17-83)
    - (3) Overweight or oversize loads. (orig. 10-17-83)
  - c. All weather access roads, suitable to handle emergency equipment, shall be provided to within 150 feet of any structure, improvement, or activity area. (orig. 10-17-83)
7. Reclamation
- a. Reclamation shall be carried out on all disturbed areas and achieve the following objectives: (orig. 10-17-83)
    - (1) Final soil profiles designed to equal or reduce soil erosion potentials over stable pre-operation conditions. (orig. 10-17-83)
    - (2) Restoration or enhancement of pre-existing visual character through planting of local or adaptive vegetation. (orig. 10-17-83)
  - b. Final land forms shall be stable. (orig. 10-17-83)
  - c. Minimize disturbance of soil cover. (orig. 10-17-83)
  - d. Maintain an abandoned site until reclamation has been completed and revegetation permanently established. (orig. 10-17-83)
  - e. Reclamation shall be initiated as soon as weather and growing conditions permit after the abandonment of the well or installation of production equipment and shall be completed no more than 1 year later. (orig. 10-17-83)
8. Drainage and Infiltration
- a. Stream boundaries and alignment should be preserved in a natural undisturbed state whenever possible. When disruption or re-routing of these areas is unavoidable, rehabilitation shall imitate the

form and vegetative character that would occur under long term natural processes. (orig. 10-17-83)

- b. Roads or other improvements obstructing drainages shall provide for culverts sized for storm flows as determined by Planning & Zoning. (orig. 10-17-83; am. 12-17-02; am. 5-20-08)